

## Welcome to the Law Society of Scotland's Education and Training Consultation

This is the questionnaire on the **Legal Foundation Programme**

*Click 'next' at the bottom right of the screen to be taken to the instructions*

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## Education and Training Consultation

### *Initial feedback on responses – quantitative results overview*

#### INTRODUCTION

Thank you for your continued interest in this project. Attached is an initial print-out of the data we have received – it is currently in a quite crude format, simply overlaying percentage responses on top of the original questionnaire. We wanted to make this available immediately to allow people to see what their colleagues have said and to make each stage of our decision making transparent to all involved. A significant amount of work will be undertaken over the coming weeks to provide a more sophisticated statistical analysis and to provide a clearer and more accessible reporting format.

Free-text comments are currently being collated. We need to group these into meaningful categories and then remove any comments (or parts of comments) which might identify a particular individual – these results will be made available to the committee but will not be displayed publicly to protect an individual's anonymity. This process may take some time due to the volume of results, but once the process is complete they will be available in .pdf format to download from our website.

#### SOME IMPORTANT POINTS TO NOTE

- This data is an initial release only. You should take great care in the way you examine, analyse and make conclusions from this initial data set
- The document is in a standard .pdf format. Please note that the 'buttons' on some pages such as 'next page' and 'submit' are legacy items from the original questionnaire and will not operate in this .pdf report format
- More responses may be added to the final data set which the relevant committee will consider, as we have notification of some responses in development, but not yet received
- Much of the evidence will be examined in light of cross-tabs and other higher-level statistical analysis (for example, comparing the views of different groups, perhaps clients and solicitors, on a topic such as client care)
- **The Society is NOT currently at the point of endorsing any views in these results**, however high the agreement levels. All the evidence gathered during the consultation will be examined and discussed - policy announcements will be made through this website, the Journal, and the Ezine.

**Please read the four-page background paper** on the consultation website (<http://www.lawscot.org.uk/training/consult>) before completing this questionnaire

Please **DO NOT** complete this questionnaire if you have not already completed the 'Main Questionnaire' (available on the consultation homepage) - this will allow you to give feedback on the overall route to qualification which is vital to put your later responses here into context

**Answers are submitted in confidence.** The Society will not report in a way that identifies individuals or organisations

This questionnaire allows you to give detailed feedback on the exact standards which might be suggested and some more specific questions on how it should be assessed. **At the start you will have the option to select which areas you wish to respond on** - we obviously hope that many people will comment on more than one area - but this function allows you to skip topics (for example, Commercial Law) if that is an area you do not have experience in or wish to comment on

You have already had the opportunity (in the main questionnaire) to comment on whether you feel the main headings are appropriate - those results can be aggregated with these, so we do not ask you to comment again.

If you complete only the 'tick box' options and answer for all areas **the questionnaire should take about twenty minutes to complete** - a 'progress bar' at the bottom of the screen will keep you up-to-date with how far through you are

We are aware that many people may want to express more detailed responses - and so there are opportunities at every stage to offer free-text comment. However, these are optional - the most important thing is that you progress right through the questionnaire to give us an overview

**Technical issues** - the questionnaire should appear in a web-browser window, filling the screen (although it may require you to scroll up and down). It should NOT require you to scroll side-to-side. If you have any technical issues please contact your inhouse IT team, or if necessary us ([consult@lawscot.org.uk](mailto:consult@lawscot.org.uk)) for the correct settings for your machine.

**Once you complete each page click the 'next' button at the bottom left of the screen to progress to the next set of questions**

**Finally, THANK YOU FOR YOUR TIME**

# CONTACT & DEMOGRAPHIC INFORMATION

On the following page we ask you some basic information about you. This will not be made public but is being collected to enable the Society to best understand the data it receives from this study. We want to ensure a response representing a wide cross section of legal and non-legal opinion. For example, we wish to collect information from the full spectrum of the legal profession, from LL.B. students through to partners and senior solicitors in the in-house sector, and our colleagues such as advocates and judges. However, equally important is ensuring a response from non-solicitors/lawyers, including those who use legal services, with an interest in legal education and training. In order to ensure we achieve this we need to know something of your involvement with the law and the legal profession.

## Are you responding as:

*an individual* .....97.5%  
*an organisation* .....2.5%

***Click 'next' to progress to the questions on this topic***

# CONTACT INFORMATION (Organisations)

**Name of organisation:**

100.0%

**Contact name:**

100.0%

**E-mail address:**

100.0%

**NOTE:** Organisations submitting a response **MUST** have completed the main (overview) questionnaire and agreed to the terms in conditions contained in it. These include that organisational responses represent the official policy position of the named organisation, that the respondent has authority to submit an organisational response, and that full details of the response can be made public.

**Please confirm that:**

*the main questionnaire has been completed and acceptance of the above terms.....*100.0%

# CONTACT INFORMATION

**Name:**

**92.2%**

**E-mail:**

**92.2%**

**Contact Phone Number:**

**85.7%**

# DEMOGRAPHIC DATA

**Which statement best describes your current main role:**

<i>Private Practice - Trainee</i> .....	3.9%
<i>Private Practice -Assistant</i> .....	6.5%
<i>Private Practice -Associate</i> .....	0.0%
<i>Private Practice -Senior Associate</i> .....	1.3%
<i>Private Practice -Salaried Partner</i> .....	5.2%
<i>Private Practice - Equity Partner</i> .....	9.1%
<i>Private Practice - Consultant</i> .....	1.3%
<i>In-house - Trainee</i> .....	1.3%
<i>In-house - Assistant</i> .....	2.6%
<i>In-house - Manager (or equivalent)</i> .....	0.0%
<i>In-house - Director (or equivalent)</i> .....	5.2%
<i>Judge / Tribunal Chair</i> .....	0.0%
<i>Advocate</i> .....	0.0%
<i>Paralegal</i> .....	1.3%
<i>Client / member of the public</i> .....	0.0%
<i>MSP (Member of the Scottish Parliament)</i> .....	0.0%
<i>MP (Member of Parliament)</i> .....	0.0%
<i>MEP (Member of the European Parliament)</i> .....	0.0%
<i>Scottish Executive / Civil Service</i> .....	3.9%
<i>Citizens Advice Bureau / public advice service</i> .....	0.0%
<i>Consumer Group Representative</i> .....	0.0%
<i>University - Academic</i> .....	16.9%
<i>University - Solicitor</i> .....	6.5%
<i>Student - LL.B.</i> .....	11.7%
<i>Student - Diploma</i> .....	7.8%
<i>Lawyer - other jurisdiction</i> .....	0.0%
<i>HR professional</i> .....	0.0%
<i>Education / Training Professional</i> .....	5.2%
<i>Other UK profession (doctor, accountant, etc.)</i> .....	1.3%
<i>Other</i> .....	9.1%

**How many SOLICITORS work in your organisation (if you don't know exactly an estimate will still help guide us) ?**

<i>None or N/A</i> .....	22.1%
<i>1 to 5</i> .....	9.1%
<i>6 to 10</i> .....	7.8%
<i>11 to 20</i> .....	15.6%
<i>21 to 30</i> .....	2.6%
<i>31 to 40</i> .....	1.3%
<i>41 +</i> .....	27.3%
<i>Don't know</i> .....	6.5%

**How many years Post Qualification Experience (PQE) do you have ?**

<i>N/A</i> .....	35.1%
<i>1 to 3</i> .....	6.5%
<i>4 to 6</i> .....	6.5%
<i>7 to 9</i> .....	7.8%
<i>10 to 15</i> .....	6.5%
<i>16 to 20</i> .....	2.6%
<i>21 to 25</i> .....	5.2%
<i>26 to 30</i> .....	6.5%
<i>30 +</i> .....	9.1%

**Which current LL.B. / Professional Subject provider(s) to you have an affiliation with (where you studied, external examiner, etc.)**

<i>University of Aderdeen</i> .....	18.2%
<i>University of Abertay Dundee</i> .....	2.6%
<i>University of Dundee</i> .....	18.2%
<i>The University of Edinburgh</i> .....	40.3%
<i>University of Glasgow</i> .....	24.7%
<i>Glasgow Caledonian University</i> .....	3.9%
<i>Napier University</i> .....	1.3%
<i>The Robert Gordon University</i> .....	2.6%
<i>University of Stirling</i> .....	0.0%
<i>University of Strathclyde</i> .....	22.1%
<i>Law Society of Scotland Exam Board</i> .....	1.3%

**Are you involved in any / all of the following education activities ?**

<i>teach on an LL.B. programme</i> .....	24.7%
<i>an external examiner for an LL.B. programme</i> .....	11.7%
<i>a tutor on a Diploma in Legal Practice Course</i> .....	16.9%
<i>supervisor of trainees</i> .....	13.0%
<i>involved in the delivery of other legal education programme (PCC)</i> .....	18.2%
<i>a member of the Council / Committees of the Law Society of Scotland</i> .....	18.2%

# Foundation Programme - Suggested Core Topics

**Which areas of the proposed programme for this stage of training would you like to offer detailed feedback on:**

A. Commercial Law .....	40.5%
B. Constitutional Structure, Institutions & Sources of Law .....	36.7%
C. Criminal Law.....	29.1%
D. Family Law .....	30.4%
E. Human Rights & Discrimination Law.....	31.6%
F. Obligations.....	31.6%
G. Prescription & Limitation.....	25.3%
H. Property .....	44.3%
I. Trusts and Succession.....	30.4%
J. <b>SKILLS STATEMENT</b> .....	50.6%

# A. COMMERCIAL LAW

## Candidates should have a knowledge and understanding of the following areas of commercial law:

the sale and supply of goods, including the formation of the contract; title to the goods; transfer of property and risk; implied terms as to the description and quality of goods; the buyer's remedies; the seller's remedies; delictual liability for defective goods; criminal liability in the context of sale of goods

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
78.1%	15.6%	0.0%	0.0%	3.1%	0.0%

insurance, including the purpose and definition of insurance; classification of insurance contracts; the concept of insurable interest; the formation and interpretation of the contract of insurance; good faith, the duty of disclosure and misrepresentation; warranties; and claims

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
65.6%	15.6%	6.3%	0.0%	6.3%	3.1%

recovery of debt, including the nature and operation of the diligences of attachment, arrestment (including earnings arrestment, current maintenance arrestment and conjoined arrestment), inhibition and adjudication; the nature and operation of diligence on the dependence; the effect of insolvency on prior diligence

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.8%	18.8%	3.1%	0.0%	3.1%	3.1%

agency, including the definition of agency; creation of the agency relationship; the agent's authority; the agent's duties; the agent's rights against the principal; the principal's rights and duties; the rights and duties of third parties; termination of the agency relationship

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
71.9%	18.8%	0.0%	0.0%	3.1%	3.1%

partnership, including the different types of partnership (partnerships governed by the Partnerships Act 1890, limited partnerships governed by the Limited Partnerships Act 1907 and limited liability partnerships governed by the Limited Liability Partnerships Act 2000); the definition of partnership; the formation of a partnership; the separate legal persona of a partnership; partnership contracts; the liability of partners for partnership debts, negligence and fraud; the rights and duties of partners inter se; termination of a partnership

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
75.0%	15.6%	0.0%	0.0%	3.1%	3.1%

companies, including corporate personality and responsibility; types and classification of companies; the requirements for incorporation of a company; the company's constitution; the company's capital, including share capital and loan capital; the constitution and operation of a floating charge; contracts made by a company; the management of a company, including the role of the board of directors and the company in general meetings; directors' duties; shareholder remedies

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
81.3%	9.4%	0.0%	0.0%	3.1%	3.1%

corporate and non-corporate insolvency, including the concept of insolvency; alternatives to formal insolvency procedures (including debt payment programmes and trust deeds for creditors); the process and effects of sequestration, company voluntary arrangements under Part I of the Insolvency Act 1986, compromises or arrangements under s 425 of the Companies Act 1985, receivership, administration, and liquidation.

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
71.9%	18.8%	0.0%	0.0%	3.1%	3.1%

# A. COMMERCIAL LAW

**Are there any areas that should be added, or any that should be removed ?**

25.0%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

21.9%

**Do you have any other comments on this section ?**

9.4%

# B. CONSTITUTIONAL STRUCTURE, INSTITUTIONS & SOURCES OF LAW

Candidates should have a knowledge and understanding of the following areas:

the concept of a constitution; sources of constitutional law in the UK; the constitutional structure of the UK; basic constitutional principles including the rule of law, separation of powers and supremacy of parliament and the limitations thereon (including membership of the EU)

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
69.0%	24.1%	0.0%	0.0%	3.4%	0.0%

the composition, powers and functions of the UK Parliament

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
86.2%	6.9%	0.0%	0.0%	3.4%	0.0%

the structure and powers of the Executive, including the royal prerogative

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
82.8%	10.3%	0.0%	0.0%	3.4%	0.0%

the operation of devolved government in Scotland, including the Scotland Act 1998 and the composition, powers and functions of the Scottish Parliament and Scottish Executive

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
86.2%	6.9%	0.0%	0.0%	3.4%	0.0%

the structure and powers of local government

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
55.2%	17.2%	6.9%	6.9%	6.9%	3.4%

the structure of the court system; the role of the courts; sources of law, including approaches to statutory interpretation and the doctrine of precedent; the principles of judicial review

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
82.8%	6.9%	0.0%	0.0%	3.4%	3.4%

the tribunal system; inquiries; non-judicial redress of grievances, including the system of ombudsmen

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
58.6%	20.7%	3.4%	0.0%	6.9%	3.4%

the constitutional structure and competencies of the EU, including the three pillars of the EU; the scope of the European Community Treaty; the powers of the Community; the allocation of competencies between the Community and Member States

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
75.9%	17.2%	0.0%	0.0%	3.4%	0.0%

the Community institutions and the legislative process

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.4%	20.7%	0.0%	0.0%	3.4%	0.0%

the sources of Community law

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.4%	17.2%	3.4%	0.0%	3.4%	0.0%

the relationship of Community and national law, including the principle of supremacy of Community law; direct effect; indirect effect; enforceable Community rights; and remedies in UK courts

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
75.9%	10.3%	3.4%	3.4%	3.4%	0.0%

the role and jurisdiction of the European Court of Justice and Court of First Instance

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
75.9%	13.8%	3.4%	0.0%	3.4%	0.0%

the law of the common internal market, including the general principles governing the free movement of goods, persons, services and capital, and competition law

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
69.0%	10.3%	13.8%	0.0%	3.4%	0.0%

# B. CONSTITUTIONAL STRUCTURE, INSTITUTIONS & SOURCES OF LAW

**Are there any areas that should be added, or any that should be removed ?**

20.7%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

17.2%

**Do you have any other comments on this section ?**

20.7%

# C. CRIMINAL LAW

Candidates should have a knowledge and understanding of the following areas of criminal law:

the general principles of criminal liability, including:

- the definition of a crime
- the sources of criminal law
- the actus reus
- the mens rea
- strict liability
- vicarious and corporate responsibility
- causation
- inchoate crimes
- art and part liability

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
91.3%	0.0%	4.3%	0.0%	0.0%	0.0%

the general defences of

- automatism, insanity, diminished responsibility and intoxication
- necessity, coercion, superior orders, self-defence and provocation

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
87.0%	4.3%	4.3%	0.0%	0.0%	0.0%

the following specific crimes

- murder, culpable homicide and causing death by dangerous driving
- assault and real injury
- sexual offences
- theft, embezzlement, robbery, extortion, fraud, uttering as genuine, housebreaking and opening lockfast places and reset
- damage to property - malicious mischief, vandalism and fire-raising breach of the peace

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
69.6%	13.0%	8.7%	0.0%	0.0%	4.3%

the statutory framework for crimes relating to

- misuse of drugs
- road traffic

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
60.9%	8.7%	17.4%	4.3%	4.3%	0.0%

# C. CRIMINAL LAW

**Are there any areas that should be added, or any that should be removed ?**

30.4%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

8.7%

**Do you have any other comments on this section ?**

13.0%

# D. FAMILY LAW

## Candidates should have a knowledge and understanding of the following areas of family law:

Marriage and civil partnerships including:

- How to get married or register a civil partnership
- Legal impediments to marriage and civil partnership
- The legal consequences of marriage and civil partnership. These should include the law on aliment, corporeal moveable property, money and securities.
- The matrimonial or family home. This should include the law on the statutory right to occupy the matrimonial or family home and the law on common ownership of such property.
- Divorce and dissolution

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
70.8%	8.3%	0.0%	0.0%	4.2%	8.3%

Rights and obligations arising from cohabitation

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
70.8%	12.5%	0.0%	0.0%	4.2%	8.3%

Interdicts

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
58.3%	16.7%	4.2%	0.0%	12.5%	4.2%

Parent and child including:

- Establishing parentage
- Children's legal capacity and rights. This should include the law of ailment and child maintenance
- Parental responsibilities and rights
- Actions in relation to parental responsibilities and rights
- Adoption

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
79.2%	8.3%	0.0%	0.0%	4.2%	4.2%

Children in need including:

- Powers and duties of local authorities
- The children's hearings

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
62.5%	16.7%	0.0%	8.3%	4.2%	4.2%

# D. FAMILY LAW

**Are there any areas that should be added, or any that should be removed ?**

16.7%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

8.3%

**Do you have any other comments on this section ?**

16.7%

# E. HUMAN RIGHTS & DISCRIMINATION LAW

Candidates should be aware that human rights and discrimination issues may arise in any area of practice and should have knowledge and understanding of the following areas:

the European Convention on Human Rights (ECHR), including the rights guaranteed by the ECHR and its Protocols and the machinery for their enforcement

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.0%	8.0%	0.0%	0.0%	4.0%	4.0%

the Human Rights Act 1998, including the rights it protects and the mechanisms by which they are protected

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
76.0%	4.0%	0.0%	0.0%	4.0%	4.0%

the Scotland Act 1998, including its relationship generally with the Human Rights Act 1998 and devolution issues in particular

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.0%	8.0%	0.0%	0.0%	8.0%	4.0%

the specific civil liberties of freedom of assembly, freedom of expression and freedom of information

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
60.0%	8.0%	12.0%	0.0%	4.0%	4.0%

the relationship between human rights and national security

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
60.0%	8.0%	8.0%	0.0%	8.0%	4.0%

the circumstances in which the following types of discrimination may arise and the remedies therefore:

- sex discrimination
- race discrimination
- disability discrimination
- sexual orientation discrimination
- religion and belief discrimination
- age discrimination

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
52.0%	20.0%	8.0%	0.0%	4.0%	4.0%

# E. HUMAN RIGHTS & DISCRIMINATION LAW

**Are there any areas that should be added, or any that should be removed ?**

28.0%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

12.0%

**Do you have any other comments on this section ?**

20.0%

# F. OBLIGATIONS

Candidates should have a knowledge and understanding of the following:

## Voluntary Obligations

Contract and promise or unilateral obligations including:

- Formation and formalities
- The terms of the contract. This should include implied terms and unfair contract terms
- Defective contracts - void and voidable contracts. This should include misrepresentation
- Illegal contracts, including contracts in restraint of trade
- Frustration
- Remedies for breach of contract: this should include specific implement and interdict, rescission for material breach and the law on contract damages

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
84.0%	12.0%	0.0%	0.0%	0.0%	0.0%

Title to sue, including:

- Ius quaesitum tertio
- Assignation

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.0%	16.0%	0.0%	4.0%	4.0%	4.0%

## Involuntary obligations arising from wrongs: the law of delict

Wrongful interference with property rights, including:

- Trespass
- Nuisance
- Wrongful interference with corporeal moveable property

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.0%	16.0%	0.0%	4.0%	4.0%	0.0%

Wrongful interference with wealth ie pure economic loss including:

- Fraud
- Negligent provision of advice or services resulting in pure economic loss

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.0%	24.0%	0.0%	0.0%	4.0%	0.0%

Reputation, including:

- Defamation
- Verbal injury

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
76.0%	16.0%	0.0%	0.0%	4.0%	0.0%

Wrongful interference with a person's bodily integrity, including:

- Assault
- Wrongful imprisonment
- Liability for physical and mental harm

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
60.0%	24.0%	4.0%	4.0%	4.0%	0.0%

## General principles of liability for fault or culpa including:

- Duty of care
- Breach of duty - negligence
- Causation
- Delict damages, including remoteness of damages and contributory negligence
- Vicarious liability

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
76.0%	12.0%	0.0%	0.0%	4.0%	0.0%

## The Concept of Breach of Statutory Duty, including:

- Occupiers' Liability (Scotland) Act 1960; Animals (Scotland) Act 1987; Consumer Protection Act 1987, Part 1

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
64.0%	16.0%	8.0%	0.0%	4.0%	4.0%

## Liability to the relatives of a victim including:

- The Damages (Scotland) Act 1976

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
76.0%	8.0%	4.0%	0.0%	8.0%	0.0%

## Obligations arising from unjustified enrichment

### The nature of enrichment

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
84.0%	12.0%	0.0%	0.0%	0.0%	0.0%

### Enrichment at the expense of the claimant

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.0%				0.0%	
.....	20.0%	4.0%	0.0%	.....	0.0%

### When an enrichment is unjustified

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
84.0%				0.0%	
.....	12.0%	0.0%	0.0%	.....	0.0%

### Change of position defence

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.0%				0.0%	
.....	12.0%	4.0%	8.0%	.....	0.0%

### The condictiones

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.0%				8.0%	
.....	20.0%	0.0%	0.0%	.....	0.0%

### Restitution, repetition and recompense

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
76.0%				4.0%	
.....	16.0%	0.0%	0.0%	.....	0.0%

# F. OBLIGATIONS

**Are there any areas that should be added, or any that should be removed ?**

16.0%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

20.0%

**Do you have any other comments on this section ?**

20.0%

# G. PRESCRIPTION AND LIMITATION

Candidates should have a knowledge and understanding of the effect of the passage of time on legal rights and duties:

The Negative Prescriptions including:

- The beginning and end of the prescriptive periods
- Interruptions of the prescriptive periods
- The five year prescription in respect of obligations
- The twenty years prescription
- Imprescriptible rights and obligations

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
70.0%	5.0%	5.0%	0.0%	10.0%	5.0%

The three year limitation period in respect of actions in relation to personal injury

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
70.0%	5.0%	5.0%	0.0%	10.0%	5.0%

Positive prescription (though this will usually be studied alongside property)

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
65.0%	10.0%	5.0%	0.0%	10.0%	5.0%

# G. PRESCRIPTION AND LIMITATION

**Are there any areas that should be added, or any that should be removed ?**

15.0%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

15.0%

**Do you have any other comments on this section ?**

10.0%

# H. PROPERTY

The classification of property - heritable and moveable: corporeal and incorporeal

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
77.1%	11.4%	0.0%	0.0%	2.9%	0.0%

Real rights including:

- Ownership
- Leases. This should include the formation of a lease of land, termination of a lease of land and assignation of leases. (This does not include statutory Housing Law)
- Servitudes
- Rights in Security. This should include the constitution and operation of security over corporeal moveables and incorporeal moveables; assignation of leases in security; and standard securities. (Floating charges and reservation of title could be included either here or in commercial law)

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
62.9%	22.9%	2.9%	0.0%	2.9%	5.7%

Ranking of priorities when there is more than one real right in relation to the same property including:

- The "off side goals" rule
- Common property and joint ownership
- Acquisition of ownership
- Original acquisition including:
  - \* Occupation, accession, specification, commixtion and confusion
  - \* Positive prescription
  - \* Registration of a real right in land in the land register (some background knowledge of the Register of Sasines?)
  - \* Creation of incorporeal moveable property

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
71.4%	20.0%	2.9%	0.0%	2.9%	0.0%

Derivative acquisition of ownership including:

- The nemo dat principle
- The transfer of ownership, including the sale and conveyance of the title to land, the conveyance of corporeal moveables and gifts

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.6%	22.9%	0.0%	0.0%	2.9%	0.0%

The extinction of real rights

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
68.6%	17.1%	2.9%	2.9%	2.9%	0.0%

# H. PROPERTY

**Are there any areas that should be added, or any that should be removed ?**

20.0%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

14.3%

**Do you have any other comments on this section ?**

5.7%

# I. TRUSTS AND SUCCESSION

Candidates should have a knowledge and understanding of the following:

The law of trusts including:

- The kinds of trust: public and private, inter vivos and mortis causa, liferent and fee, discretionary trusts and charities
- The constitution of a trust: truster, trustee and beneficiary. The declaration of a trust and the transfer of the trust assets. Constructive and resulting trusts
- The trust purposes
- Legality, including the prohibition of successive liferents and accumulation of income
- Trustees powers and duties, including auctor in rem suam
- The protection of the beneficiary's rights
- Variation of trusts
- Termination of the trust

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
58.3%	20.8%	4.2%	4.2%	4.2%	0.0%

The law of succession, including:

- Definition of death
- Presumption of death
- Legal rights
- Intestate succession
- Making a will: formal and essential validity
- Revocation
- Legacies - specific, general and residuary legacies
- Vesting
- The role of the executor

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
70.8%	16.7%	0.0%	0.0%	4.2%	0.0%

# I. TRUSTS AND SUCCESSION

**Are there any areas that should be added, or any that should be removed ?**

20.8%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

12.5%

**Do you have any other comments on this section ?**

16.7%

# J. SKILLS STATEMENT

It is to be expected that all the following skills are acquired within the context of the study of law:

**Knowledge**  
An applicant should have a fundamental knowledge and understanding of the principal features of the Scottish legal system and law of Scotland. For this purpose “the principal features” are to be understood by reference to the Core Areas of Knowledge resulting from the previous questions in this questionnaire

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
75.0%	15.0%	2.5%	0.0%	0.0%	7.5%

**Values**  
An applicant should have a well-informed knowledge and understanding of the social, economic, moral and ethical contexts in which law operates

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
62.5%	27.5%	7.5%	0.0%	0.0%	2.5%

**Identification and Use of Sources**  
An applicant should be able to appropriately use primary and secondary sources (and to understand the difference), and to identify and retrieve up-to-date legal information using paper and electronic sources

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
85.0%	15.0%	0.0%	0.0%	0.0%	0.0%

**Research**  
An applicant should have the ability to undertake independent research (both book-based and electronic) in areas of law which he or she has not previously studied

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
67.5%	30.0%	0.0%	0.0%	2.5%	0.0%

## Judgment

An applicant should have the ability to recognise, analyse and rank items in terms of relevance and importance; to apply knowledge and analysis creatively to complex situations in order to provide arguable solutions to concrete problems; to present reasoned choices between alternative solutions; and to make critical judgments on the relative and absolute merits of particular arguments and solutions

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
80.0%	20.0%	0.0%	0.0%	0.0%	0.0%

## Communication

Both orally and in writing (and, where appropriate, by the use of electronic means), an applicant should have the ability to use the English language accurately and proficiently in relation to legal matters; to communicate information, ideas, advice and choices in an effective manner appropriate to the context; and to read, digest and discuss technical and complex legal materials and communicate their content in a manner understandable by the intelligent lay-person

<i>Accept in full</i>	<i>Accept - but needs rephrased</i>	<i>Reject - not appropriate</i>	<i>Reject - too little detail/specificity</i>	<i>No view on this</i>	<i>Other - please comment</i>
72.5%	25.0%	2.5%	0.0%	0.0%	0.0%

# J. SKILLS STATEMENT

**Are there any areas that should be added, or any that should be removed ?**

17.5%

**Do you wish to comment on any STRENGTHS or WEAKNESSES of the suggested approach ?**

17.5%

**Do you have any other comments on this section ?**

30.0%

# Any final comments?

**Do you have any final comments?**

16.5%

**PLEASE NOTE - you need to follow the instructions on the next page to ensure the questionnaire is submitted**

**To keep a copy of your responses please click 'print' before you submit them**

**Please click 'submit' to send your response AND wait for the confirmation screen**

**Your responses will NOT be logged until you see the confirmation screen, please do not close your web browser until it has appeared**