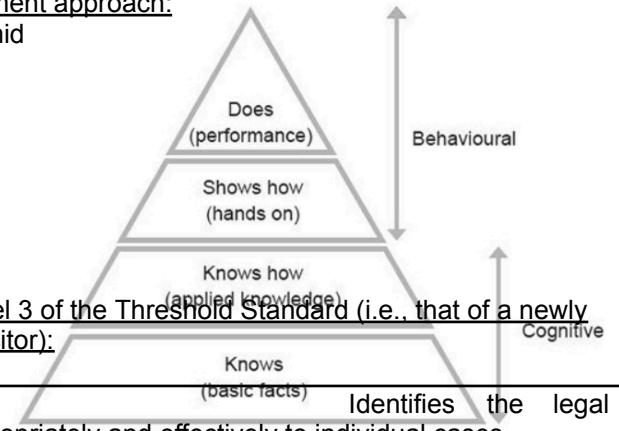


SQE1 Specification Overview

FLK1	Business Law and Practice (with tax)
	Dispute Resolution
	Contract Law
	Tort Law
	Legal System of England and Wales
	Constitutional and Administrative Law
	EU Law and Legal Services
FLK2	Property Law and Practice (with tax)
	Wills and the Administration of Estates (with tax)
	Solicitors Accounts
	Land Law
	Trusts Law
	Criminal Law and Practice

SQE assessment approach:
Miller's pyramid



Tested at level 3 of the Threshold Standard (i.e., that of a newly qualified solicitor):

Functioning legal knowledge	principles relevant to the area of practice and applies them appropriately and effectively to individual cases
Standard of work	Acceptable standard achieved routinely for straightforward tasks. Complex tasks may lack refinement
Autonomy	Achieves most tasks and able to progress legal matters using own judgment, recognising when support is needed
Complexity	Able to deal with straightforward transactions, including occasional, unfamiliar tasks which present a range of problems and choices
Perception of context	Understands the significant of individual actions in the context of the objectives of the transaction/strategy for the case
Innovation and originality	Uses experience to check information provided and to form judgments about possible courses of action and ways forward

Non-subject specific. skill requirements:

Assessment	Skill	Demonstration requirements
Across all examinations	Functioning legal knowledge	<ul style="list-style-type: none"> • Candidates must apply their knowledge of the law to demonstrate the competences required to the level of a newly qualified solicitor • Candidates should be able to apply the fundamental legal principles and rules

		appropriately and effectively at the level required of a competent newly qualified solicitor in practice, to realistic client-based and ethical problems and situation
Across all examinations	Application of legal principles and rules (detail about the questions to be asked in the SQE1 examination)	<ul style="list-style-type: none"> • A question may require the candidate to both identify and apply a fundamental legal principle or rule • A question may identify the relevant legal principle or rule and require the candidate to identify how it should be properly applied and/or the outcome of that proper application • A candidate may be required to demonstrate that they understand whether a client can legally achieve a desired outcome and offer appropriate explanatory advice • Where the legal result of a client's action is already established by the question, the candidate may be required to identify why the application of a legal principle or rule produces that result in law and/or what the relevant legal principle or rule is • A question may require a candidate to perform a calculation by applying rules, rates, percentages and thresholds to identify a correct figure. For questions on taxation, candidates will be expected to remember certain thresholds and rates of tax and to be aware of the availability of certain reliefs and exemptions where these have been part of the UK tax system for a considerable period. However, within the UK tax system, many rates and thresholds and some exemptions and reliefs are subject to adjustment, introduction or removal by successive Budgets, and for those, the figures required to work out an answer to any tax calculation would normally be provided
Across all examinations	Legal authorities	<ul style="list-style-type: none"> • Candidates are required to know and be able to use case names, statutory provisions etc. In all other circumstances candidates are not required to recall specific case names, or cite regulatory authorities

Subject specific knowledge requirements:

Assessment	Subject	% of paper	Knowledge requirements and areas
Across all examinations	Ethics and professional	Pervades	<ul style="list-style-type: none"> • Candidates are required to demonstrate their ability to act honestly and with integrity, and in accordance with the SRA Standards and Regulations

	conduct		
FLK1	Business Law and Practice	14-20%	<ol style="list-style-type: none"> 1. Starting a new business through the vehicle of a company, partnership, LLP or sole trader <ol style="list-style-type: none"> a. Business and organisational characteristics (sole trader/partnership/LLP/private and unlisted public companies) b. Legal personality and limited liability c. Procedures and documentation required to incorporate a company/form a partnership/LLP and other steps required under companies and partnerships legislation to enable the entity to commence operating (constitutional documents, Companies House filing requirements) 2. The management of a business and company decision making to ensure compliance with statutory and other legal requirements <ol style="list-style-type: none"> a. (Corporate governance and compliance) Rights, duties and powers of directors and shareholders of companies b. Company decision-making and meetings: procedural, disclosure and approval requirements c. Documentary, record-keeping, statutory filing and disclosure requirements d. Appointment and removal of directors e. Minority shareholder protection 3. The interests, rights, obligations and powers of stakeholders in a business <ol style="list-style-type: none"> a. Partnership decision-making and authority of partners b. Procedures and authority under the Partnership Act 1890 c. Common provisions in partnership agreements 4. Financing a business <ol style="list-style-type: none"> a. Funding options: debt and equity b. Types of security c. Distribution of profits and gains d. Financial records, information and accounting requirements 5. Taxation of a business and its stakeholders <p>Income Tax:</p> <ol style="list-style-type: none"> a. Chargeable persons/entities (employees, sole traders, partners, shareholders, lenders and debenture holders) b. Basis of charge (types of income/mains reliefs and exemptions) c. The charge to tax, calculation and collection d. The scope of anti-avoidance provisions <p>Capital Gains Tax:</p>

			<ul style="list-style-type: none"> e. Chargeable persons/entities (sole traders, partners and shareholders) f. Basis of charge (calculation of gains, allowable deductions, mains reliefs and exemptions) g. The charge to tax: calculation and collection h. The scope of anti-avoidance provisions <p>Corporation Tax:</p> <ul style="list-style-type: none"> i. Basis of charge j. Calculation, payment and collection of tax k. Tax treatment of company distributions or deemed distributions to shareholders l. Outline of anti-avoidance legislation <p>Value Added Tax:</p> <ul style="list-style-type: none"> m. Key principles relating to scope, supply, input and output tax n. Registration requirements and issue of VAT invoices o. Returns/payment of VAT and record keeping <p>Inheritance Tax:</p> <ul style="list-style-type: none"> p. Business property relief <p>6. The termination of a solvent business, corporate insolvency and personal bankruptcy</p> <ul style="list-style-type: none"> a. Options and procedures (CVA/IVA, bankruptcy, administration, fixed asset receivership, voluntary and compulsory liquidation) b. Claw-back of assets for creditors (preferences, transactions at an undervalue, fraudulent and wrongful trading, setting aside a floating charge) c. Order of priority for distribution to creditors
FLK1	Dispute Resolution	14-20%	<p>1. Analysis of merits of claim or defence</p> <p>2. Arbitration, mediation and litigation as an appropriate mechanism to resolve a dispute</p> <ul style="list-style-type: none"> a. Different options for dispute resolution b. The characteristics of arbitration, mediation and litigation which make them an appropriate mechanism to resolve a dispute <p>3. Pre-action considerations and steps</p> <ul style="list-style-type: none"> a. Preliminary considerations: limitation, pre-action protocols b. Parties and causes of action c. Calculating limitation periods for claims in contract and tort d. Practice Direction – pre-action conduct e. Principles and purpose of pre-action protocols governing particular claims and consequences

			<p>for failure to follow their terms</p> <ul style="list-style-type: none"> f. Applicable law: mechanisms to determine which country's laws apply to a contractual or tortious claim issued in the courts of England and Wales g. Jurisdiction: mechanisms to determine jurisdiction over an international contractual or tortious claim <p>4. Commencing, responding to or progressing a claim</p> <p>Commencing:</p> <ul style="list-style-type: none"> a. Allocation of business between the High Court and the County Court b. Jurisdiction of the specialist courts c. Issuing a claim form d. Adding, removing or substituting parties e. Service of a claim from within the jurisdiction f. Procedure for service of the claim form outside the jurisdiction (with or without the court's permission) and mechanisms for effecting valid service in another jurisdiction g. Deemed dates of service and time limits for serving proceedings h. Service by an alternative method i. Purpose, structure and content of a claim form, particulars of claim relating to a claim in contract or tort j. Purpose, structure and content of a Part 20 claim <p>Responding:</p> <ul style="list-style-type: none"> k. Admitting the claim l. Acknowledging service and filing a defence and/or counterclaim m. Disputing the court's jurisdiction n. Entering and setting aside judgment in default o. Discontinuance and settlement p. Time limits for responding to a claim q. Purpose, structure and content of a defence relating to a claim in contract or tort r. Purpose, structure and content of a reply, defence to Part 20 claim <p>Progressing a claim:</p> <ul style="list-style-type: none"> s. Requests for further information about statements of case t. Amendments to statements of case <p>5. Case management and any interim applications relevant to a claim</p> <ul style="list-style-type: none"> a. Procedure for making an application b. Purpose, procedure and evidence required for particular applications (summary judgment, interim payments, interim injunctions)
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			<ul style="list-style-type: none"> c. The overriding objective d. Track allocation e. Case management directions for cases proceeding on the fast or multi-tracks f. Non-compliance with orders, sanctions and relief g. Costs and case management conference <p>6. Evidence needed and disclosure steps required in commencing, responding to, progressing or defending a claim</p> <ul style="list-style-type: none"> a. Relevance, hearsay and admissibility b. The burden and standard of proof c. Expert evidence (opinion evidence, duties of experts, single joint experts, discussion between experts) d. Witness statements e. Affidavits f. Standard disclosure g. Orders for disclosure h. Specific disclosure i. Pre-action and non-party disclosure j. Electronic disclosure k. Privilege and without prejudice communications l. Waiver of privilege <p>7. Preparation of a case for trial, the trial and post-trial steps</p> <ul style="list-style-type: none"> a. Summoning witnesses b. Preparations for trial (purpose of pre-trial checklists and hearings, purpose of trial bundles) c. Trial procedure including modes of address, court room etiquette and the difference between leading/non-leading questions d. The nature and effect of judgment <p>8. Procedures and processes relevant to costs involved in dispute resolution</p> <ul style="list-style-type: none"> a. Costs management and budgeting b. Inter-partes costs order (interim and final) c. Non-party costs d. Qualified one-way costs shifting e. Part 36 and other offers f. Security for costs g. Fixed and assessed costs h. Permission for appeals i. Destination of appeals
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			<ul style="list-style-type: none"> j. Grounds for appeals k. Enforcement of money judgments (oral examination, methods of enforcement and procedure and mechanisms for effecting valid enforcement in another jurisdiction)
FLK1	Contract Law	14-20%	<ol style="list-style-type: none"> 1. Existence/formation of a contract <ul style="list-style-type: none"> a. Offer and acceptance b. Consideration c. Intention to create legal relations d. Certainty e. Capacity f. Parties: privity of contract and rights of third parties 2. Contents of a contract <ul style="list-style-type: none"> a. Express terms b. Incorporation of terms c. Terms implied by common law and statute d. Exemption clauses e. The interpretation of contract terms (conditions, warranties and innominate terms) f. Variation 3. Causation and remoteness 4. Vitiating elements <ul style="list-style-type: none"> a. Misrepresentation b. Mistake c. Unfair contract terms d. Duress and undue influence e. Illegality 5. Discharge of contract and remedies <ul style="list-style-type: none"> a. Termination (expiry or other specified event, breach, frustration, basic principles of restitution and unjust enrichment in the context of termination of contract) b. Damages c. Liquidated sums and penalties d. Specific performance e. Injunctions f. Duty to mitigate g. Indemnities h. Guarantees

			6. Unjust enrichment
FLK1	Tort Law	14-20%	<p>1. Negligence</p> <ul style="list-style-type: none"> a. Duty of care (standard (general and professional)) b. Breach of duty c. Causation (single and multiple) d. Remoteness e. Loss f. Principles of remedies for personal injury and death claims g. Claims for pure economic loss arising from either a negligent act or misstatement h. Claims for psychiatric harm i. Employers' primary liability (operation and effect of the common law principles) j. Principles of vicarious liability <p>2. Remedies and defences</p> <ul style="list-style-type: none"> a. Consent b. Contributory negligence c. Illegality d. Necessity <p>3. Occupiers' liability</p> <ul style="list-style-type: none"> a. Legal requirements for a claim under Occupiers' Liability Act 1957 (visitors) and Occupiers Liability Act 1984 (non-visitors) b. Defences c. Exclusion of liability <p>4. Product liability</p> <ul style="list-style-type: none"> a. Principles in negligence b. Principles of the Consumer Protection Act 1987 <p>5. Nuisance and the rule in Rylands v Fletcher</p> <ul style="list-style-type: none"> a. Public and private nuisance b. The rule in Rylands v Fletcher c. Remedies (damages and injunctions) d. Defences
FLK1	Legal System of England and	14-20%	<p>1. The Legal System of England and Wales and Sources of law</p> <ul style="list-style-type: none"> a. The judiciary

	Wales		<ul style="list-style-type: none"> b. The court hierarchy, the appeal system and jurisdiction c. Rights of audience d. Development of case law: the doctrine of precedent e. Primary legislation: the structure of an act of Parliament f. Statutory interpretation: the literal rule, the golden rule, the mischief rule, the purposive approach, presumptions and aids to statutory interpretation and construction <p>2. Constitutional and Administrative law and EU law</p> <ul style="list-style-type: none"> a. Parliament and parliamentary sovereignty b. Central government and accountability c. Status of the devolved institutions and their relationship with Westminster d. The monarch and the Crown e. The role of constitutional conventions f. Prerogative power: relationship with legislation and constitutional conventions g. Parliamentary privilege <p>Legitimacy, separation of powers and the rule of law</p> <ul style="list-style-type: none"> h. Powers and procedures for the enactment, implementation and repeal of primary and secondary legislation i. Public order law: processions, assemblies, breach of the peace) j. Judicial review: the nature, process and limits, supervisory nature, remedies, decisions which may be challenged, standing, time limits, grounds (illegality, irrationality, procedural impropriety, legitimate expectation) <p>Human Rights Act 1998 and the European Convention on Human Rights:</p> <ul style="list-style-type: none"> k. Ss.2, 3, 4, 6, 7, 8, 10 Human Rights Act 1998 l. Schedule 1 HRA 1998 the 'Convention Rights' <p>The place of EU law in the UK constitution</p> <ul style="list-style-type: none"> m. Sources of retained EU law n. Categories/status/interpretation of retained EU law o. Modification/withdrawal of retained EU law p. Parliamentary sovereignty and retained EU law <p>3. Legal services</p> <p>The regulatory role of the SRA</p> <ul style="list-style-type: none"> q. Principles and risk-based regulation: reserved legal activities, professional indemnity insurance, other regulated providers of legal services
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			<p>Overriding legal obligations</p> <ul style="list-style-type: none"> r. The Equality Act 2010 s. Money laundering: purpose and scope of anti-money laundering legislation (including international context), circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with legislation, the appropriate persons or body to whom suspicions should be reported (including the appropriate time for such reports to be made and procedure to be followed), direct involvement and non-direct involvement offences and defences to those offences under Proceeds of Crime Act 2002, due diligence requirements <p>Financial services:</p> <ul style="list-style-type: none"> t. The financial services regulatory framework including authorisation and how it applies to firms u. Recognition of relevant financial service issues, including identification of specified investments, specified activities and relevant exemptions v. Application of Financial Services and Markets Act 2000 and related secondary legislation to the work of a solicitor w. Appropriate sources of information on financial services <p>Funding options for legal services:</p> <ul style="list-style-type: none"> x. Private retainer, conditional fee agreements, damages based agreements, fixed fees, eligibility for criminal and civil legal aid, third party funding, legal expenses insurance
FLK2	Property Practice		<ol style="list-style-type: none"> 1. The key elements of a freehold/leasehold residential or commercial property transaction 2. Investigation of a registered or unregistered freehold/leasehold title <ul style="list-style-type: none"> a. Key elements and structure of freehold property transactions b. Process of analysing Land Registry official copy entries c. Process of analysing an epitome of title and deducing ownership d. Issues that could arise from an investigation of title and further action required e. Purpose and process of reporting to the client 3. Pre-contract searches and enquiries undertaken when acquiring a freehold/leasehold property <ul style="list-style-type: none"> a. Range and purpose of making searches and raising enquiries b. Who would make the searches and raise enquiries c. Results of searches and enquiries 4. Steps in progressing a freehold/leasehold property transaction to exchange of contracts <ul style="list-style-type: none"> a. Law Society Conveyancing Protocol

			<ul style="list-style-type: none"> b. Sources of finance for a property transaction c. Types of mortgage d. Acting for a lender: lender's requirements and purpose of a certificate of title e. Key conditions contained within the Standard Conditions of Sale and the Standard Commercial Property Conditions f. Purpose of, and matters covered by, special conditions g. Methods of holding a deposit (stakeholder, agent) h. Insurance and risk i. Basics of VAT in a contract j. Timing for issuing certificate of title to a lender k. The practice, method and authority to exchange l. The consequences of exchange <p>5. Pre-completion steps relevant to a freehold and/or leasehold property transaction</p> <ul style="list-style-type: none"> a. Form of transfer deed and formalities for execution b. Pre-completion searches c. Pre-completion steps <p>6. Completion and post-completion steps relevant to a freehold and/or leasehold property transaction including remedies for delayed compensation</p> <ul style="list-style-type: none"> a. Methods and effect of completion b. Post-completion steps <p>Remedies for delayed completion:</p> <ul style="list-style-type: none"> c. Common law damages d. Contractual compensation e. Notice to complete f. Rescission <p>7. The grant and the assignment of a commercial lease and/or underlease</p> <p>Structure and content of a lease:</p> <ul style="list-style-type: none"> a. Repair b. Insurance c. Alterations d. User and planning e. Rent and rent review f. Alienation g. Options for the term of a lease h. Code for Leasing Business Premises
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			<p>Procedural steps for the grant of a lease or underlease:</p> <ul style="list-style-type: none"> i. Drafting the lease j. Purpose of an agreement for lease k. Deduction of title l. Pre-contract enquiries and searches m. Pre-completion formalities n. Completion and post-completion steps <p>Licence to assign and licence to underlet:</p> <ul style="list-style-type: none"> o. Purpose of and who prepares the draft p. Privity of contract and how the licence deals with this q. Key provisions in the licence <p>8. The key lease covenants in a commercial lease and the law relating to their breach</p> <p>Leasehold covenants:</p> <ul style="list-style-type: none"> a. Liability on covenants in leases granted before and after 1 January 1996 <p>Remedies for breach of a leasehold covenant:</p> <ul style="list-style-type: none"> b. Action in debt c. Forfeiture d. Commercial Rent Arrears Recovery e. Pursue guarantors and/or rent deposit f. Specific performance g. Damages h. Self-help/Jervis v Harris clause <p>Termination of a lease:</p> <ul style="list-style-type: none"> i. Effluxion of time j. Notice to quit k. Surrender l. Merger <p>9. Security of tenure under the Landlord and Tenant Act 1954 Part II</p> <ul style="list-style-type: none"> a. Application of 1954 Act b. Renewal lease by the tenant c. Termination by the landlord d. Landlord's grounds of opposition e. Terms of new lease
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			<ul style="list-style-type: none"> f. Availability of compensation <p>Core principles of planning law:</p> <ul style="list-style-type: none"> g. Statutory definition of 'development' h. Matters that do not constitute 'development' i. Matters that do not require express planning permission j. Building regulation control k. Enforcement: time limits and the range of local planning authority's enforcement powers <p>10. Taxation of property transactions through Stamp Duty Land Tax, Land Transaction Tax, Value Added Tax and Capital Gains Tax</p> <p>Stamp Duty Land Tax and Land Transaction Tax:</p> <ul style="list-style-type: none"> a. Basis of charge in both England and Wales for residential property b. Basis of charge in both England and Wales for non-residential freehold property <p>Value Added Tax:</p> <ul style="list-style-type: none"> c. Basis of charge: what constitutes a taxable supply d. Basis of charge: differences between standard, exempt and zero-rated supplies e. Reasons why a client would make an option to tax and the effect that has <p>Capital Gains Tax:</p> <ul style="list-style-type: none"> f. Basis of charge g. Principal private dwelling-house exemption
FLK2	Wills and the Administration of Estates		<p>1. The validity of a will and interpretation of the contents of a will. The distribution of testate, intestate and partially intestate estates</p> <ul style="list-style-type: none"> a. Validity of wills and codicils: testamentary capacity, duress and undue influence, formal requirements b. Personal representatives: the appointment of executors, renunciation and reservation of power c. Alterations and amendments to wills: effect of alterations made to wills both before and after execution, use of codicils d. Methods of revocation e. Effect of marriage and divorce of a testator f. Effect of different types of gift g. Failure of gifts h. Intestacy rules: s46 The Administration of Estates Act 1925, statutory trusts i. Property passing outside the state (joint property, life policies, pension scheme benefits, trust property)

			<p>2. The law and practice in connection with an application for a grant of representation</p> <ul style="list-style-type: none"> a. Need for a grant b. Relevant provisions of Non-Contentious Probate Rules c. Application procedure d. Valuation of assets and liabilities e. Excepted estates f. Methods of funding the initial payment of Inheritance Tax g. Burden and incidence of Inheritance Tax <p>3. The law and practice of Inheritance Tax in the context of lifetime gifts and transfers on death</p> <ul style="list-style-type: none"> a. Lifetime transfers that are immediately chargeable and those that are potentially exempt b. Transfers on death c. Exemptions and reliefs d. The scope of anti-avoidance provisions <p>4. The planning, management and progression of the administration of an estate including claims under Inheritance (Provision for Family Dependents) Act 1975</p> <ul style="list-style-type: none"> a. Duties of personal representatives b. Liabilities of personal representatives and their protection c. Sale of assets to raise funds to pay funeral expenses, tax, debts and legacies d. Distribution of the estate e. Claims against estates under Inheritance (Provision for Family and Dependents) Act 1975 (time limit, applicants, ground) f. The personal representatives' liability to Income Tax and Capital Gains Tax g. The beneficiaries' liability to Capital Gains Tax on inherited assets <p>5. The law and practice relating to personal representatives and trustees in the administration of estates and consequent trusts. The rights, powers and remedies of beneficiaries of wills and consequent trusts</p>
FLK2	Solicitors Accounts		<p>1. Transactions involving client money and money belonging to the authorised body</p> <ul style="list-style-type: none"> a. Definition of client money b. Requirement to pay client money into a client account c. Circumstances in which client money may be withheld from a client account d. Repayment of client money e. Accounting entries required f. Requirement to keep client money separate from money belonging to the authorised body

			<p>2. Operation of ledgers and bank accounts; the payment of interest</p> <ul style="list-style-type: none"> a. Meaning and name of client account b. Obligation not to use client account to provide banking facilities c. Withdrawals and accounting entries required d. Requirement to pay interest on client money e. Accounting entries required <p>3. Breaches of the SRA Accounts Rules</p> <ul style="list-style-type: none"> a. Duty to correct breaches of SRA Accounts Rules promptly on discovery b. Accounting entries required <p>4. Accounting enquiries required; bills; obtaining and delivery of accountants' reports; obligations regarding record keeping</p> <ul style="list-style-type: none"> a. Requirement to keep and maintain accurate records in client ledgers, including requirement to carry out reconciliation of client accounts and keep a record of bills to include: disbursements using the agency and principal methods, transfers, submission, reduction and payment of bills including the VAT element, accounting entries required b. Operation of joint account; operation of a client's own account c. Third-party managed accounts d. Obtaining and delivery of accountants' reports; storage and retention of accounting records
FLK2	Land Law		<p>1. Registered and unregistered land</p> <ul style="list-style-type: none"> a. Distinction between real property and personal property b. How to acquire and transfer legal and equitable estates c. How to acquire and dispose of legal and equitable interests in land d. Methods to protect and enforce third party interests e. Different ways in which land can be held f. Legal formalities required to create and transfer interests and estates in land <p>Title to land:</p> <ul style="list-style-type: none"> g. Registration of title to land h. Estates that can be substantively registered i. How to protect interests j. Interests that override registration and interests that need to be protected on the register <p>Unregistered title to land:</p> <ul style="list-style-type: none"> k. Role of title deeds l. Land Charges m. Continuing role of doctrine of notice

			<p>2. Freehold and leasehold estates, and legal and equitable interests in land</p> <ul style="list-style-type: none"> a. Essential characteristics of easements b. Methods for creation of easements c. Rules for the passing of the benefit and burden of freehold covenants d. Mortgages (enforceability of terms, priority of mortgages, lender's powers and duties, and protection of mortgagors and other third parties with an interest in the land) <p>3. Landlord and tenant</p> <ul style="list-style-type: none"> a. Relationship between landlord and tenant b. Essential characteristics of a lease (including difference between a lease and a licence) c. Privity of contract and privity of estate d. Rules for the passing of the benefit and burden of leasehold covenants and enforceability e. Purpose and effect of an alienation covenant f. Remedies for breach of leasehold covenants (including forfeiture) g. Different ways a lease can be terminated <p>4. Co-ownership</p> <ul style="list-style-type: none"> a. Differences between joint tenants and tenants in common in law and equity b. Role of survivorship c. Severance of joint tenancies d. Solving disagreements between co-owners by reference to sections 14 and 15 of Trusts of Land & Appointment of Trustees Act 1996
FLK2	Trusts		<p>1. Express and implied trusts</p> <ul style="list-style-type: none"> a. The three certainties of intention, subject matter and objects for fixed interest trusts and discretionary trusts b. Formalities to create express inter vivos trusts c. Constitution of express inter vivos trusts and exceptions to the rule that equity will not assist a volunteer d. Beneficial entitlement (fixed, discretionary, vested, contingent interests) e. The rule in Saunders v Vautier f. The distinction between charitable trusts and non-charitable purpose trusts g. Resulting trusts and how they arise, when they are or are not presumed h. Trusts of the family home (establishment of a common intention constructive trust: legal title in the name of both parties/sole party, express declaration or agreement as to equitable ownership, direct and indirect contributions) i. Requirements to establish proprietary estoppel j. Establishing recipient liability

			<p>k. Establishing accessory liability</p> <p>2. The fiduciary relationship</p> <ul style="list-style-type: none"> a. Duty not to profit from fiduciary position b. Trustees not the purchase trust property c. Fiduciary not to put himself in a position where interest and duty conflict <p>3. Trustees' duties, powers and liability</p> <ul style="list-style-type: none"> a. Who can be a trustee b. Appointment, removal and retirement of trustees c. Duty of care d. Duty to invest (and powers in relation to investment) e. Statutory powers of maintenance and advancement f. Breach of trust g. Measure of liability h. Protection of trustees i. Limitation period <p>4. Equitable remedies</p> <ul style="list-style-type: none"> a. The nature of equitable remedies b. Availability of tracing in equity
FLK2	Criminal Law and Practice		<p>1. The core principles of a criminal liability including actus reus and mens rea, specific and general defences, and participation</p> <p>Specified criminal offences:</p> <ul style="list-style-type: none"> a. Offences against the person: assault and battery, s47, s20, s18 Offences Against the Person Act 1861 b. Theft offences: s1, s8, s9, s10 Theft Act 1968 c. Criminal damage: simple criminal damage, aggravated criminal damage, arson d. Homicide: murder, voluntary manslaughter, involuntary manslaughter (unlawful act, gross negligence) e. Fraud: by false representation, abuse of position, failing to disclose f. Actus reus g. Mens rea h. Inchoate offences: attempt to commit an offence <p>Defences:</p>

- i. General: intoxication, self-defence/defence of another
- j. Partial: loss of control, diminished responsibility

Parties:

- k. Principal offender
- l. Accomplices
- m. Joint enterprise

2. The law, procedure and processes involved in advising a client at the police station

- a. Rights of a suspect (right to legal advice, right to have someone informed of arrest, reviews and detention time limits under PACE 1984 Code C)
- b. Identification procedures: when it must be held, different types of identification procedure, procedure for carrying out an identification procedure PACE 1984, Code D
- c. Whether to answer police questions: right to silence and adverse inferences
- d. Procedure for interviewing a suspect under PACE 1984: role and appropriate conduct by defence legal representative including representation of a vulnerable client, who can be an appropriate adult and their role

Procedures involved in criminal litigation:

Bail applications

- a. Right to bail and exceptions
- b. Conditional bail
- c. Procedure for applying for bail
- d. Further applications
- e. Appeals against decisions on bail
- f. Absconding and breaches of bail

First hearings before magistrates' court:

- g. Classification of offences
- h. Applying for a representation order
- i. What will happen at the hearing
- j. The role of the defence solicitor at the hearing

Plea before venue:

- k. Procedure on defendant entering plea
- l. Advising client on trial venue

3. The law, procedure and processes involved in pre-trial considerations

			<p>Allocation between magistrates' and Crown court:</p> <ul style="list-style-type: none">a. Procedure ss19-20 and s22A Magistrates' Courts Act 1980b. Sending without allocation s50A Crime and Disorder Act 1998 <p>Case management and pre-trial hearings:</p> <ul style="list-style-type: none">c. Magistrates' court case management directionsd. Plea and Trial Preparation Hearinge. Disclosure (prosecution, defence and unused material) <p>Principles and procedures to admit and exclude evidence:</p> <ul style="list-style-type: none">f. Burden and standard of proofg. Visual identification evidence and Turnbull guidanceh. Interferences from silence ss.34, 35, 36, 37, 38 Criminal Justice and Public Order Act 1994i. Definition of hearsay evidence and grounds for admitting hearsay evidencej. Confession evidence (definition, admissibility, challenging admissibility ss76 and 78 PACE 1984k. Character evidence: definition of bad character, the 7 gateways s101(1) Criminal Justice Act 2003, procedure for admitting bad character evidence, court's powers to exclude bad character evidence <p>Exclusion of evidence:</p> <ul style="list-style-type: none">l. Scope and application of s78 PACEm. Right to a fair trial <p>4. The law, procedure and processes involved to meet the client's objectives</p> <p>5. The law, procedure and processes involved in magistrates' court and Crown Court trials, including sentencing and appeals</p> <p>Trial procedure in magistrates' and Crown court:</p> <ul style="list-style-type: none">a. Burden and standard of proofb. Stages of a criminal trial, including submission of no case to answerc. Modes of address and court room etiquetted. Difference between leading and non-leading questionse. Competence and compellabilityf. Special measuresg. Solicitor's duty to the court <p>Sentencing:</p> <ul style="list-style-type: none">h. Role of sentencing guidelines
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			<ul style="list-style-type: none">i. Determining seriousness (aggravating and mitigating facts)j. Concurrent and consecutive sentencesk. Mitigationl. Types of sentence: custodial, suspended and community ordersm. Newton hearings <p>Appeals procedure:</p> <ul style="list-style-type: none">n. Appeals from the magistrates' court: procedure for appeal against conviction/sentence, powers of the Crown court, appeal to the High Court by way of Case statedo. Appeals from the Crown court: grounds for appeal, procedure for making the appeal, powers of the Court of Appeal <p>Youth court procedure:</p> <ul style="list-style-type: none">p. Jurisdiction and grave crimesq. Allocation: youths jointly charged with adultr. Sentencing: role of the Sentencing Children and Young People – definitive guidelines, referral orders, detention and training orders, youth rehabilitation orders
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