

LAW SOCIETY OF IRELAND

Summary

of

Regulations and Procedures

relating to the

Final Examination - First Part

[As of January 2020]

Introduction

The Final Examination ("FE-1") is provided for in the Solicitors Acts 1954 to 2011 and as detailed in the Solicitors Acts 1954 to 2011 (Apprenticeship and Education) Regulations 2001 to 2019. This document (with its four Appendices) is intended as a Summary of these Regulations insofar as they relate to the FE-1, but for a more full consideration the Regulations as a whole should be referred to.

FE-1

1. The FE-1 is provided for in Regulation 12 (as inserted by Regulation 4 of the 2019 Regulations) of the 2001 Regulations [the full text of Regulation 12 being set out in Appendix "A" to this document] and comprises examination papers in each of the following eight legal subjects (listed alphabetically):

Company Law,
Constitutional Law,
the law of **Contract,**
Criminal Law,
Equity,
the law of the **European Union,**
the Law of **Property,** and
the Law of **Torts.**

Definitions

2. For convenience of reference, the following definitions (alphabetically listed) are applicable to what is set out in this Summary:

"Board of Examiners" refers to the Board of Examiners provided for in Regulation 13 of the 2001 Regulations [the full text of Regulation 13 being set out in Appendix "B" to this document];

"candidate" refers to a person who has passed the Society's Preliminary Examination or has been exempted therefrom as provided for in Regulation 5(a) of the 2001 Regulations [the full text of Regulation 5(a) being set out in Appendix "C" to this document] and who is sitting a paper in one or more of the FE-1 subject examinations at an FE-1 sitting; and also refers to a person to whom Regulation 12A (as inserted by Regulation 5 of the 2019 Regulations) of the 2001 Regulations applies [the full text of Regulation 12A being set out in Appendix "D" to this document] and who is sitting one or more FE-1 subject examinations at an FE-1 sitting;

"Education Committee" refers to the Education Committee appointed pursuant to the 2001 Regulations and therein referred to in foreshortened form as the "Committee";

"FE-1 sitting" refers to a sitting at which subject examination papers in each of the eight subjects comprising the FE-1 may be sat by a candidate;

"FE-1 subject examination" refers to an individual subject examination comprised in the FE-1;

"recognised degree" refers to a degree from any of the universities of Ireland, England, Scotland or Wales or a degree (not being an honorary degree) which, in the opinion of the Education Committee in the particular case, is equivalent to a recognised degree;

"Society" refers to the Law Society of Ireland, including its Law School;

"the 2001 Regulations" refers to the Solicitors Acts 1954 to 1994 (Apprenticeship and Education) Regulations 2001 (S.I. No 546 of 2001);

"the 2019 Regulations" refers to the Solicitors Acts 1954 to 2001 (Apprenticeship and Education) (Amendment) Regulations 2019 (S.I. No 503 of 2019).

Pass Mark

3. (a) The minimum pass mark to be achieved by a candidate in each paper in each FE-1 subject examination is 50% (fifty per cent).

- (b) Each paper in each FE-1 subject examination is considered by the Board of Examiners on its own merits without regard to how a candidate may have performed in sitting any other FE-1 subject examination whether at the same FE-1 sitting or at an earlier FE-1 sitting or how a candidate may perform at a later FE-1 sitting.

Attempts

4. (a) A candidate may sit one or more FE-1 subject examinations at any one FE-1 sitting.
- (b) There is no limit to the number of attempts a candidate may make to pass an FE-1 subject examination, provided however that a candidate must have passed each of the FE-1 subject examinations within a period of not more than seven years commencing on the 31st December in the calendar year in which that candidate first passed one or more of the FE-1 subject examinations.
- (c) A candidate shall not be declared to have passed the FE-1 unless and until that candidate has passed each of the FE-1 subject examinations; and, where a candidate is a person to whom Regulation 12A of the 2001 Regulations did apply or still applies [see Appendix "D" to this document] unless and until that person becomes the holder of a recognised degree.

Examination Number and Extenuating Circumstance

5. (a) When a candidate applies to sit one or more FE-1 subject examinations at an FE-1 sitting, that candidate shall be allocated an individual examination number by the Society, which individual examination number is then to be affixed by that candidate to each of his or her examination scripts in respect of each such FE-1 subject examination sat by him or her.
- (b) Where approximate to or in the course of a candidate sitting an FE-1 subject examination that candidate becomes ill or is otherwise unusually affected by the occurrence of some other extenuating circumstance, it is open to that candidate, as soon as practicable, to write to the Society providing information relating to such illness or other unusual extenuating circumstance and to make a submission to be conveyed by the Society to the Board of Examiners as to how such an illness or other extenuating circumstance adversely affected, or may have adversely affected, that candidate in his or her performance in sitting that FE-1 subject examination; and the Society, in conveying the content of any such written communication to the Board of Examiners, shall at the same time ensure that the candidate concerned is identified only by his or her individual examination number.

Marking

6. (a) The procedure for the marking of FE-1 subject examinations and the composition and functions of the Board of Examiners in relation thereto is provided for in Regulation 13 of the 2001 Regulations [see Appendix "B" to this document].
- (b) Regulation 13 of the 2001 Regulations provides for the appointment (on a part-time basis) of a suitably qualified internal examiner and a suitably qualified external examiner in respect of each of the FE-1 subject examinations together with one or more suitably qualified assistant examiners in respect of each FE-1 subject examination, as required.
- (c) Specifically, it is to be noted that:
 - (i) each question on each paper in respect of each FE-1 subject examination is allocated an equal number of maximum marks;
 - (ii) marks cannot be given for a question not attempted; and
 - (iii) all examination scripts in respect of each FE-1 subject examination marked by the applicable internal examiner or applicable assistant internal examiner are subject to re-check by the applicable external examiner as part of a standards verification process.

Board of Examiners

- 7 (a) The Board of Examiners shall comprise each of the internal, assistant internal and external examiners for each of the eight individual legal subjects comprising the FE-1; together with such member or members of staff of the Society (not exceeding three) as the Education Committee designates to perform the administrative functions of the Board of Examiners; and together with such other suitably qualified and independent person or persons (not exceeding three) nominated by the Education Committee to represent the public interest.
- (b) In respect of each FE-1 sitting, the Board of Examiners, in its deliberations pursuant to Regulation 13 of the 2001 Regulations [see Appendix "B" to this document], only considers the marks of each candidate by reference to that candidate's individual examination number; and under no circumstances in the course of its deliberations shall the Board of Examiners for any reason be made aware by the Society of the identity of any candidate.

- (c) In respect of each FE-1 sitting, the Board of Examiners shall consider the marks obtained by each candidate in each FE-1 subject examination sat by that candidate and shall recommend to the Education Committee:
 - (i) the candidates who should be declared to have passed the FE-1;
 - (ii) the candidates who should be deemed (or provisionally deemed, in the case of a person to whom Regulation 12A of the 2001 Regulations applies – see Appendix "D" to this document) to have passed one or more individual FE-1 subject examinations; and
 - (iii) the candidates who should not be declared to have passed the FE-1 or should not be deemed (or provisionally deemed) to have passed one or more of the individual FE-1 subject examinations.
- (d) The Board of Examiners, following its deliberations, shall make its recommendations to the Society's Education Committee and the Education Committee shall declare the results of that FE-1 sitting as so recommended.
- (e) Following the declaration of results by the Education Committee in respect of each FE-1 sitting, each candidate concerned shall, as soon as practicable, be notified by the Society in writing of his or her result or results, as the case may be.
- (f) In addition, the Society shall endeavour to post the results of each FE-1 sitting on its website as soon as practicable after such declaration of results by the Education Committee, accessible by each candidate concerned by use of that candidate's individual ID number previously allocated by the Society.

Re-checks

- 8 (a) A candidate may apply to the Society to request a re-check of any examination script in respect of an FE-1 subject examination which that candidate is deemed (or provisionally deemed) not to have passed, provided that such application for a re-check is received in writing by the Society within fourteen days following the declaration of results of the particular FE-1 sitting, accompanied by a recheck fee of €140 per examination script.
- (b) Each examination script subject to re-check shall be re-checked by the applicable external examiner for the FE-1 subject examination in question (irrespective of whether or not that examination script had previously been the subject of a re-check by that applicable external examiner as part of a

standards verification process), provided that the Society, in requesting the applicable examiner to do so, does so only by reference to that candidate's individual examination number allocated to that candidate for the FE-1 sitting concerned.

- (c) As soon as practicable after the declaration of results by the Education Committee in respect of an FE-1 sitting, the Board of Examiners shall again convene to consider the result of each re-check requested and as appropriate to consider the outcome of each requested recheck and to consider any views that may be expressed by the applicable external examiner concerned; and as soon as practicable thereafter, the outcome of each such requested re-check shall be notified by the Society in writing to each candidate concerned and at the same time be posted on the Society's website, accessible by each candidate concerned by use of that candidate's individual ID Number previously allocated by the Society.
- (d) A candidate shall not be entitled to apply for a re-check of an FE-1 subject examination script which that candidate has already been deemed (or provisionally deemed) to have passed.

Right to Inspect Examination Scripts

- 9. Following the declaration of results by the Education Committee in respect of an FE-1 sitting a candidate concerned is entitled:
 - (i) where he or she has not passed an FE-1 subject examination sat by him or her, to apply to attend a viewing session organised by the Society within a short period following such declaration and to inspect his or her examination script; and
 - (ii) whether or not he or she has passed or not passed a particular FE-1 subject examination, to request in writing from the Society a scanned copy or the applicable examination script.

Appendices

- Appendix "A" - the full text of Regulation 12 (as inserted by Regulation 4 of the 2019 Regulations) of the 2001 Regulations.
- Appendix "B" - the full text of Regulation 13 of the 2001 Regulations.
- Appendix "C" - the full text of Regulation 5 (a) of the 2001 Regulations.
- Appendix "D" - the full text of Regulation 12 A (as inserted by Regulation 5 of the 2019 Regulations) of the 2001 Regulations.

APPENDIX A

Regulation 12 (as inserted by Regulation 4 of the 2019 Regulations) of the 2001 Regulations

4. The following Regulation is in substitution for Regulation 12 of the 2001 Regulations:

"12. (a) The Final Examination - First Part ("FE-1") shall be comprised of an examination in each of the following eight subjects (listed alphabetically):

- (i) company law;
- (ii) constitutional law;
- (iii) the law of contract;
- (iv) criminal law;
- (v) equity;
- (vi) the law of the European Union;
- (vii) the law of property; and
- (viii) the law of torts.

(b) (i) A person shall be eligible to sit and pass the FE-1 or any one or more subject examinations within the FE-1 if he or she has satisfied the requirements of Regulation 5(a).

(ii) A person shall be eligible to sit and pass the FE-1 or any one or more subject examinations within the FE-1 if he or she complies with the provisions of Regulation 12A.

(c) The following two rules shall apply to a candidate sitting the FE-1:

Rule 1: Subject to Rule 2, a candidate who achieves a pass mark in an examination in any of the eight subjects comprising the FE-1 shall be deemed to have passed that examination.

Rule 2: There shall be no limit to the number of attempts a candidate may make to pass the FE-1, provided that a candidate shall only be deemed to have passed the FE-1 where the candidate is deemed to have passed the examinations in all of the eight subjects comprising the FE-1 within a period of not more than seven years from the 31st December in the calendar year in which the candidate is deemed to have first passed one or more of the examinations in one or more of such subjects."

APPENDIX B

Regulation 13 of the 2001 Regulations

Final Examination - First Part - Examiners

13. (a) The Committee shall appoint, as required from time to time, on a part-time basis an internal examiner and an external examiner for each of the eight subjects (as set forth in Regulation 12 (a)) comprising the Final Examination - First Part, together with (on a part-time basis) such assistant internal examiners as the Committee may deem from time to time to be required; the terms and conditions of such appointments to be as approved by the Committee and the Finance Committee.
- (b) (i) An internal examiner or an assistant internal examiner shall be a solicitor, a barrister or a third level institution teacher who is, in the opinion of the Committee, suitably qualified to examine in the subject in question.
- (ii) The functions of an internal examiner shall be -
- (A) to set the examination paper in the subject in question;
 - (B) to mark the examination scripts of candidates in the subject in question, either alone or in conjunction with one or more assistant internal examiners; and
 - (C) to attend meetings of the Board of Examiners.
- (iii) The functions of an internal assistant examiner shall be-
- (A) to mark such of the examination scripts of candidates in the subject in question as are submitted to him or her by the internal examiner; and
 - (B) to attend meetings of the Board of Examiners.
- (c) (i) An external examiner shall be a solicitor, a barrister or a third level institution teacher who is, in the opinion of the Committee, suitably qualified to examine in the subject in question.
- (ii) The functions of an external examiner shall be -
- (A) to comment and advise on the examination paper set by the internal examiner in the subject in question;
 - (B) to recheck as part of a standards verification process designated by the Board of Examiners, the marking methodologies of the internal examiner and the assistant internal examiner or examiners in the subject in question;
 - (C) to attend meetings of the Board of Examiners; and
 - (D) to recheck the examination scripts in the subject in question of candidates who seek such a recheck subsequent to the declaration of results of the Final Examination - First Part.
- (d) (i) There shall be a board of examiners (in this Regulation referred to as the "Board of Examiners") for the Final Examination - First Part comprised of:
- (A) the internal examiners, the internal assistant examiners and the external examiners in each of the eight subjects comprising the Final Examination - First Part;
 - (B) such member or members of the staff of the Society (not exceeding three)

as the Committee designate to perform the administrative functions of the Board of Examiners; and

- (C) such other suitably qualified and independent person or persons (not exceeding three) nominated by the Committee to represent the public interest;

AND the chairman of the Board of Examiners shall be chosen annually by the members of the Board of Examiners from amongst the examiner members.

- (ii) The functions of the Board of Examiners shall be -

- (A) to preside over the individual functions of the internal examiners, the internal assistant examiners and the external examiners;
- (B) to make recommendations as to the organisation and the conduct of sittings of the Final Examination - First Part;
- (C) to supervise the preparation of spreadsheets of marks obtained by each candidate in each subject examination sat by that candidate in the Final Examination - First Part, with each such candidate being identified only by the candidate's examination number;
- (D) to consider the marks of each candidate in each examination sat by that candidate in the Final Examination - First Part;
- (E) to recommend to the Committee the candidates who should be declared by the Committee to have passed the Final Examination - First Part, or who should be deemed to have passed individual subject examinations within the Final Examination - First Part, or who should not be so declared or so deemed; and
- (F) to supervise the re-checking of examination scripts as provided for in clause (f) of this Regulation, and, if requested by one or more of its members, to reconvene to consider any matter arising from the re-checking process.

- (e) As soon as practicable after the Board of Examiners has submitted its recommendations in accordance with clause (d)(ii)(E) of this Regulation, the Committee shall declare the results as so recommended and shall ensure that each candidate is notified in writing of his or her individual result.
- (f)
 - (i) A candidate may, within a period of fourteen days immediately following the declaration by the Committee of the results of the Final Examination - First Part, apply in writing to the Society for a re-check of his or her examination script in respect of any subject examination in which he or she is deemed not to have passed and shall remit the appropriate re-check fee as prescribed from time to time by the Society.
 - (ii) The Society shall, upon receipt of any such application for a re-check (accompanied by the prescribed re-check fee), submit the script or scripts in question for such a re-check to the external examiner or examiners for the subject or subjects in question.
 - (iii) An external examiner, to whom an examination script is submitted for a re-check, shall, as soon as practicable, carry out such a re-check and communicate the outcome to the Society by returning the script to the Society with an appropriate endorsement of the outcome on the outside front page of the examination script in question.
 - (iv) The Society shall, as soon as practicable after being notified of the outcome of a re-check, notify the candidate in question of such outcome, which outcome

shall be final and conclusive unless the external examiner concerned or any other member of the Board of Examiners requests a reconvening of the Board of Examiners to consider any matter arising from such a re-check, in which event the decision of the Board of Examiners on the outcome of the re-check shall be final and conclusive.

APPENDIX C

Regulation 5 (a) of the 2001 Regulations

5. A person seeking the consent of the Society to be bound by indentures of apprenticeship to a practising solicitor shall first:

(a) have passed the Preliminary Examination, or have been exempted therefrom by reason of:

- (i) holding a recognised degree, or
- (ii) holding a degree (not being an honorary degree) or other qualification which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree, or
- (iii) holding the degree of barrister at law from the Honorable Society of King's Inns, Dublin, or other professional qualification which, in the opinion of the Committee in the particular case, is equivalent thereto, or
- (iv) having satisfied the Society that he or she is a law clerk within the meaning of section 26 (as substituted by section 42 of the Act of 1994) of the Act and, in the opinion of the Committee in the particular case, is a person who has attained a standard of education and experience which is equivalent to the Preliminary Examination; ...

APPENDIX D

Regulation 12A (as inserted by Regulation 5 of the 2019 Regulations) of the 2001 Regulations

5. The following new Regulation is inserted in the 2001 Regulations immediately after Regulation 12:

"12A (a) This Regulation relates to a person who is in the course of attending a third level course of study that would in due expectation lead to that person becoming the holder of a recognised degree or the holder of a degree (not being an honorary degree) which, in the opinion of the Committee in the particular case, would be equivalent to a recognised degree.

(b) A person to whom clause (a) of this Regulation applies and who has duly completed the first or any subsequent year of his or her particular third level course of study shall be permitted to be a candidate to sit the FE-1 or any one or more of the subject examinations within the FE-1 in accordance with the provisions of Regulation 12 of the 2001 Regulations (as substituted by Regulation 4 of these amending Regulations), subject to clauses (c), (d) and (e) of this Regulation.

(c) A candidate to whom clause (b) of this Regulation applies and who sits one or more subject examinations comprising all or part of the FE-1 and who is recommended by the Board of Examiners as a candidate who should be declared by the Committee to have passed the FE-1 or who should be deemed to have passed examinations within the FE-1 shall be provisionally so declared or provisionally so deemed, subject to that candidate actually completing his or her particular third level course of study so as to become the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree.

(cf) A candidate to whom clause (c) of this Regulation applies and who has been provisionally so deemed by the Committee to have passed one or more subject examinations within the FE-1 may, in a subsequent sitting or in more than one subsequent sitting of the FE-1, sit one or more subject examinations within the FE-1 in respect of which he or she has not yet been provisionally so deemed to have passed, whether or not that subsequent sitting or those subsequent sittings take place during his or her particular third level course of study or subsequent to he or she becoming the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree.

(e) A candidate to whom the foregoing clauses of this Regulation apply, on duly certifying to the Committee that he or she is the holder of a recognised degree or the holder of a degree which, in the opinion of the Committee in the particular case, is equivalent to a recognised degree, shall be unconditionally deemed by the Committee to have passed each subject examination within the FE-1 which he or she had been previously provisionally deemed by the Committee to have passed; and, where such examinations are all eight of the subject examinations comprising the FE-1, such candidate shall be unconditionally declared by the Committee to have passed the FE-1."