

Exemption Application Guidance

Introduction

This guidance is produced under regulation 17 (3) of the Admissions as Solicitor (Scotland) Regulations 2019 and in relation to regulation 12, which states that:

The Council may exempt an applicant from sitting any of the Council's examinations where the applicant has passed an examination to a standard approved by the Council and corresponding to the Council examinations or can provide evidence of knowledge of the law of Scotland through professional experience.

General Information on Exemption Applications

1. The Law Society of Scotland's Board of Examiners ("the Board") has responsibility for assessing whether a candidate who is sitting one of the Society's examinations meets the minimum level of knowledge, skills and understanding in that subject.
2. The usual manner of satisfying the Board that a candidate has the requisite minimum level of knowledge, skills and understanding is by obtaining a pass at Grade D or above of the Marking Scale in a particular Law Society examination.
3. Exceptionally, a candidate may seek exemption from one or more of the Society's examinations.

Process for Making an Application for Exemption

4. Applications for exemption must be submitted when applying for a preliminary Entrance Certificate (for the pre-PEAT exams) an Entrance Certificate (for the non-PEAT 1 exams) or a Certificate of Eligibility (for the Qualified Lawyers Assessment) but will be considered only if and when the relevant certificate has been issued by the Society.

5. In addition to the paragraph above, exemption applications must also be received by the Society no later than four months prior to the date of the first examination you intend to sit.
6. Late exemption applications will only be considered in exceptional circumstances, where good cause for lateness can be established by the applicant. If you are, or have been, unable to meet the time limit above, please contact the Qualifications Coordinator, whose contact address can be found on the relevant exemption form, setting out the reasons why you feel your circumstances are exceptional. There is no appeal against a decision not to accept a late application.
7. Candidates must apply for exemptions using the exam exemption application form on the Law Society's website.
8. All evidence must be in documentary format, and the Society will not seek to assess its reliability or validity by means of oral examination or by looking behind the documents submitted. However, further information may be requested from you, if deemed necessary.
9. There is an administrative fee for each individual exemption application. This is stated on the relevant applications forms.
10. Applications should be emailed to the Law Society's Qualifications Coordinator, whose contact address can be found on the relevant exemption form.

Exemption Application Requirements

11. A candidate seeking an exemption must demonstrate that the appropriate level of knowledge, skills and understanding, required by the exam from which they are seeking to be exempt, has been gained by other means.
12. Evidence that an applicant has gained an appropriate level of knowledge, skills and understanding may take the form of:
 - a) qualifications obtained through examinations other than the Society's own examinations; or
 - b) evidence of knowledge, skills and understanding obtained through prior professional experience.
13. An application for exemption (and supporting evidence) must relate to the prescribed subject as a whole. Partial exemptions will not be granted. However, in relation to exams which have more than two papers, an application may be made in respect of one or other papers.

14. The onus is on the applicant to provide the evidence required to allow the relevant examiner to determine whether to recommend granting an exemption.

Evidence of qualifications obtained through examinations other than the Society's examinations

15. Only examinations passed within 7 years of the date of lodging an application for exemption will be considered as evidence of the requisite level of knowledge, skills and understanding.
16. Conversely, examinations that were passed more than 7 years before the date of lodging an application for exemption will not be considered as evidence of the requisite level of knowledge, skills and understanding. This is the case even where the overall award is less than 7 years old. However, any examination passes that are more than 7 years old may be submitted as evidence in support of an application under paragraph 12 (b) above.
17. Qualifications used for an exemption must either be from, or be proven to be substantially equivalent to, a course that forms part of a programme accredited by the Law Society of Scotland, leading to:
 - a) In the case of exemptions from pre-PEAT exams or any QLA exam not mentioned in paragraph (b) below, a Foundation Programme qualification (i.e. a degree of Bachelor of Laws (LLB)); or
 - b) In the case of exemptions from non-PEAT 1 exams and the QLA exams relating to: Procedure; Professional Conduct; The Accounts Rules; and Conveyancing, a PEAT 1 qualification (i.e. the Diploma in Legal Practice).
18. In assessing whether an applicant's qualification is "substantially equivalent" the Board will consider:
 - a) the content of the course's curriculum; and
 - b) the learning hours or Scottish Credit and Qualifications Framework (SCQF) credits; and
 - c) the level of study (normally, study at levels 1 or 2 at Bachelor's level or first cycle study).

Evidence of knowledge, skills and understanding gained through prior professional experience

19. The professional experience on which the applicant is relying must have been gained prior to them being granted their Certificate of Eligibility, their preliminary entrance certificate or their entrance certificate.

20. An applicant seeking exemption on the basis of their prior professional experience must provide evidence which shows that their experience:
 - a) matches the content of the course curriculum; and
 - b) is of a level of competence equivalent to the benchmark level in terms of paragraph 2 above.
21. Evidence must make specific reference to the prescribed content of the current curriculum for the exam subject in which the exemption is being sought, and indicate the degree of competence in the subject which the applicant has obtained through prior professional experience.
22. This evidence may include evidence of qualifications gained through examination set by professional bodies or other providers of further or higher education, and evidence of qualifications gained at any time prior to the date of lodging the application for exemption.
23. An application for exemption can be refused where it is the examiner's view that the applicant's experience matches only part of the course curriculum or is insufficiently extensive to meet the required benchmark level. This may be the case even where other elements of an applicant's experience exceed the required standard.

Exemption Applications Decisions

24. Exemption applications are granted or refused by the Law Society of Scotland's Admissions Manager. However, the Admissions Manager will only grant or refuse an exemption application after having considered the recommendation of the Board of Examiners ("the Board") on that application.
25. In considering whether to recommend grant or refuse an exemption, an application will normally be considered by the relevant examiner. In exceptional circumstances, the Convenor of the Board may direct one or more other members of the Board to consider an exemption application.

Challenging Exemption Decisions

26. You cannot have your exemption application decision reconsidered simply because you disagree with the assessment of the relevant examiner; in that respect, the examiner's decision is final.
27. Applicants may have their exemption application reconsidered where they can establish that the relevant examiner, the Board of Examiners or a member of the Law Society's staff did not act in accordance with these exemption guidelines. It is important to note that being unhappy with the outcome of your

application does not necessarily indicate that the process has not been carried out fairly and properly.

28. Where an applicant is seeking to establish that the Law Society has not acted in accordance with these exemption guidelines, the Convener and/or the Vice-Convener of the Board of Examiners will first consider whether a candidate has successfully established that that fact.
29. If it is agreed that the applicant has established that the Law Society has not acted in accordance with these exemption guidelines, the Convener and/or the Vice-Convener will either act as a reviewer or will appoint an appropriate examiner to consider the matter.
30. In reconsidering an application, the appropriate reviewer may:
 - a) Reconsider the initial documentation;
 - b) Ask the applicant for further information;
 - c) Request a response from the original examiner;
 - d) Ask the Society for any further relevant information or documentation, policies or procedures.
31. The decision of the Convener and/or the Vice-Convener following the reconsideration of an application is final.
32. Applicants wishing to establish that the Law Society has not acted in accordance with these exemption guidelines should do so by emailing the Society's Qualifications Coordinator within 28 days of receiving their exemption result.

Exemption Application Queries

Any queries about this process should be emailed to the Law Society's Qualifications Coordinator (louisebradely@lawscot.org.uk).

Document information

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