

THE LAW SOCIETY OF SCOTLAND
EXAM GUIDANCE FOR
PRE-PEAT AND NON-PEAT 1 EXAM
CANDIDATES

Updated: December 2024

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This Law Society of Scotland Exam Guidance is produced in terms of regulations 11, 12, 13, 14 and 17 (3) of the Admission as Solicitor (Scotland) Regulations 2019

The guidance noted in this document applies to pre-PEAT exam candidates and non-PEAT 1 exam candidates.

Unless otherwise stated, each section applies, in full, to both types of candidate. Where guidance applies to only one type of candidate, this will be stated in the relevant section.

For further information relating to the alternative route to qualifying as a solicitor in Scotland, please see our [Law Society exam webpages](#) (for pre-PEAT and non-PEAT 1 candidates).

For any queries regarding the exams or to submit any information or applications, please contact exams@lawscot.org.uk

1. PRE-EXAM INFORMATION

1.1. Eligibility to sit exams

- 1.1.1. Candidates wishing to sit the pre-PEAT exams must first obtain a Preliminary Entrance Certificate.
- 1.1.2. Candidates wishing to sit the non-PEAT 1 exams must (first) have been granted a waiver from the requirement to pass the Diploma in Professional Legal Practice and (second) obtain an Entrance Certificate.
- 1.1.3. The regulations relating to the granting of Entrance Certificates, Preliminary Entrance Certificates and waiver from the requirement to pass the Diploma in Professional Legal Practice are set out in the Admission as Solicitor (Scotland) Regulations 2019

1.2. Syllabus

- 1.2.1. Candidates should refer to the [Law Society exam webpages](#) for the

syllabus and reading list for the relevant subject being examined.

- 1.2.2. Any candidate requiring further guidance regarding course content should email the Society's Qualifications Coordinator and the enquiry will be directed to the relevant examiner.

1.3. Reading lists

- 1.3.1. The texts listed in the syllabus form the basis of the study materials for each subject.
- 1.3.2. Candidates should note that, while the textbooks cited in the syllabus are the latest editions, there are often case or statutory developments subsequent to the publication of a text. Candidates will be expected to be aware of any such developments.
- 1.3.3. For general reading, pre-PEAT candidates may find it useful to have to hand a copy of "Learning the Law" by Glanville Williams (17th edn - Sweet and Maxwell) and "Studying Scots Law" by Hector MacQueen (6th edn - Bloomsbury). These editions were correct at the time of writing but candidates should ensure they have the most up to date versions, if using these texts.

1.4. Past exam question papers

- 1.4.1. The previous two past exam question papers can be downloaded from our website. The question papers are provided as an indication to the type of question an Examiner may be asking. Answers are not provided.
- 1.4.2. Exams are only set where there are candidates who have enrolled on them and so there may not be a complete set of past papers for each exam diet.

1.5. Oral exams

- 1.5.1. Pre-PEAT examinations in Scots Criminal Law & Property Law and Conveyancing both have an oral element (presentation). This should not be mistaken for an oral examination set at the discretion of the examiner.

- 1.5.2. Candidates may be called for an oral exam on any or all of the papers attempted.
- 1.5.3. Oral exams will normally only be set where a candidate has failed, borderline passed or been unable to sit an exam, or where there are concerns about authenticity of the initial exam submission. A borderline pass is a mark of D3 on the Law Society's grading scale. A fail, borderline pass or failure to sit an exam will not provide an automatic right to an oral exam.
- 1.5.4. The proposal to hold an oral exam will typically come from the relevant examiner. The final decision to hold an oral exam will lie with the Convener of the Board of Examiners, whom failing the Vice-Convener. Candidates do not have a right to request an oral exam.
- 1.5.5. An oral exam will ordinarily take place within 30 days of the candidate being notified of their results by the Law Society. Candidates should have at least two weeks' notice of an oral exam being called. Full details of the arrangements for oral exams will be given to candidates if they are called.
- 1.5.6. Oral exams can be conducted in-person or remotely, at the decision of the Convener, whom failing the Vice Convener.
- 1.5.7. At least two examiners should be in attendance for an oral exam – ideally the examiner of the subject being examined and the Convener or Vice-Convener, or such other examiner as is appointed by the Convener, whom failing the Vice-Convener. A member of Law Society staff will also be in attendance.
- 1.5.8. Where a candidate is called for an oral exam, they may be questioned on:
 - a) any answers attempted; and/or
 - b) any part of the exam paper sat; and/or
 - c) any aspect of the syllabus.
- 1.5.9. There is no fee for an oral exam.

1.6. Exam timetables

- 1.6.1. Two pre-PEAT / non-PEAT examination diets are usually held each year in Edinburgh in **February** and **July**.

- 1.6.2. A copy of the exam timetable can be found on the [Law Society exam webpages](#).
- 1.6.3. Exact details of the venue, timetable and other arrangements for the exam diet will be emailed to candidates who have enrolled on an exam, around three weeks before the exam date. It is therefore important that candidates contact the Society with any change in circumstances or if contact details change.

1.7. Enrolling for exams

- 1.7.1. Enrolments for an exam should be made no later than **six weeks** prior to the date of an exam. Enrolment forms can be downloaded from our website. **Late enrolments will not be processed.**
- 1.7.2. Any candidate who enrolls for an exam and either fails to give at least **seven days' notice** that they will not attend, or does not have reasonable cause for non-attendance (see section 1.11), will be treated as having failed the exam.

1.8. Exam fees

- 1.8.1. A fee of £60 per examination is payable when an enrolment form is submitted for a pre-PEAT or non-PEAT 1 exams. If an applicant is required to resit an exam, the resit fee is also £60 per paper.
- 1.8.2. There is no charge for any additional oral exam for which the applicant may be called.

1.9. Exemptions from exams

- 1.9.1. Exemption applications are granted or refused by the Law Society on the advice of the appropriate examiner.
- 1.9.2. Applications for exemption must be submitted when applying for a preliminary Entrance Certificate or Entrance Certificate but will be considered after the relevant certificate has been issued by the Society. Later applications for exemption will only be considered at the

discretion of the Society, where good cause for lateness can be established by the applicant.

- 1.9.3. Guidance notes for applicants seeking exemptions can be found on our website. Anyone seeking an exemption should read those guidelines first to see if they are eligible. Applicants should consult the checklist at the end of those guidelines for details of the information/documentation required by the Society. Applicants should include information on all of the points mentioned on the checklist.
- 1.9.4. There is an administrative fee of £60 for each pre-PEAT or non-PEAT 1 exemption application.
- 1.9.5. Applications for exemptions and any enquiries about exemptions should be emailed to the Society's Qualifications Coordinator.

1.10. Order in which exams and assessments must be attempted

- 1.10.1. Pre-PEAT exam candidates are not permitted to undertake other subjects unless they have completed or are enrolled on Scottish Legal System and Legal Method.
- 1.10.2. Candidates can otherwise attempt the remaining exams in whatever order they wish but candidates should note that some modules may be easier when completed after others. For example, Scots Commercial Law builds on aspects of contract law examined in Law of Obligations. Candidates may find it useful to discuss the order in which they sit the examinations with their supervising solicitor, if applicable.
- 1.10.3. There is no specified order for the non-PEAT 1 exams. Candidates may sit the exams in any order that they choose.

1.11. Extenuating circumstances and reasonable cause

- 1.11.1. If you attend an exam or submit an assessment to us, we assume that you are fit enough to do so to the best of your abilities. We will assess your exam/assessment on the assumption that you have been able to complete it without the negative impact of any underlying issues, such as ill-health or personal or other matters.
- 1.11.2. Candidates are expected to make reasonable provision for

misadventure in their preparation for exams/assessments, particularly in respect of travel arrangements and family or work commitments.

1.11.3. **“Extenuating circumstances”** are where you attend an exam or submit an assessment but your health or personal circumstances are likely to affect or have affected your performance. Extenuating circumstances will only be considered by us where you have failed the exam/assessment but your performance was manifestly prejudiced by the illness or other adverse circumstances.

1.11.4. **“Reasonable cause”** is where you have enrolled in an exam but have been legitimately prevented from attending the exam by illness or other adverse personal circumstances. In the event of a candidate failing to attend an exam/assessment, the Board of Examiners will determine whether the failure to attend has been justified by the cause provided.

1.11.5. Providing notice of extenuating circumstances or non-attendance

1.11.5.1. Normally, notice of any exceptional circumstances should be provided **in advance** of an exam or submission of an assessment.

1.11.5.2. However, you may have undertaken an exam/assessment and subsequently believe that there were circumstances which impacted you in completing it to the best of your abilities. Where, **up to two weeks after the exam**, a candidate notifies us of circumstances that affected their performance, the Board of Examiners will also consider these circumstances.

1.11.5.3. This two-week deadline is your last opportunity to tell us about any personal or health related issue that has impacted your performance. **Do not wait until you have your results to tell us about something that has impacted you, as it will be too late by then. Applications beyond this deadline will not be considered, and any grade received for the exam will stand.**

1.11.5.4. Where you know that you will be unable to sit an exam, it is important that you tell us as soon as possible. We would not expect to be informed of non-attendance after the exam had taken place, except in the most exceptional of circumstances.

1.11.5.5. Candidates should email the Society's Qualifications Coordinator to provide notice of any extenuating

circumstances or reason for non-attendance at an exam. If an exam is in-person and a candidate takes ill during an exam this should be brought to the attention of the invigilator(s).

1.11.6. Evidence required

- 1.11.6.1. In both circumstances a candidate must provide written notice of the illness or circumstances affecting performance or attendance.
- 1.11.6.2. This written notice should include any necessary supporting statement(s) from appropriate persons having knowledge of the candidate and their circumstances.
- 1.11.6.3. Where a candidate's notice refers to a medical condition of more than five days' duration, it must be accompanied by a formal report / written letter completed and signed by an appropriate medical practitioner.

1.11.7. Normal outcome for establishing exceptional circumstances or reasonable cause

- 1.11.7.1. If it is established to the satisfaction of the Board of Examiners that there were extenuating circumstances that affected your performance or a reasonable cause for non-attendance, the normal outcome will be that the exam or other work submitted will be set aside and the candidate's position will be the same as if they had not enrolled in the exam or the work had not been submitted.
- 1.11.7.2. Where an exam has been failed but exceptional circumstances have been established, it is not the normal outcome for a pass to be awarded for part or all of an exam.

2. EXAM INFORMATION

2.1. Exam procedures

- 2.1.1. Candidates should answer the required number of questions.
- 2.1.2. Candidates are required to demonstrate, through their written answers, their understanding of the material under examination.

- 2.1.3. Answers should be expressed in candidates' own words. Where a candidate chooses to quote an authority or source, or believes that they are required to do so in order to answer a question:
- 2.1.3.1. the quote must be suitably acknowledged in the exam script by placing it in quotation marks, citing the author's name and stating the source (e.g. text or website);
 - 2.1.3.2. the answer must not consist solely or substantively of a quote or quotes; and
 - 2.1.3.3. the answer should expand on the quote, in the candidate's own words.
- 2.1.4. Candidates are advised that direct copying of the text of materials into their exam script (other than as noted above or brief parts of primary sources, where precise technical wording is required) is likely to attract no marks and, if not appropriately referenced, may amount to plagiarism.
- 2.1.4.1. In instances where copying or plagiarism is detected, the relevant examiner may propose to the Chair of the Board of Examiners that an oral exam is conducted, in terms of paragraph 1.5 of this guidance. It is noted that candidates do not have a right to or a right to request an oral exam.
- 2.1.5. If submitting handwritten answers, candidates are required to write legibly. If an examiner is unable to read a candidate's handwriting they may deduct marks or may require to fail that candidate. No extra sittings will be permitted to candidates who fail as a result of illegible handwriting.
- 2.1.6. Any candidate who enrolls for an exam and either fails to give at least **seven days' notice** that they will not attend, or does not have reasonable cause for non-attendance (see section 1.11), will be treated as having failed the exam.

2.2. Materials permitted in exam hall

- 2.2.1. Candidates are permitted to take only the published versions of the statutory materials noted in the table below into the examination hall, for the relevant exam. Candidates own material will **not** be permitted.

Downloaded materials will **not** be permitted.

2.2.2. If a candidate wishes to take an alternative book to those provided on the list of materials permitted into the examination hall, a written request will require to be made in advance of the examination for approval **at least fourteen days ahead of the exam date** to allow time for the Examiner to see the material.

2.2.3. **Any candidate found taking any material which is not permitted into the examination hall will be disqualified from the exam.**

2.2.4. **Where materials are permitted into the exam, only material with no additions made to the published text may be used.** Highlighting and underlining is permitted, as are place markers, provided that these bear no inscription whatsoever.

Property Law & Conveyancing	<ul style="list-style-type: none"> • Avizandum Statutes on Scots Law of Property, Trusts & Succession (updated annually)
Law of Obligations	<ul style="list-style-type: none"> • Avizandum Statutes on the Scots Law of Obligations
Family Law	<ul style="list-style-type: none"> • Avizandum Statutes on Scots Family Law
Trusts & Succession	<ul style="list-style-type: none"> • Avizandum Statutes on Scots Property, Trusts & Succession
European Union Law	<p>Any one of the following:</p> <ul style="list-style-type: none"> • Foster (ed), <u>Blackstone's EU Treaties and Legislation</u> (OUP) • Schütze (ed), <u>EU Treaties and Legislation</u> (CUP) • Smith (ed), <u>Core EU Legislation</u> (Palgrave) • Kenner (ed), <u>European Union Legislation</u> (Routledge)
Scots Commercial Law	<ul style="list-style-type: none"> • Avizandum Statutes on Scots Commercial and Consumer Law • Blackstone's Statutes on Company Law • Blackstone's Statutes on Commercial and Consumer Law • Butterworth's Commercial and Consumer Law Handbook • Butterworth's Company Law Handbook • Butterworth's Insolvency Law Handbook • The Parliament House Book • <u>Sweet and Maxwell's Commercial Law Statutes</u>

Business Organisations	<ul style="list-style-type: none"> • Avizandum Statutes on Scots Commercial and Consumer Law • Blackstone's Statutes on Company Law • Blackstone's Statutes on Commercial and Consumer Law • Butterworth's Commercial and Consumer Law Handbook • Butterworth's Company Law Handbook • Butterworth's Insolvency Law Handbook • The Parliament House Book • Sweet and Maxwell's Commercial Law Statutes
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2.2.5. Candidates are **not permitted to take material into the exam hall in the following subjects:**

- Scottish Legal System & Legal Method;
- Public Law;
- Scots Criminal Law;
- Evidence.

2.3. Pass mark

2.3.1. Notes on the Society's Marking Scale and Descriptors are attached at the end of this guidance.

2.3.2. Each paper will be graded A to G. Grades A to D are passes.

2.3.3. Grade D3 is regarded as a borderline pass, and in certain circumstances could be cause for a candidate to sit an oral exam.

2.3.4. Grade E1 is regarded as a marginal fail. Where a candidate is awarded a marginal fail the exam script may be remarked by a second examiner with expertise in that subject.

3. POST-EXAM INFORMATION

3.1. Intimation of results

3.1.1. Candidates are advised in writing of results, normally within six weeks of the exam date, but only after the results are ratified by the Convener and Vice-Convener of the Board of Examiners.

3.1.2. Candidates will only be provided with feedback for questions that they have failed, in a failed exam.

- 3.1.2.1. Where an exam has been passed, even where a candidate has failed a question within that exam, feedback will not be provided at all.
- 3.1.2.2. Where an exam has been failed but certain questions within that exam have been passed, feedback will only be provided for the questions that have been failed, not for questions that have been passed.

3.2. First attempt and number of attempts

- 3.2.1. Candidates must sit their first exam or exams within three years of the commencement of their training contract. Candidates will then have four years from the date of their first exam, in which to pass all the relevant Law Society exams.
- 3.2.2. Candidates have four attempts to pass an exam.
- 3.2.3. Any candidate who does not have a first attempt at an exam within the relevant time period will be deemed to have failed their first attempt at that exam or exams.
- 3.2.4. Any candidate who fails to pass all of their exams within the relevant time period, must attempt all outstanding exams at the next available diet. This will be the case until a candidate has used up all four of their attempts for each outstanding exam.
- 3.2.5. Any candidate who enrolls for an exam and either fails to give at least **seven days' notice** that they will not attend, or does not have reasonable cause for non-attendance (see section 1.11), will be treated as having failed the exam.

3.3. Right of appeal

- 3.3.1. **There is no right of appeal from a decision on academic grounds; the examiner's decision is final.**
- 3.3.2. There is a right of appeal on the ground that there has been a procedural irregularity in the exam process.

- 3.3.2.1. Although not an exhaustive list, examples of procedural irregularity include: that there has been a mistake on a candidate's exam paper; that there has been an error in the time given to a candidate to complete the exam; that the Law Society did not act in accordance with the relevant regulations and procedures; or that mitigating circumstances were not appropriately taken into account.
- 3.3.2.2. Candidates must also establish that the procedural irregularity materially affected their final exam result.
- 3.3.2.3. It is important to note that being unhappy with the outcome of a process or the exam award given does not necessarily indicate that the process has not been carried out fairly and properly.
- 3.3.3. Where an appeal on procedural grounds has been submitted, the Convener and/or the Vice-Convener of the Board of Examiners will first consider whether a candidate has successfully established that there was procedural irregularity and whether the stated procedural irregularity materially affected the final exam result.
- 3.3.4. If it is agreed that the candidate has grounds for appeal, the Convener and/or the Vice-Convener will either act as a reviewer or will appoint an appropriate examiner to consider the matter. In considering the appeal, the appropriate reviewer may:
 - 3.3.4.1. Consider any submission made by the candidate;
 - 3.3.4.2. Ask the candidate for further information;
 - 3.3.4.3. Request a response from the original examiner on the appeal;
 - 3.3.4.4. Consider the initial exam question and answer papers;
 - 3.3.4.5. Ask the Society for any further relevant information or documentation, policies or procedures, in relation to the appeal.
- 3.3.5. Whether a decision is made at paragraph 3.3.3 or 3.3.4 above, the decision of the Convener and/or the Vice-Convener on appeal is final.

- 3.3.6. Candidates wishing to appeal on procedural grounds should do so by emailing the Society's Qualifications Coordinator within 28 days of receiving an exam result.

Marking Scale and Descriptors

Grades A-D are pass grades.

GRADE	BAND	SCORE	DESCRIPTOR
A	A1	20	<p>Answers at this level will show a very full knowledge and understanding of the material and of relevant interpretative and critical points. They will be well constructed with clear conclusions, supported by sound arguments. Where relevant the candidate will show to a high degree the ability to apply legal principles to the solution of problems, and there will be good use of sources and proper reference to authority.</p>
	A2	19	
	A3	18	
B	B1	17	<p>Answers at this level will show a full knowledge and understanding of the material and of relevant critical and interpretative points. They will be generally well constructed with clear conclusions supported by sound arguments. There may be some errors or misunderstandings in relatively unimportant details. Where relevant the candidate will show substantial ability to apply legal principles to the solution of problems. There will be substantial use of sources and proper reference to authority.</p>
	B2	16	
	B3	15	
C	C1	14	<p>Answers will show a generally sound knowledge and understanding of the material and of relevant critical and interpretative points. Answers will be less clearly organised than those in the higher bands and there may be some significant errors, omissions or misunderstandings. Where relevant the candidate will show some ability to apply legal principles to the solution of problems. There should be some use of sources and reference to authority.</p>
	C2	13	
	C3	12	
D	D1	11	<p>Answers will show an adequate level of knowledge and understanding of the material, but they are likely to be lacking in detail and to include significant errors, omissions and misunderstandings. The grasp shown of critical and interpretative points may be insecure and the organisation of the answer may be weak. The candidate should show awareness of the need to refer to authority and limited ability to apply legal principles to the solution of problems.</p>
	D2	10	
	D3	9	

E	E1 E2 E3	8 7 6	Answers at this level will show knowledge and understanding of some of the relevant material but there will be serious deficiencies. Understanding of critical and interpretative points may be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
F	F1 F2 F3	5 4 3	Answers at this level will show knowledge and understanding of very little of the relevant material. Understanding of critical and interpretative points will be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
G	G1 G2	2 1	Answers at this level will show very serious weaknesses. Very little knowledge will be shown of the relevant material and what is known will have been seriously misunderstood. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
H		0	Answers at this level will show no (or virtually no) evidence of knowledge or understanding. The candidate may have entirely failed to understand the question, or the answer is significantly incomplete.

Feedback Form for Examinations

CANDIDATE NUMBER:

Exam Subject:

This feedback form is designed to provide guidance on your performance in examinations, hinting at how your learning and understanding may be demonstrated, and the characteristics that tend to distinguish work at different grades. Grades A - D are pass grades. Feedback is not provided for questions where a pass grade has been awarded, even where the overall exam has been failed. Similarly, where an exam has been passed, feedback is not provided, even for individual questions that have been failed.

Your grades

Question number	Grade awarded

Grade E

Answers at this level (**weak**) will show knowledge and understanding of some of the relevant material but there will be serious deficiencies. Understanding of critical and interpretative points may be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some, at least, of the following:

- failure to answer the question set though an answer to a similar question may be offered
- partial solutions to problems set
- little evidence of understanding of the subject
- little evidence of relevant reading or research
- inclusion of very few relevant ideas
- absence of structured argument
- little evidence to justify assertions
- few relevant examples

- several significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade F

Answers at this level (**poor**) will show knowledge and understanding of very little of the relevant material. Understanding of critical and interpretative points will be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some, at least, of the following:

- failure to answer the question set though an answer to a question within the same topic area may be offered
- very little evidence of understanding of the subject or of sources
- absence of structured argument
- very little evidence to justify assertions
- many significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade G

Answers at this level (**very poor**) will show very serious weaknesses. Very little knowledge will be shown of the relevant material and what is known will have been seriously misunderstood. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some of the following (but is distinguished from a Grade 'H' performance by the fact that not all of these characteristics will be present):

- failure to answer the question set
- no evidence of understanding of the subject
- no evidence of relevant sources
- absence of structured argument
- many significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade H

Answers at this level (**absence of positive qualities**) will show no (or virtually no) evidence of knowledge or understanding. The candidate may have entirely failed to understand the question, or the answer is significantly incomplete.

This was evident in the following answers:

Question number	Comments