

Qualified Lawyers Transfer Test



TESTING & ADMINISTRATION HANDBOOK

Central Law Training

First Edition 2003
Second Edition 2005
Third Edition 2006
Fourth Edition 2007
Fifth Edition December 2007
Sixth Edition April 2008
Seventh Edition March 2009

Published by:

Central Law Training Ltd
Wrens Court
52-54 Victoria Road
Sutton Coldfield
Birmingham
ENGLAND
B72 1SX

All rights are reserved. No part of this publication may be reproduced, stored in a retrieval system, mechanical, photocopying recording or otherwise, without the prior permission of Central Law Training Ltd.

Whilst all reasonable care has been taken in the preparation of this manual, neither Central Law Training Ltd nor any of the authors accept responsibility for any errors it may contain or for any loss sustained by any person placing reliance upon its contents.

© Central Law Training 2009

TABLE OF CONTENTS

Page No:

	Introduction	5
	Background	5
	CLT contact details	5
Section 1	The Accreditation and Registration Process	6
	1.1 Outline of the Test	6
	1.2 The Role of the Assessment Organisation	6
	1.3 Registration	6
	1.4 Assessment Timetable	7
	1.5 Transfers and Cancellation Policy	7
	1.6 Equal Opportunities Policy	9
	1.7 Examination Preparation	9
Section 2	The Syllabus and the Assessments	11
	2.1 The Syllabus	11
	2.2 The Assessments	11
Section 3	The Assessment Procedures and Protocols	15
	3.1 Location of Assessments	15
	3.2 Policy on Supporting Candidate's with Disabilities	15
	3.2a Disabilities	16
	3.3 Religious Needs	17
	3.4 Identification	17
	3.5 Permitted/Authorised Materials and Recommended Textbooks	17
	3.6 Examination/Assessment Regulations	20
	3.7 Cheating Procedure	21
	3.8 Marking and Moderation Process	21
	3.9 The Test Board	22
	3.10 Notification of results	23
	3.11 Mitigating and extenuating circumstances	23
	Qualified Lawyers Transfer Test: Test Specification	26
	Appendix A CLT's Cheating Code	27
	Appendix B CLT's overseas affiliates	37

These Guidance Notes are provided solely for candidates who may be considering sitting CLT's, FLE's or QLTT USA's knowledge and skills assessments for the Qualified Lawyers Transfer Test.

The content of these notes may change. If you delay commencing the Test contact the Project Administrator to confirm you are referring to the most current set of guidance notes.

CLT, FLE or QLTT USA can accept no responsibility for any loss or consequential loss caused to any person or persons acting or refraining from any action as a result of this material.

INTRODUCTION

This Handbook explains the administration and testing procedures.

Background

CLT is a testing organisation that is fully validated by the Solicitors Regulation Authority of England and Wales (the Solicitor's Regulation Authority) to provide the Qualified Lawyers Transfer Test (QLTT) in India and USA. The Test examiners and tutors are specialists in their subject areas and have extensive experience and expertise. They are usually qualified solicitors who have experience of both practice and teaching the Solicitor's Regulation Authority examinations.

FLE is the provider of the QLTT in India. It has brought this programme to India for the convenience and ease of the Indian Lawyer. It would be a great opportunity for Indian Lawyers to take this test in their home country. The test is provided in conjunction with CLT.

QLTT USA is licensed to administer the QLTT in North America. The test is also provided in conjunction with CLT.

The Test enables certain lawyers to qualify as solicitors in England and Wales. To be eligible to sit it a lawyer must be qualified in one of the jurisdictions recognised by the Solicitor's Regulation Authority or must be a barrister qualified to practice in England and Wales. The Solicitor's Regulation Authority's website at <http://www.SRA.org.uk> has a QLTT section which gives a full list of the jurisdictions it recognises.

The Test covers four main subject areas (known as "Heads"). Not all eligible lawyers will be required to sit all four Heads: it depends on the lawyer's home jurisdiction. Before sitting the Test all candidates must apply to the Solicitor's Regulation Authority for a Certificate of Eligibility. This Certificate will state which Head(s) must be taken and also any further training requirements. It can be downloaded from the Solicitors Regulation Authority's website.

A candidate cannot sit the Test without producing a copy of the Certificate, although you can book onto a course. It takes approximately six to eight weeks to obtain a Certificate; therefore, it is essential that you apply to the Solicitor's Regulation Authority as soon as you decide to take the test. Any queries about Certificates or exemptions must be raised directly with the Solicitor's Regulation Authority Information Services section on 01527 504450 or via email at info.services@SRA.org.uk.

In order to prepare for the Test(s) it is recommended that candidate's either attend CLT's, FLE's or QLTT USA's face-to-face tuition courses or enrol on our distance learning programme. Our experience is that candidates who undertake a training programme are far better prepared to undertake tests - details of the courses can be obtained using the contact details listed at the end of this handbook.

CLT's website: <http://www.qltt.co.uk>

SECTION 1 - THE ACCREDITATION AND REGISTRATION PROCESS

1.1 Outline of the Test

The aim of the Test is to assess the ability of candidates to practice as a solicitor in England and Wales by assessing the candidate's aptitude and professional knowledge. Candidates must demonstrate that they have a sound knowledge of the principles of common law and the distinctive features of practice as a solicitor in England and Wales relating to the major actions or transactions in common areas of practice.

1.2 The Role of the Assessment Organisation

CLT provides a testing process that complies with the Solicitor's Regulation Authority's standards to enable lawyers qualified in other jurisdictions to become qualified as solicitors in England and Wales.

1.3 Registration

1.3.2 To register

Candidates must complete a QLTT registration form - available from the contact details supplied at the end of this handbook:

- Provide a Solicitor's Regulation Authority Certificate of Eligibility - **you cannot book for the Test(s) without it;**
- Indicate the preferred date(s) of the assessments; and
- Provide FULL payment of fees in advance, including the registration fee.
- Booking will not be processed until full fees have been received

Once all the above requirements are complied with, a candidate will be registered onto the scheme and he/she will receive:

- Letters confirming the dates and locations of the test(s) and also their unique login detail which enables them to access the Student Pages on the QLTT website; www.qltt.co.uk.

1.3.2.1 Registration Fee

The registration fee allows candidates to sit the examinations over three consecutive sittings. Thereafter a further registration fee is payable. A separate Test fee is payable for each Test the candidate sits. The registration fee is a one-off payment. This is non refundable regardless of how many sittings are taken: this fee includes as many heads as the candidate wants to sit in each round.

1.4 Assessment Timetable

This is available via the website.

1.5 Transfers and Cancellation Policy

1.5.1 Transfers - UK

Candidates must contact the administration team at CLT to find out if the transfer request can be accommodated.

Transfers - Tests: Tests may be cancelled or deferred to the following sitting (and can only be deferred once, after this, the failure to take full exams is counted as one of your attempts under the three permitted under your initial registration fee) provided we receive written notification no later than 28 working days prior to the date of the Test(s). If a candidate notifies us after that date or does not attend the Test(s), full fees will be forfeited.

Candidates may transfer to sit a test at a different affiliate than what they had originally paid and booked on for. This can be done at a 1 x test fee (i.e. Head I Exam, £90.00 + Vat).

Transfers - Preparation Courses: Course fees may be cancelled or deferred to the following sitting (and can only be deferred once) provided we receive written notification no later than 10 working days prior to the course commencing. If a candidate notifies us after that date or does not attend a course, full fees will be forfeited.

Transfers – FLE, India

Candidates must contact the Project Administrator at FLE to find out if the transfer request can be accommodated. If it can be, and written notice is received by FLE no later than 20 days prior to the assessment/examination, the candidate must pay an administration fee of Rupees Two Thousand only (Rs. 2,000.00)

If a candidate notifies FLE after that date or fails to attend an assessment, this will result in forfeiture of the entire fee paid.

Transfers – QLTT USA

Candidates must contact the Project Administrator at QLTT USA to find out if the transfer request can be accommodated. If it can be, and written notice is received by QLTT USA no later than 28 days prior to the assessment/examination, the candidate must pay an administration fee of 50 US\$.

If a candidate notifies QLTT USA after that date or fails to attend an assessment, this will result in forfeiture of the entire fee paid.

Distance Learning Materials – The distance learning materials are online versions and are non-refundable. Candidates should allow five working days for confirmation of login details to access the materials via the QLTT website. Any substantial updates in law are published on the QLTT website. Any substantial changes/updates to the distance learning materials will be noted on the QLTT website.

1.5.2 Cancellations

UK - To cancel attendance at an assessment, candidates must contact the QLTT Team at CLT. Written notice is required and the administration charge levied varies depending on when written notice is received. If there is a balance due to the candidate, a refund is available upon request or the sum can be applied to any other CLT assessment and/or course.

Cancellations - Tests: Tests may be cancelled or deferred to the following sitting (and can only be deferred once) provided we receive written notification no later than 28 working days prior to the date of the Test(s). If a candidate notifies us after that date or does not attend the Test(s), full fees will be forfeited.

Cancellations - Preparation Courses: Course fees may be cancelled or deferred to the following sitting (and can only be deferred once) provided we receive written notification no later than 10 working days prior to the course commencing. If a candidate notifies us after that date or does not attend a course, full fees will be forfeited.

FLE, India – To cancel an attendance at an assessment, candidates must contact the Project Administrator at FLE. Written notice is required and the administration charge levied varies depending on when written notice is received as follows;

- Twenty (20) working days prior to the assessment to which the notice relates – Rs. 2,000.00
- 10-19 days prior to the assessment – Rs. 4,000.00
- LESS THAN 10 days prior to the assessment, or failure to attend the assessment – the entire fee is assessment is charged.

If there is a balance due to the candidate, a refund is available upon request or the sum can be applied to any other FLE assessment and/or course.

Kindly refer to the Section C Cancellation of the Terms and Conditions of the FLE registration form for complete details.

QLTT USA - To cancel an attendance at an assessment, candidates must contact the Project Administrator at QLTT USA. Written notice is required and the administration charge levied varies depending on when written notice is received as follows;

- 20 working days prior to the assessment to which the notice relates – 100 US\$.

- 10-19 days prior to the assessment – 200 US\$.
- LESS THAN 10 days prior to the assessment, or failure to attend the assessment – the entire fee is assessment is charged.

If there is a balance due to the candidate, a refund is available upon request or the sum can be applied to any other QLTT USA assessment and/or course.

1.5.3 Liability for Cancellation Charges/Fees

The candidate, and if his/her firm has funded the fees, the candidate and the firm, are jointly and severally liable for payment of all fees due to the affiliate they register with. Thus, where the relevant affiliate has received part payment for any assessment/examination, and the candidate cancels it, then to the extent that the part payment is insufficient to cover the cancellation charges, the candidate and his/her firm remain liable to the relevant affiliate for payment of the outstanding fees.

1.6 Equal Opportunities Policy

CLT, FLE and QLTT USA is fully committed to the active promotion of equality of opportunity in the provision of all its services. In implementing this commitment CLT aims to ensure that no person receives less favourable treatment on the grounds of gender, age, race, colour, nationality, ethnic or national origin, marital status, sexual orientation, home responsibility, disability, political and religious belief.

Assessment materials will take account of the needs of different groups. CLT takes care to ensure that all assessment materials are non-discriminatory and positively reflect the diversity of candidates.

1.7 Examination Preparation

There is no requirement to undertake any form of training in preparation for the QLTT. However, candidates should undertake some form of preparation for the tests so that they can demonstrate knowledge and understanding of the various areas of law and regulatory issues regarding solicitors about which they will be examined.

Candidates should also bear in mind that this examination is open book and any material, except answers to sample examination questions (other than those in CLT's distance learning materials), can be taken into the room. It is the ability to apply knowledge and skill to answering the questions that is tested not the ability to remember the names of cases or sections of statute. Candidates should not simply write out parts of the materials in answer to questions, but should apply his/her knowledge to the facts.

One method of preparation is to use legal practice course texts to gain a basic knowledge of the subject area. In relation to Head III, all the rules and guidance necessary are available via the Solicitors Regulation Authority's website at www.guide.SRA.org.uk. The exception to this is the legal professional privilege topic where information can be found in textbooks on privilege.

CLT has prepared comprehensive distance learning materials for all four heads, which cover the whole of the syllabus for each head. These materials enable candidates to learn at their own pace, in their own time and to self assess their progress through a series of questions and case studies. Updates to the distance learning materials will only be notified on the QLTT website. You must ensure you check the website continuously. We will support the materials for up to 12 months from date of purchase. Thereafter, you will need to purchase new materials.

Distance learning materials are only available as e-versions where you will receive login details to access them via the QLTT website which is www.qltt.co.uk

In addition to the distance-learning programme CLT offers examination preparation days (except for Head II Criminal Litigation and Head IV), which take place approximately three weeks before the test date. These preparation days enable candidates to try out the paper, deal with any queries about the subject area and get tips on examination technique. These are offered as full day courses, except for the preparation days for Head III which is a two and a half day course. For Head III there is a Mock Test.

In relation to preparation for these courses, we would recommend that candidates undertake study and revision of the topic before attending the course. It is not a teaching day but a day to prepare for the examination and if there is no prior knowledge of the subject area then candidates may not gain the full benefit of the day.

Delegates booked onto Head II Civil Litigation and delegates booked onto Head IV Principles of Common Law will find the Advanced Information published on the QLTT website approximately two weeks prior to the said test.

Broad guidelines for Heads I, II & IV are also published on the website at least two weeks prior to the tests.

SECTION 2 - THE SYLLABUS AND THE ASSESSMENTS

2.1 The Syllabus

The Test(s) are written to encompass the areas identified by the Solicitors Regulation Authority's Written Standards and are in the following areas:

Head I - Property:	Conveyancing Wills, Probate and Administration
Head II - Litigation:	Legal System Civil Litigation Criminal Litigation
Head III - Professional Conduct & Accounts:	Professional Conduct Financial Services Money Laundering Solicitors' Accounts
Head IV - Oral:	Principles of Common Law

Heads I - III are tested by way of written examinations and Head IV is an oral examination on pre-prepared scenarios.

All assessments on the scheme will test candidates' knowledge and skills in accordance with the written standards for each Head, which have been set down by the Solicitors Regulation Authority. To view these Written Standards please see CLT's QLTT Website.

2.2 The Assessments

2.2.1 The Award

a) The aim and purpose of the Test

- (i) The purpose of the test is to identify candidates who have a sound knowledge of the principles of common law and the distinctive features of practice as a solicitor in England and Wales relating to the major actions or transactions in common areas of practice.
- (ii) To pass the Test candidates should be able to:
 - (a) identify problems arising from factual circumstances presented in question papers and deal appropriately with them;

- (b) explain the reasons for their answers and support their reasoning by reference to authorities, statutes, cases and practice rules;
 - (c) where the test paper contains documents/and or forms, interpret completed documents or forms and discuss their legal and practical applications.
- (iii) Candidates can take authorised materials into the test with them.
 - (iv) The competence of a candidate in the English language is a relevant factor in determining whether the candidate passes each Written Head and in particular the Oral Head.
 - (v) Both the written and oral Heads are set or conducted in the English language and must be answered in it. A candidate who fails to satisfy the assessor that he/she possess the English Language skills necessary to practice as a solicitor in England and Wales will not pass the Head(s).
 - (vi) Candidates do not have to pass each Head of the Test at one sitting and there is no limit to the amount of time the Test(s) can be attempted.
 - (viii) Candidates must pass each Head that appears on his/her Certificate of Eligibility. His/her performance in one Head cannot compensate his/her performance in another.

b) The Assessment tests

The Solicitors Regulation Authority's Written Standards can be found at CLT's website: [www.qltt.co.uk](http://www qltt.co.uk) and the Solicitors Regulation Authority site: www.sra.org.uk

1. Head I - Property

The test lasts for three hours and is conducted in timed examination conditions. The paper is split into Part A and Part B. Questions in Part A relate to Conveyancing and Part B deals with Wills, Probate and Administration. Candidates must attempt questions from both parts.

The overall pass mark is 50%.

2. Head II - Litigation

The test lasts for three hours. There are two papers: civil and criminal, but candidates are only required to take one option, not both. Each paper tests evidence and procedure.

Civil Litigation candidates must answer questions from Section 1, Part A (English Legal System - civil courts) and Part B (civil procedure)

Criminal Litigation candidates must answer questions from Section 1, Part A (English Legal System - civil courts) and Part B (criminal procedure). No less than 15% of the marks for the criminal paper are attributable to evidence issues.

The overall pass mark is 50%.

3. Head III - Professional Conduct and Accounts

The test lasts for three hours and is divided into two parts:

Part 1: Questions on professional conduct, financial services and money laundering carry 60% of the available marks, with 15% of that total from financial services;

Part 2: Questions on the Solicitors' Accounts Rules carry 40% of the marks.

Candidates must attempt all parts of the papers and **must** pass both parts of the paper to pass this head. For Part I, the pass mark is 30% and for accounts 20%

The overall pass mark is 50%. Please refer to Candidate Instructions on the exam paper.

4. Head IV - Principles of Common Law - The Oral Head

Candidates are tested individually on a competent/not yet competent basis and the test lasts 30 - 40 minutes. To pass the Test, candidates must demonstrate competence in both the English language and the substantive principles of Common Law and English Legal System.

The Test focuses on a topic or topics, which are selected in advance and posted on CLT's website a reasonable time before the Test. The purposes of the Test are to test:

- (i) the candidate's knowledge and understanding of the principles of common law; and
- (ii) his or her competence in the English language.

The overall pass mark is 50%.

SECTION 3 - THE ASSESSMENT PROCEDURES AND PROTOCOLS

3.1 Location of Assessments

Assessments will be held in central London, Birmingham and Glasgow. Candidates will be notified in good time of the location and time of the venue.

3.2 CLT – Post Qualification Division (PQD) Policy on Supporting Candidate's with Disabilities

Policy

CLT/PQD aims to:

- Ensure that teaching and assessment methods and strategies are as inclusive as reasonably possible, that candidates with disabilities have fair access to learning opportunities and that people with disabilities are in no way treated less favourably than other participants.
- Encourage and facilitate disclosure of disability by candidates and adapt teaching and assessment methods appropriately.
- Make reasonable adjustments to administration, teaching and assessment to meet the needs of candidates with a disability.
- Actively elicit and respond to feedback from candidates with a disability, with the aim of improving their experience of CLT / PQD's programme.
- Strive to anticipate the needs of candidates with a disability and work to continuously improve provision for all candidates to ensure equal opportunity for all.
- Ensure that the venues where training and assessments are held are supportive of candidates with a disability.

Reasonable Adjustment Allowances

These adjustments are normally only made where a candidate can provide supporting medical evidence. The most frequent adjustment granted is that of additional time. In cases where it is considered that a candidate would benefit from extra time, this would normally be at the rate of up to a maximum of 15 minutes per hour of the assessment.

A candidate would not normally be allowed rest periods as such, but should be granted a specified period of additional time which they may manage as they need according to their professional advice. Any candidate granted both extra time and rest periods will be treated as an exceptional case.

If a candidate is taken ill during an assessment, but is capable of continuing after treatment, any time lost may be added at the end of the assessment.

In certain cases, if candidates who are unable to write for any reason may use a person to take dictation or a dictation machine. Normally, only the usual examination time will be allowed for dictation.

In cases where candidates are permitted to use a personal computer (PC), the candidate will not have access to any information to assist them in their assessment, the PC will serve purely as a word processor (the spell check will not be enabled).

A candidate will not normally be allowed to type, dictate or have their answers transcribed because of habitually illegible handwriting, but we will consider individual circumstances.

3.2 Disabilities / Special Needs Application

Candidates with a disability must inform CLT /PQD that they have a disability by indicating on the enrolment form. This information will be recorded on CLT's central booking system and on CLT / PQD's tracking spreadsheet.

Candidates must provide CLT / PQD, at least **20 working days** prior to the training / assessment, with medical evidence, not more than 12 months old, and/or other suitable evidence in support of their application which should:

- Outline his/her disability;
- Set out the reasonable adjustments that will be required; and
- In the case of accidental injuries or acute illness, or if a candidate's disability is diagnosed after enrolment, for example, a broken limb which happens a short time before the assessment candidates are required to contact the Programme Co-ordinator as soon as possible after the event. Each request should be accompanied by a medical certificate indicating the nature of the injury or illness and recommendations as to how this should be managed during the training / assessment.

The Programme Co-ordinator will ensure that the necessary arrangements are put in place. However, there may be occasions where such needs cannot be met due to financial constraints and/or other constraints outside CLT/ PQD's control. Confirmation will be sent to the candidate of arrangements made by CLT / PQD in advance of the assessment / course.

CLT / PQD will reserve the right to cancel or refuse a candidate's enrolment for training / assessment where insufficient notice has been given to CLT / PQD to make the reasonable adjustments required.

Failure to notify CLT / PQD about a disability prior to the assessment taking place cannot be considered as a mitigating factor nor can reasonable adjustments be made once the assessment has taken place.

3.3 Religious Needs

Candidates with specific religious requirements should notify the relevant affiliate in writing 20 working days prior to the date of the assessment.

The affiliate will make every reasonable effort to meet the candidate's needs. However, there may be occasions where such needs cannot be met due to financial constraints and/or other constraints outside the relevant affiliates control.

3.4 Identification

At the assessment venue candidates **MUST** produce photographic evidence of identity, the following items will be accepted:

- driver's licence - with photograph
- passport

FLE will provide QLTT delegates with a FLE Photo ID Card for verification.

Candidates, who fail to satisfy the invigilator as to his/her identity, will be refused entry to the assessment.

3.5 Permitted/Authorised Materials and Recommended Textbooks

3.5.1 Permitted Materials

The Test(s) are designed to test candidates' abilities to apply legal principles in certain areas of English law, wherever possible by the use of case studies: it is not a mere test of candidates' memories.

Candidates may therefore take into the Test(s) any book, document or other written material including study notes made by the candidate.

3.5.2 Using Permitted Materials

Although reference material is permitted, it should not be relied upon to replace thorough study and revision prior to the assessments. The time allowed to complete the assessments is sufficient for candidates who have a thorough understanding of the examinable subject area, but it does not give time for answers to be looked up in permitted materials. Candidates should be thoroughly prepared before the assessments and should simply use the permitted materials as aids of reference.

3.5.3 Recommended textbooks

Head I - Property

Probate

Wills, Administration & Taxation by Barlow, 8th Edition

ISBN 0421 799609

Published by Sweet & Maxwell, 100 Avenue Road, London, NW3 3PF

Conveyancing

Textbook on Land Law by Mackenzie and Phillips 10th Edition

ISBN 0199261628

Published by Oxford University Press

<http://www.oup.co.uk>

A Practical Guide to Conveyancing by Abbey & Richards

ISBN 0199281351

7th Edition due August 2005

Published by Oxford University Press

<http://www.oup.co.uk>

Head II - Litigation

Evidence

Murphy on Evidence by P Murphy 9th Edition,

ISBN 0199281130

Published by Oxford University Press

Civil Litigation

Blackstones Civil Practice

Published by Oxford University Press

<http://www.oup.co.uk>

Criminal Litigation

A Practical Approach to Criminal Procedure by John Sprack

10th Edition

ISBN 0199272573

Published by Oxford University Press

<http://www.oup.co.uk>

Head III - Professional Conduct & Accounts

Professional Conduct

Solicitors' Code of Conduct 2007 by Solicitors Regulation Authority

Law Society Publishing

Book Distributors: Prolog 0870 850 1422

Companion to the Solicitors' Code of Conduct, 2007 by Peter Camp
ISBN 9781 853286186
Law Society Publishing

Accounts

Solicitors' Accounts Manual
ISBN 1853289078
Published by Law Society Publishing
<http://lawsociety.org.uk>

Financial Services

Financial Services and Solicitors Information Pack
Available on Law Society's Website as a PDF document

Solicitors and Financial Services by Peter Camp
3rd Edition
ISBN 1853288055
Law Society Publishing
<http://www.SRA.org.uk/productsandservices/publicationsandgifts.law>

FSA - Guidance- Professional Firms - the need for authorisation under the
Financial Services Markets Act 2000

Can be found at:
www.fsa.gov.uk/pub/pubs/policy/rpb_guidance.pdf

Money Laundering

Solicitors & Money Laundering - Peter Camp
Law Society Publishing
ISBN 978 1853289200

Solicitors Regulation Authority Money Laundering Guidance
Available on the Law Society Website
<http://www.lawsociety.org.uk/productsandservices/goodpractice/ml.page>

Head IV - Principles of Common Law**Land and Conveyancing**

Textbook on Land Law by Mackenzie and Phillips 10th Edition
ISBN 0199261628
Published by Oxford University Press
<http://www.oup.co.uk>

A Practical Guide to Conveyancing by Abbey & Richards
ISBN 0199281351
7th Edition due August 2005
Published by Oxford University Press
<http://www.oup.co.uk>

Contract

Cheshire, Fifoot and Furmston's Law of Contract,
now published by Oxford University Press 14th Edition
ISBN 0406930589
<http://www.oup.co.uk>

Textbook on Contract by J Pool,
published by Oxford University Press
7th Edition, ISBN 0406930589
<http://www.oup.co.uk>

Tort Law 3rd Edition, ISBN 1859417183
Published by Cavendish

3.6 Examination/assessment regulations

3.6.1 The written assessments and written examinations

Assessments and examinations are held under timed examination conditions and are subject to the following conditions:

- A standard, non scientific calculator may be used.
- Laptops nor any other electronic storage device are permitted.
- The examination paper must be completed in **BLACK** ink.
- Mobile phones are not allowed, even if it is to be used only as a clock/timer or calculator.
- The examination invigilator will brief candidates regarding the assessment/examination they are sitting.
- At the end of the assessments, candidates must remain seated and quiet until all exam papers are collected. They then need to collect their belongings and file out QUIETLY as other candidates in other assessments may still be working.

3.6.1a Examination Times

Head I -	09:30 - 13:00 GMT
Head II -	14:00 - 17:30 GMT
Head III -	14:00 - 17:15 GMT
Head IV -	Individual time slots

FLE only conduct Heads III and IV and QLTT USA conduct Heads I, II and III.

3.6.2 The Oral Test

This is also an open book examination. It will be carried out by an assessor and it will also be video taped/DVD recorded for marking purposes.

3.7 Cheating Procedure

Any allegation of cheating shall be considered under CLT's Cheating Procedure, which can be found at Appendix B. A candidate who is found to have cheated in any examination or assessment shall normally fail that assessment. Further, The Test Board will report the candidate to the Solicitors Regulation Authority where it is of the opinion that the offence has a bearing on the candidate's character and suitability to be admitted as an English solicitor.

Assessment offences include (but are not limited to):

- Copying, stealing, appropriation or use of the work of another
- Permitting or assisting another to copy, appropriate or use one's own work
- Taking into an assessment any materials or aids other than permitted materials
- Consulting unauthorised material, in or outside the assessment room during an assessment
- The use of a mobile telephone during the assessment
- Being party to impersonation where another person sits an assessment in the place of the actual candidate or a candidate is knowingly impersonated by another
- Leaving the assessment venue to refer to concealed notes
- Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process
- Obtaining an unseen assessment in advance of the assessment
- Paying or offering inducements to another person to obtain an advance copy of an unseen assessment
- Making false declarations in order to receive special consideration by Test Boards
- Falsifying information
- Plagiarism i.e. where the published work or ideas of another person are presented as a candidate's own
- Presenting or submitting work that is not the candidate's own unaided work

The above list is not exhaustive

3.8 Marking and Moderation Process

One of the most important aspects of assessing a candidate's work is to ensure that marking is always fair and consistent. The procedure we apply is fair and rigorous and is as follows:

3.8.1. Written Papers

First marking

All the scripts are sent to an assessor for first marking.

Second Marking

All scripts in the mark range 45 - 52 are second marked.

For Head III scripts, they are second marked when there is a mark of between 25 - 32 for Part A and 15 - 22 for Part B, but only when the marks are borderline on both areas.

Moderation

A selection of scripts are sent to the External Examiner for moderation (i.e., review and agreement). The selection includes:

- all scripts with marks with between 45 -52% and as described above for Head III
- a selection of passes including low, medium and high passes;
- all scripts requested by the assessors to be moderated.

Once the scripts have been moderated, the Test Board meets to discuss and agree the results. The Chief External Moderator sees all scripts with marks below 50% and a selection of low, medium and high passes. Any scripts requested by the assessors to be moderated are also shown to the Chief External Moderator.

3.9 The Test Board

- a) The Test Board comprises of the following members:
 - i) The Chief External Examiner
 - ii) The Programmes Director
 - iii) The External Examiners
 - iv) The Assessment Authors, as required
- b) The Board is chaired by the Chief External Examiner. In the absence of the Chief Examiner, it shall be chaired by the Programmes Director.
- c) The External Examiners' decisions on issues of academic judgement shall be final unless the External Examiner decides to refer the matter to the Chief Examiner in which case the Chief Examiner's decision will be final.

-
- d) A Solicitors Regulation Authority representative may attend the Test Board.
- e) The terms of reference of the Test Board are:
- i) to ensure that draft assessments are properly scrutinised and approved;
 - ii) to ensure that all assessments are properly conducted;
 - iii) to ensure that all assessments are properly assessed and marked;
 - iv) to decide whether a candidate has passed or failed an assessment;
 - v) to decide on the information to be given to candidates who fail an accreditation assessment;
 - vi) to make recommendations to CLT on any matter concerning the assessments.

Once the Test Board has met to discuss and ratify the results, they are then posted to the candidate at the latest the day following the Board's meeting.

3.10 Notification of Results

Any change of address must be made in writing and posted to the relevant affiliation. Notifications made orally or via email will not be accepted.

Results will:

- For those who have passed, be posted under delegate ID number on CLT's QLTT website the same day that results are put into the postal system
- be posted to candidates within 40 working days of the assessment, provided that all outstanding fees are paid, otherwise the result will only be provided once the fees are paid;
- not be given over the telephone or by email in any circumstances

3.11 Mitigating/extenuating circumstances, complaints and appeals

3.11.1 Fitness to sit an assessment

Please note that by attending the assessment you are certifying that you are fit to undertake it. Therefore, following the examination you cannot ask for ill health, save as set out in 3.11.2(ii) below, or any other extenuating circumstance to be considered as a factor in assessing your performance.

3.11.2 Mitigating and Extenuating Circumstances

There are no mitigating or extenuating circumstances that will be taken into consideration in deciding the marks awarded for an assessment.

- (i) If there was an incident at the examination venue such as fire alarm, the temperature of the room or some other incident, the examination invigilators will notify the relevant affiliate and this information will be passed onto the assessors.
- (ii) If a candidate is taken ill during an assessment and he/she cannot complete it, then he/she should as soon as possible contact a member of the administration team.

3.11.3 Complaints

Any complaint relating to the assessment process must be lodged in writing within **7 days** of the examination or assessment. The complaint must be addressed to the administration team. Any complaint received out of time will not, under any circumstances, be considered.

3.11.4 Appeals

There is **no** appeal against the Test Board's academic judgement: its decision is final. Assessment scores will only reviewed if the candidate:

- (i) requests that the addition of the marks is checked - the fee for this service is £50 plus VAT (Rs. 5,500.00 for FLE delegates and 100 US\$ for QLTT USA delegates); or
- (ii) alleges that the assessment has not been conducted in accordance with the syllabus laid down by the Solicitors Regulation Authority - the fee for making an application is £150 plus VAT (Rs. 16,000.00 for FLE delegates and 300 US\$ for QLTT USA delegates). Any appeal must be made within **20 working days** of results being received

For further information on (i) and (ii) please contact the Administration Manager at the relevant affiliation.

3.11.5 Provision of assessment scripts

CLT will not under any circumstances release assessment scripts. This policy is in accordance with the exemptions provided by the Data Protection Act 1998.

3.11.6 Feedback

Generic feedback as to how the candidate's have performed in the assessments will be available on CLT's website following the release of the examination results. Detailed individual feedback will be made available at a nominal fee. Please contact the Programme Coordinator for further information.

3.11.7 Provision of Pass and fail rates

We do not provide pass and fail rates for candidates.



**QUALIFIED LAWYERS TRANSFER TEST
TEST SPECIFICATION**

For Test Specification, please refer to QLTT website at www.qltt.co.uk

APPENDIX A CLT'S CHEATING CODE

1 Introduction

- 1.1 It is fundamentally important that candidates are assessed fairly and on equal terms with each other for the same award. Any attempt by a candidate to gain unfair advantage over another candidate in the completion of assessment, or to assist someone else to gain an unfair advantage, is cheating.
- 1.2 Alleged academic dishonesty, which threatens the integrity of CLT's assessment procedures and the maintenance of its academic standards, is viewed as a serious offence and will be thoroughly investigated.
- 1.3 Cheating is both an academic and a professional offence. Certain professional bodies place upon candidates, registered for a programme to which they give professional recognition, an obligation to adhere to principles or standards of professional conduct. The Test Board will report a candidate to the Solicitors Regulation Authority where it is of the opinion that the offence has a bearing on the candidate's character and suitability to be a solicitor or the employee of a solicitor.
- 1.4 CLT will investigate all allegations of cheating in accordance with the procedure set out in this code and where the offence is admitted or proved will impose appropriate penalties.

2. Definitions and Examples of Cheating

- 2.1 A candidate who obtains or attempts to obtain an advantage in an assessment through unfair or improper means is guilty of cheating.
- 2.2 The following are indicative examples of cheating but the offence is not limited to the examples given below:
- (i) Copying, stealing, appropriation or use of the work of another
 - (ii) Permitting or assisting another to copy, appropriate or use one's own work
 - (iii) Taking into an assessment any materials or aids other than permitted materials
 - (iv) Consulting unauthorised material, in or outside the assessment room during an assessment
 - (v) The use of an unauthorised dictionary

- (vi) The use of an unauthorised calculator
- (vii) The use of a mobile telephone during the assessment
- (viii) Being party to impersonation where another person sits an assessment in the place of the actual candidate or a candidate is knowingly impersonated by another
- (ix) Leaving the assessment venue to refer to concealed notes
- (x) The submission of a piece of work, which has previously been assessed for a different award or assessment or at a different institution as if it were new work
- (xi) Using, attempting to use, assisting another to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process
- (xii) Obtaining an unseen assessment in advance of the assessment
- (xiii) Paying or offering inducements to another person to obtain an advance copy of an unseen assessment
- (xiv) Commissioning another person to complete an assessment, which is then submitted as your own work
- (xv) The use of the material of another person stored on a hard or floppy disk as if it were you own
- (xvi) The inclusion of material in an assessment, which is identical or similar to material which has already been submitted for any other assessment within CLT or elsewhere.
- (xvii) Making false declarations in order to receive special consideration by Test Boards
- (xviii) The presentation of information in assessments based on work purported to have been carried out by the candidate, which has been invented by the candidate or altered or copied or obtained by other unfair means.
- (xix) Falsifying information
- (xx) Collusion i.e. presenting joint work as the work of one individual, including giving a false certificate that the work is the candidate's own unaided work

- (xxi) Plagiarism i.e. where the published work or ideas of another person are presented as a candidate's own.
- (xxii) Presenting or submitting work that is not the candidate's own unaided work.

The above list is not exhaustive and should not be interpreted as such by candidates.

The intention to deceive is not an essential element of the offence but may be relevant to the penalty imposed when an allegation of cheating is admitted or proved.

- 2.3 An examiner, assessor, chief invigilator, invigilator or other official shall report without delay his or her suspicions of cheating or misconduct, together with any relevant evidence, to the relevant Course Director/Manager.
- 2.4 Pending an enquiry by or on behalf of the Course Director/Manager into any allegation of cheating by a candidate, the candidates' assessment result may be withheld.
- 2.5 Candidates should be aware of the seriousness with which proven cases of cheating will be dealt and the likely penalties which may be imposed. Candidates who are unclear about any of the above definitions should seek advice from CLT.
- 2.6 A lack of awareness or understanding, of these regulations will not constitute grounds for a case of cheating to be dismissed by a Cheating Hearing Panel.
- 2.7 Penalties for cheating include:
 - (i) A warning
 - (ii) A reduction of any mark awarded for the part of the formal assessment process in question
 - (iii) A reduction of total marks awarded
 - (iv) Treating the candidate as having failed the part of the formal assessment process in question
 - (v) Treating the candidate as having failed to attend or having failed to submit work for the part of the formal assessment process in question
 - (vi) Refusing to award the relevant qualification
 - (vii) Requiring the candidate to withdraw from the course or assessments

- (viii) Refusing the candidate any entitlement to any re-assessment
- (ix) Such other penalty as may be appropriate in the circumstances

In deciding the appropriate penalty the following will be taken into account:

- (a) Whether there was an intention to deceive rather than incompetence, carelessness or failure to appreciate the assessment requirements
- (b) The advantage, which could have been gained by the offence
- (c) Whether the candidate has admitted the offence and shown remorse

3. Procedures for dealing with suspected cases of cheating

3.1 Preliminary Procedures

- (a) Any candidate suspected of cheating in a supervised assessment must be approached at the time by an invigilator or assessor, wherever possible, and any unauthorised material confiscated. The candidate's examination, test, assessment answer book, where there is one, should be endorsed at this point with the exact time, date and signature of the invigilator or assessor.
- (b) Except where the candidate is causing a disturbance, which is likely to affect other candidates, the suspected candidate should be permitted to complete the supervised assessment.
- (c) Before leaving the room where the supervised assessment is taking place, the candidate should be informed that the incident will be reported to the Course Director/Manager. The candidate should also be instructed to attend any remaining examinations, assessments, tests or oral assessments for which they have registered to sit on the course as normal.
- (d) A full report of the incident must be written immediately after the supervised assessment, by the chief invigilator or chief assessor and submitted to the Course Registrar. Upon receipt of such a report the administration team will inform the appropriate Course Director/Manager.
- (e) The assessment in question should be marked as though cheating is not suspected, but the Test Board should not consider the candidate's marks until it has been adjudged whether or not an offence has been committed.

- (f) The Course Director/Manager responsible for the course in which the assessment is located should analyse the work or conduct in question in order to assess the extent and nature of the alleged offence and determine whether there is a case to answer. If they decide there is a case to answer they will require the candidate to attend a meeting, normally within 5 working days. (Candidates resident abroad may provide written submissions in place of their attendance). Prior to the Preliminary Meeting the Course Director/Manager will outline the allegation in writing to the candidate.

3.2 Preliminary Meetings for allegations of cheating

- (i) At the Preliminary Meeting the Course Director/Manager will put the allegation to the candidate in the presence of a tutor or CLT Course Director/Manager or Director, unconnected with the allegation. The candidate may be accompanied at the meeting by a friend or representative. The meeting will be video taped and the recording made available in any later proceedings.
- (ii) Where the Course Director/Manager is not available a Director of CLT will undertake the preliminary investigation and meeting with the candidate.
- (iii) Where a candidate is unable to attend the Preliminary Meeting due to satisfactory mitigating or extenuating circumstances, they may:
 - (a) Request that the meeting be rearranged to a date when they are able to attend; or
 - (b) Submit written representations to be considered in their absence at the Preliminary Hearing
- (iv) Where a candidate fails to attend the Preliminary Meeting without satisfactory mitigating or extenuating circumstances, they will be deemed to admit the allegation(s).

3.3 Procedure where the offence is admitted

- (i) Where a candidate admits that they have committed a cheating offence the candidate should be asked to put their admission in writing. The candidate should then be asked to sign an acknowledgement confirming that they have been advised of the possible penalties that may be imposed. The candidate should be invited to attach to their admission a statement of any circumstances that they wish to be taken into account by the Cheating Hearing Panel when it is determining the appropriate penalty.

3.4 Determination of penalty

- (i) The Course Director/Manager will forward to the Director of CLT Professional Qualifications Division ("DPQD").
 - (a) Details of the offence and, in his/her opinion, the advantage, if any, that would have been gained by it; and
 - (b) The candidate's admission and any attached statement
- (ii) The DPQD will then consider the matter and decide on the appropriate penalty and notify the candidate in writing.
- (iii) A decision that a candidate should fail the course or that particular assessment will take the form of a recommendation to the relevant Test Board and the candidate will be advised that they may make written representations to the Test Board as to the recommended penalty.

3.5 Appeal against the recommended penalty

Where the DPQD makes a recommendation as to penalty to the relevant Test Board the candidates may make written representations to that Test Board.

3.6 Procedure where the offence is not admitted

- (i) Where, following the Preliminary Meeting, the Course Director/Manager considers that there is prima facie evidence that an offence has been committed he/she will make a formal allegation in writing of cheating to the DPQD. This allegation must include details of the alleged offence and be accompanied by evidence in support of the allegation and details of the candidate's response when questioned by the Course Director/Manager.
- (ii) When making the referral the Course Director/Manager will indicate his/her views on the seriousness of the alleged allegation and whether the alleged allegation, if proved, is a minor offence and could be dealt with by way of a warning without reference to the relevant professional body.
- (iii) Upon receipt of the formal allegation of cheating from the Course Director/Manager the DPQD will:
 - a. Where, in the opinion of the Course Director/Manager, the alleged allegation, if proved, is a minor offence and therefore could be dealt with by way of a warning without the necessity to report the matter to the relevant professional body, the DPQD will consider the matter based on the documentary evidence provided and any statement submitted by the candidate, and

decide whether or not the alleged allegation of cheating has been proved. Where the DPQD is satisfied that the allegation of cheating has been proved then the DPQD will write to the candidate and, where appropriate, their supervisor, advising them that the allegation of cheating has been proved and warning them of the serious consequences that will occur should the offence be committed again. In such circumstances the relevant assessment will be assessed and passed through the Test Board in accordance with normal procedure. Where the DPQD is satisfied that the allegation of cheating has not been proved the DPQD will advise the candidate in writing and the assessment will be assessed and passed through the Test Board in accordance with normal procedure.

- b. Where the alleged allegation of cheating is so serious that, if proved, the appropriate penalty would be likely to be more severe than a warning the DPQD will send a copy of the allegation to the candidate, together with copies of any documentary evidence and will arrange for the matter to be heard by a Cheating Hearing Panel.
- c. Immediately prior to the hearing, copies of any documents, which have not previously been provided to the other side, and the names of any witnesses on which either CLT or the candidate intends to rely should be provided to the other side at least 24 hours prior to the hearing.

(iv) The Cheating Hearing Panel

A Cheating Hearing Panel will comprise:

- i. A Director of CLT (the chair)
- ii Two other members who are either Course Director/Managers or Managers of CLT

The members of the panel must not previously have been involved in alleging or investigating the offence in question.

Minutes of the meeting will be taken by the secretary to the panel.

(v) The Cheating Hearing

- i. The purpose of the hearing

The purpose of the cheating hearing is to determine whether the candidate, who is not admitting the cheating, is guilty or not guilty of cheating and, if the candidate is guilty of cheating, the appropriate penalty.

- ii. The candidate may be accompanied by a friend or Representative, but not a solicitor, acting in that capacity, who may speak on their behalf.
 - iii. The proceedings shall be heard in private. All participants will be expected to behave in a professional, orderly and non-confrontational manner. The Chair may adjourn the meeting at any time if he/she believes that the progress of the meeting is being impeded.
 - iv. The chair of the panel will commence the hearing by outlining the procedure of the hearing.
 - v. The relevant Course Director/Manager (or in their absence a Director of CLT) will present the case against the candidate. The rules of natural justice will apply.
 - vi. Members of the panel will be entitled to question the Course Director/Manager, the candidate and any witness. The Course Director/Manager and the candidate or their representative will be entitled to ask questions of each other and any witnesses called by either side.
- (vi) Where a candidate is unable to attend the Cheating Hearing due to satisfactory mitigating or extenuating circumstances (which will include the fact that they are resident aboard), they may:
- (a) Request that the meeting be rearranged to a date when they are able to attend; or
 - (b) Submit written representations to be considered in their absence at the Preliminary Hearing
- (vii) Where a candidate fails to attend the Cheating Hearing
- Without satisfactory mitigating or extenuating circumstances, they will be deemed to admit the allegation(s).
- (viii) The Decision of the Cheating Panel
- (a) The Cheating Panel may give a decision at the end of the cheating hearing or may reserve its decision.
 - (b) Where the Panel reserves its decision, the Chair of the Panel will, normally within 3 working days, notify the candidate in writing of the panel's decision giving reasons for the decision.

- (c) Where the Panel does not reserve its decision and an oral decision is given; the decision will be confirmed in writing. Normally within 3 working days.
 - (d) Where the Panel decides that the candidate should fail the whole course, or that particular assessment, the decision will take the form of a recommendation to the relevant Test Board and the candidate will be advised that they may make written representations to the Assessments Board as to the recommended penalty.
- (ix) The Role of the Test Board
- (a) Where the Cheating Panel has made a recommendation that a candidate who has admitted or been found guilty of cheating should fail the course or that particular assessment, the matter must be referred to the Test Board as only that Board has the power to make such a decision.
 - (b) The Chair of the Test Board will put the facts before the Test Board together with the penalty recommended by the DPQD or the Cheating panel. The Test Board will then consider the matter without reference to the candidate's name but rather by reference to the candidate's registrations and/or assessment number.
 - (c) Before reaching a decision, the Test Board must consider any written representations from the candidate regarding the recommended penalty.
 - (d) Under no circumstances can the Test Board reopen the investigation into whether or not the cheating offence was committed, and, except in very exceptional circumstances, the Test Board will not increase the penalty recommended.

4. Interpretation

"Assessments" - assignment, portfolio or coursework.

"Examinations" - written tests & tests of oral skills.

"Programmes Director" means the Director and his/her nominee.

"Test Board" means the Board with the following duties:

- (i) to agree the results obtained by each candidate in the assessment process;
- (ii) to consider mitigating or extenuating circumstances notified by CLT Invigilators;

- (iii) to agree and confirm those candidates who:
 - (a) pass an examination and/or assessment
 - (b) fail the examination and/or assessment have been deferred in an examination and/or assessment

APPENDIX B CLT'S AFFILIATES

England

Contacts:

Claire Dennis
Programme Coordinator
Email: cdennis@centlaw.com

Central Law Training Limited
Wrens Court
52-54 Victoria Road
Sutton Coldfield
B72 1SX

Tel: (+44 0121) 362 7526
Fax: (+44 0121) 240 1088
DX: 708700 Sutton Coldfield

Website: www.qltt.co.uk
www.clt.co.uk

Scotland

Contacts:

Moira Mcfadyen
Director
Email: mmcfadyen@centlaw.com

Susan Thompson
Solicitor and Course Development Manager
Email: sthompson@centlaw.com

CLT Scotland
Central Law Training Limited
SCO Public
5th Floor
80 St Vincent Street
Glasgow
G2 5UB

Tel: (0141) 225 6700
Fax: (0141) 225 6701
DX: GW179 Glasgow

Website:
<http://www.clt-scotland.co.uk>

Caribbean (Jamaica)

Contact:

Jennifer Housen

Director

Email: cariblegal@cwjamaica.com

Caribbean Legal and Professional Institute Limited

C/o 4J Ocean Towers

8 Ocean Boulevard

Kingston

Jamaica

Tel: (876) 758 1976

Website: <http://www.clpinstitute.com>

India

FLE Legal Education

SCO 375-376

Sector 35b

Chandigarh 160 035

India

Tel: 0091 (0) 172 462 5007

Fax: 0091 (0) 172 462 4007

Contacts:

Navjeet Kaur

Project Manager

Email: info@fle.co.in

Website: www.fle.co.in

USA

Contact:

David Zaltzman

Attorney

Nora Daniel

Executive Assistant

302A West 12th Street

New York

NY 10114

USA

Tel: 1 (877) 505 7588

Fax: 1 (877) 749 7584

Email: admissions@qlttusa.com