

THE BSB HANDBOOK
QUALIFICATION RULES

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A. APPLICATION

rQ1 Section 4.B applies to all *persons* who wish to be called to the *Bar* and to become qualified to practise as a *barrister*, to *pupil supervisors* and to *approved training organisations*.

rQ2 Section 4.C applies to all *practising barristers*

B. BAR TRAINING RULES

B1. Purpose of the Bar Training Rules

Outcomes

oQ1 To ensure that any *person* who qualifies to *practise* as a *barrister* is a fit and proper *person*, and competent to do so.

Rules

rQ3 To be called to the *Bar* by an *Inn* a *person* must:

.1 be a member of that *Inn*;

.2 complete (or be exempted from):

(a) the Academic Stage, and

(b) the *Vocational stage*

of training; and

.3 fulfil any applicable requirement to attend *qualifying sessions*.

rQ4 To become qualified to *practise* as a *barrister* a *person* must:

.1 be called to the *Bar* by an *Inn*;

.2 complete (or be exempted from) the Professional Stage of training; and

.3 satisfy such further requirements as are set out in Part 3 of this *Handbook*.

rQ5 The *Bar Standards Board* may charge such fees as it prescribes for dealing with applications, conducting assessments or examinations and issuing certificates under this Section 4.B.

rQ6 Any function or power which under this Section 4.B is exercisable by the *Bar Standards Board* may be delegated (and sub-delegated) to any committee, body or *person* to the extent permitted by the standing orders of the *Bar Standards Board*.

B2 Admissions to an Inn of Court

Eligibility for Admission

- rQ7** To be eligible for *admission to an Inn* under this Section 4.B a *person* must:
- .1** have the necessary educational qualifications; and
 - .2** be a fit and proper *person* to become a *practising barrister*.
- rQ8** A *person* has the necessary educational qualifications to be admitted to an *Inn* if that *person*:
- .1** is reading for a qualifying law degree; or
 - .2** is attending (or has been accepted for and is about to attend) a Conversion Course; or
 - .3** has completed (or been exempted under Section 4.B7 from) the Academic Stage of training.
- rQ9** A *person* is a fit and proper *person* to become a *practising barrister* if:
- .1** there is no reason to expect that that *person*, if admitted to an *Inn*, will engage in conduct which is dishonest or which otherwise makes that *person* unfit to become a *practising barrister*; and
 - .2** that *person* does not suffer from serious incapacity due to mental disorder (within the meaning of the Mental Health Act 1983), addiction to alcohol or drugs or any other condition which makes that *person* unfit to become a *practising barrister*.
- rQ10** In the case of an applicant who is authorised to *practise* by another *Approved Regulator* or who is a *Qualified European Lawyer*, a *certificate of good standing* is to be treated as conclusive evidence that the applicant is a fit and proper *person* to become a *practising barrister*.
- rQ11** A *person* whose application for *admission to an Inn* has been rejected on the ground that that *person* is not a fit and proper *person* to become a *practising barrister* or who has been expelled from an *Inn* because of a disciplinary offence may not apply for *admission to an Inn* unless a period of at least five

years (or such other period as the *Bar Standards Board* may determine in the particular case) has elapsed from the date of such rejection or expulsion.

Application Procedure

rQ12 To apply for *admission to an Inn* a person (“the applicant”) must submit to the Inn:

- .1 a duly completed and signed application including an *admission declaration* in the form prescribed by the *Bar Standards Board* from time to time;
- .2 two certificates of good character which comply with the requirements in rQ13 below or, if the applicant is a *qualified lawyer*, a *certificate of good standing*, which (in either case) was issued within the previous three months; and
- .3 the fee prescribed by the Inn.

Certificates of Good Character

rQ13 A certificate of good character must contain the information specified by the *Bar Standards Board* from time to time and be provided by a professional *person* or *person* of standing in the community who:

- .1 has known the applicant for at least one year;
- .2 does not have a close family or personal relationship with the applicant; and
- .3 has read the *admission declaration* submitted by the applicant under Rule rQ12.1.

Decision to Admit or Refuse Admission

rQ14 Before deciding whether to admit the applicant, the *Inn* may make any further enquiries or require the applicant to provide any further information that it considers relevant.

rQ15 The *Inn* must admit the applicant if the applicant:

- .1 is eligible for *admission to an Inn* and has given the undertaking on the *admission declaration* to commence the *Vocational stage* within five

years of *admission to an Inn* and complete that Stage within ten years of admission; and

.2 has complied with Rule rQ12,

otherwise the *Inn* must reject the application and inform the applicant of its reasons for doing so.

rQ16 If the applicant falls within Rule rQ17, the *Inn* must refer the question whether the applicant is a fit and proper *person* to become a *practising barrister* to the Inns' Conduct Committee to decide and must notify the applicant that it has done so.

rQ17 An applicant falls within this Rule rQ17 if:

.1 the applicant has been convicted of a *Criminal offence* (or is the subject of *pending Criminal Proceedings*); or

.2 the applicant has been convicted of a disciplinary offence by a professional or regulatory body (or is the subject of pending proceedings for such an offence); or

.3 the applicant has been found guilty of an academic offence by a higher education institution (and has not successfully appealed against that finding); or

.4 the applicant has been the subject of a *Bankruptcy Order* or *director's disqualification order* or has entered into an individual voluntary arrangement with creditors; or

.5 the applicant has previously been refused admission to or expelled from an *Inn*; or

.6 there is any other circumstance which in the opinion of the *Inn* calls into question the applicant's fitness to become a *practising barrister*.

rQ18 When the Inns' Conduct Committee is asked to decide whether the applicant is a fit and proper *person* to become a *practising barrister*, it must send a report of its decision and the reasons for the decision to the applicant and to the *Inn*.

rQ19 If the Inns' Conduct Committee decides that the applicant is not a fit and proper *person* to become a *practising barrister* or if the *Inn* rejects an application for

admission for any other reason, the applicant may request a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

rQ20 If on a review under Section 4.B10 the *Bar Standards Board* is satisfied that the applicant is eligible for *admission to an Inn* and has complied with Rule rQ12, the *Inn* must admit the applicant.

B3. The Academic Stage

rQ21 A *person* completes the Academic Stage of training by:

- .1 obtaining a qualifying law degree; or
- .2 obtaining a qualifying degree and successfully completing a Conversion Course.

rQ22 For the purpose of Rule rQ21.1 a qualifying law degree is a qualifying degree approved by the *Bar Standards Board* which includes a course of study of the *foundations of legal knowledge*.

rQ23 For the purpose of Rule rQ21.2 a qualifying degree is:

- .1 a degree of the required standard awarded by a *University* in the United Kingdom following a course of study of the minimum period; or
- .2 a degree awarded by a *University* or establishment of equivalent level outside the United Kingdom which the *Bar Standards Board* accepts as equivalent to a degree satisfying the requirements of Rule rQ23.1.

and a *person* obtains a qualifying degree on being adjudged to have successfully completed the academic requirements of the degree irrespective of when the degree is actually conferred.

rQ24 For the purpose of Rule rQ23.1, unless the *Bar Standards Board* on an application showing good grounds permits otherwise, the required standard is first or second class honours.

rQ25 A Conversion Course is a course approved by the *Bar Standards Board* which includes study of the *foundations of legal knowledge*.

rQ26 For the purpose of Rules rQ22 and rQ25, *foundations of legal knowledge* means those subjects the study of which is prescribed by the *Bar Standards Board* for the purposes of obtaining a qualifying law degree and for inclusion in any Graduate Conversion Course, and which currently comprise:

- .1 Obligations I (Contract)
- .2 Obligations II (Tort)

- .3 Criminal Law
- .4 Public Law
- .5 Property Law
- .6 Equity & The Law of Trusts
- .7 Foundations of EU Law

B4. The Vocational Stage

rQ27 A *person* starts the *vocational stage* of training on starting to attend at a *Bar Professional Training Course*, and completes the *vocational stage* on being certified by the course provider that he has successfully completed a *Bar Professional Training Course*.

rQ28 Before starting the *vocational stage*, a *person* must:

- .1 have completed (or been exempted under Section 4.B7 from) the Academic Stage; and
- .2 have successfully completed the *Bar Course Aptitude Test* which is set by the *Bar Standards Board* from time to time; and
- .3 be a member of an *Inn of Court*.

rQ29 A *person* may not start the *vocational stage* more than five years after completing the Academic Stage except with the permission of the *Bar Standards Board* and after complying with any condition which *the Bar Standards Board* may impose.

B5. The Professional Stage

rQ30 A *person* starts the professional stage of training when he starts *pupillage* in accordance with this Section 4.B5 and completes the professional stage by:

- .1 satisfactorily completing 12 months of *pupillage* and such further training as may be required by the *Bar Standards Board*; and
- .2 being issued with a *full qualification certificate*.

rQ31 Before starting the professional stage, a *person* must have completed (or been exempted under Section 4.B7 from) the *vocational stage*.

rQ32 A *person* may not start the Professional Stage more than five years after completing the *vocational stage* except with the permission of the *Bar Standards Board* and after complying with any condition which the *Bar Standards Board* may impose.

Pupillage

rQ33 *Pupillage* is divided into two parts:

- .1 a non-practising period of six months; and
- .2 a practising period of six months.

rQ34 Except with the written permission of the *Bar Standards Board*, the non-practising period of *pupillage* must be done :

- .1 in a *Member State* of the European Union; and
- .2 in a continuous period of six months.

rQ35 Except with the written permission of the *Bar Standards Board*, the practising period of *pupillage* must:

- .1 start within 12 months after completion of the non-practising period;
- .2 be done in a *Member State*; and
- .3 be completed within an overall period of nine months.

rQ36 Any period of *pupillage* must provide training which is adequate and which complies with such criteria as may be published by the *Bar Standards Board*.

rQ37 Except as provided in Rule rQ60, any period of *pupillage* must be done :

- .1 in an *approved training organisation*; and
- .2 with a *barrister* who is a registered *pupil supervisor*.

rQ38 During any period of *pupillage* the *pupil* must;

- .1 be diligent in receiving the instruction given; and
- .2 observe all legal and professional obligations of confidence.

Approved training organisations

rQ39 The *Bar Standards Board* may authorise any organisation as an *approved training organisation* subject to such terms as the *Bar Standards Board* may from time to time determine.

rQ40 The *Bar Standards Board* may withdraw approval from an *approved training organisation* if it considers after investigation:

- .1 that *pupillage* training provided by the organisation is or has been seriously deficient; or
- .2 that the organisation has not made proper arrangements for dealing with pupils and *pupillage* in accordance with the Code of Conduct.

rQ41 The *Bar Standards Board* will give notice in writing:

- .1 in the case of a decision to refuse to designate an organisation as an *approved training organisation*, to that organisation; and
- .2 in the case of a decision to withdraw approval from an *approved training organisation*, to:
 - a that organisation;
 - b any *person* who is undertaking or has agreed to undertake a *pupillage* in that organisation; and
 - c the *Inn* of which any such *person* is a member.

rQ42 Any *person* or organisation to whom the *Bar Standards Board* is required to give notice of a decision under Rule rQ41 may ask for a review of the decision under

Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

rQ43 If the *Bar Standards Board* withdraws approval from an *approved training organisation*, the organisation may not claim repayment of any *pupillage* award or other sum paid to any *pupil* or prospective *pupil*.

Acting as a Pupil Supervisor

rQ44 A *barrister* may act as a *pupil supervisor* if the *barrister*:

- .1 is on the register of approved *pupil supervisors* kept by the *Bar Standards Board*;
- .2 has a current practising certificate; and
- .3 has regularly practised as a *barrister* during the previous two years.

Registration as a Pupil Supervisor

rQ45 The *Bar Standards Board* may enter a *barrister* on the register of approved *pupil supervisors* if the *barrister* is approved by an *Inn* of which the *barrister* is a member.

rQ46 The *Bar Standards Board* may refuse to enter a *barrister* on the register of approved *pupil supervisors* if the *Bar Standards Board* finds that the *barrister* is unsuitable for any reason to act as a *pupil supervisor*.

rQ47 If the *Bar Standards Board* refuses to enter a *barrister* on the register of approved *pupil supervisors*, it will notify the *barrister* and the *Inn* which approved the *barrister* as a *pupil supervisor* of its decision and of the reasons for it.

rQ48 An *Inn* must approve a *barrister* as a *pupil supervisor* if:

- .1 the *barrister* has a current *practising certificate*;
- .2 the *Inn* is satisfied that the *barrister* has the necessary experience and is otherwise suitable to act as a *pupil supervisor*; and
- .3 the *barrister* has submitted an application in accordance with Rule rQ50.

rQ49 To have the necessary experience to act as a *pupil supervisor* a *barrister* should normally:

- .1 have practised in the United Kingdom or another *Member State* as a *barrister* (other than as a *pupil* who has not completed *pupillage* in accordance with this Section 4.B5) or as a *person* authorised to exercise a *right of audience* or to *conduct litigation* by another *Approved Regulator* for a period for at least six years in the previous eight years; and
- .2 for the previous two years have regularly practised as a *barrister* and been entitled to exercise a *right of audience* before every *court* in England and Wales in relation to all proceedings.

Application Procedure to become a Pupil Supervisor

rQ50 A *barrister* who wishes to be entered on the register of approved *pupil supervisors* must submit to the *Inn* an application in the form currently prescribed by the *Bar Standards Board*. The application must be supported:

- .1 by an independent *person* who is a High Court Judge or Circuit Judge, a Leader of a Circuit, a Deputy High Court Judge, a Recorder, a Queen's Counsel, a Master of the Bench of an Inn, Treasury Counsel or a *person* of comparable standing who is able to comment from *personal* knowledge on the applicant's suitability to act as a *pupil supervisor*; and
- .2 Subject to Rule rQ50.3 below,
- .3 in the case of a *self-employed barrister*, by the applicant's Head of *chambers*, or
 - a in the case of an employed *barrister*, by a more senior lawyer employed in the same organisation and who has direct knowledge of the work of the applicant;
- .4 If the applicant is a Head of *chambers*, or there is no more senior lawyer employed in the same organisation with the required knowledge, or for any other reason the support of the *person* referred to in Rule rQ50.2 is not available, by a second *person* falling within Rule rQ50.1 above.

Training of Pupil Supervisors

rQ51 The *Bar Standards Board*, in consultation with the Inns, may and will normally require *pupil supervisors* to undertake training before they may be entered or after they have been entered on the register of approved *pupil supervisors*.

Removal from the Register of Pupil Supervisors

rQ52 The *Bar Standards Board* may remove a *barrister's* name from the register of approved *pupil supervisors* if the *barrister*:

- .1 ceases to practise as a *barrister* or is *suspended* from *practice* as a *barrister*; or
- .2 requests the *Bar Standards Board* in writing to be removed from the register; or
- .3 fails to complete any training required under Rule rQ51; or
- .4 is found by the *Bar Standards Board* to be unsuitable for any reason to act as a *pupil supervisor*; or
- .5 has not acted as a *pupil supervisor* for the previous five years.

rQ53 If the *Bar Standards Board* decides that a *barrister's* name should be removed from the register of approved *pupil supervisors*, it will notify the *barrister* and the *Inn* which approved the *barrister* as a *pupil supervisor* of its decision and of the reasons for it.

Duties of Pupil Supervisors

rQ54 A *pupil supervisor* must when responsible for supervising any pupil:

- .1 take all reasonable steps to provide the *pupil* with adequate tuition, supervision and experience;
- .2 have regard to any *pupillage* guidelines issued by the *Bar Standards Board* and to the Equality Code for the Bar; and
- .3 ensure that the *pupil* prepares for and attends any further training required by the *Bar Standards Board* such as advocacy training provided by the *pupil's* Circuit or Inn.

rQ55 A *pupil supervisor* may not be responsible for supervising more than one *pupil* at a time except with the approval in writing of the *Bar Standards Board*.

Complaints about Pupil Supervisors

- rQ56** If any complaint or other matter which appears to affect the suitability of a *barrister* to continue to act as a *pupil supervisor* comes to the notice of the *Inn* which approved the *barrister*, the *Inn* must inform the *Bar Standards Board* of the matter.
- rQ57** If any complaint or other matter which appears to affect the suitability of a *barrister* to continue to act as a *pupil supervisor* comes to the notice of the *Bar Standards Board*, the *Bar Standards Board* will investigate the matter.
- rQ58** After such an investigation, the *Bar Standards Board* may:
- .1 dismiss any complaint; or
 - .2 take no action; or
 - .3 if in its opinion the matter is such as to require informal treatment, draw it to the *barrister's* attention in writing and if thought desirable direct the *barrister* to attend upon a nominated *person* for advice; or
 - .4 if in its opinion the conduct disclosed shows that the *barrister* is unsuitable to act as a *pupil supervisor*, remove the name of the *barrister* from the register of approved *pupil supervisors*.
- rQ59** A *barrister* whose application to be approved as a *pupil supervisor* is rejected or whose name is removed from the register of approved *pupil supervisors* may ask for a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

External Training

- rQ60** With the written permission of the *Bar Standards Board*, part or all of the practising period of *pupillage* may be satisfied by training:
- .1 with a *solicitor*, judge or other suitably *qualified lawyer* who is not a registered *pupil supervisor*, and/or
 - .2 in an organisation which is not an *approved training organisation* but which, in the opinion of the *Bar Standards Board*, provides suitable training and experience.

Advertising

rQ61 Subject to Rule C114, all vacancies for *pupillage* must be advertised on a website designated by the *Bar Council* and the following information must be provided:

.1 In respect of *chambers*:

- a** the name and address of *chambers*;
- b** the number of tenants;
- c** a brief statement of the work done by *Chambers*, e.g., “predominantly criminal”;
- d** the number of *pupillage* vacancies;
- e** the level of award;
- f** the procedure for applying;
- g** the minimum educational or other qualifications required;
- h** the closing date for applications;
- i** the date by which the decisions will be made;

.2 in respect of entities:

- a** the name and address of the ***BSB authorised body***;
- b** the number of ***barristers*** employed by that entity;
- c** a brief statement of the work done by the entity, eg, “predominantly criminal”;
- d** the number of ***pupillage*** vacancies;
- e** the level of award;
- f** the procedure for application;
- g** the minimum educational or other qualifications required;

- h the closing date for applications;**
- i the date by which the decisions will be made.**

Registration of Pupillage

- rQ62** Before starting any period of *pupillage* (including any period of external training) a *person* must apply to the *Bar Standards Board* for registration of the *pupillage* by submitting an application in the form prescribed by the *Bar Standards Board*.
- rQ63** The *Bar Standards Board* will register the *pupillage* if it is satisfied that the application has been duly completed and that the *pupillage* complies with this Section 4.B5.
- rQ64** If a *person* applies to the *Bar Standards Board* for registration of a *pupillage* after the *pupillage* has started, the *pupillage* will be treated as having started on the date the application is received, unless the *Bar Standards Board* permits otherwise.
- rQ65** If the *Bar Standards Board* refuses to register a *pupillage*, it will inform the *pupil* in writing of its decision and of the reasons for it.
- rQ66** If the *Bar Standards Board* refuses to register a *pupillage*, the *pupil* may ask for a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.
- rQ67** If any of the information provided in an application for registration of a *pupillage* changes before the *pupillage* has been completed, the *pupil* must promptly notify the *Bar Standards Board* in writing of the change.

Qualification Certificates

- rQ68** On completion of the non-practising period of *pupillage*, the *Bar Standards Board* will issue the *pupil* with a *provisional qualification certificate* provided that the *pupil* has been called to the *Bar* under Section 4.B9 and the *Bar Standards Board* is satisfied:
- .1** that the *pupil* has satisfactorily completed the non-practising period of *pupillage* and any further training required under Rule rQ30.1; and

.2 that the *pupillage* is registered and complied with this Section 4.B5.

rQ69 When the *pupil* completes the practising period of *pupillage*, the *Bar Standards Board* will issue him with a *full qualification certificate*, if the *pupil* has a *provisional qualification certificate* and the *Bar Standards Board* is satisfied:

.1 that the *pupil* has satisfactorily completed the practising period of *pupillage* and any further training required under Rule rQ30.1; and

.2 that the *pupillage* is registered, and has complied with this Section 4.B5.

rQ70 For the purpose of this Section 4.B5, a *pupil* is to be treated as having satisfactorily completed a period of *pupillage* if the *pupil*:

.1 has been diligent in receiving the instruction given; and

.2 has achieved the minimum level of competence required of a *pupil* at the end of the relevant period.

rQ71 The *Bar Standards Board* may accept as evidence that a *pupil* has satisfactorily completed any period of *pupillage* a certificate to this effect from the *pupil supervisor* (or the *person* responsible for external training) with whom the *pupil* has completed that period.

rQ72 If a *pupil supervisor* is unable or unwilling to provide a certificate that a *pupil* has satisfactorily completed a period of *pupillage*, the *Bar Standards Board* may accept such a certificate signed by the Head of *chambers* or *person* in charge of *pupillage* in the training organisation where the *pupillage* has been done if the certificate contains a satisfactory explanation of why the *pupil supervisor* has not signed it.

rQ73 If the *Bar Standards Board* is not satisfied:

.1 that the *pupil* has satisfactorily completed a period of *pupillage*, and/or

.2 that the *pupillage* is registered and complied with this Section 4.B5;

the *Bar Standards Board* may specify further training which the *pupil* must satisfactorily complete before the *Bar Standards Board* will issue the *pupil* with a *provisional qualification certificate* or a *full qualification certificate* (as the case may be).

rQ74 If the *Bar Standards Board* refuses to issue a *provisional qualification certificate* or a *full qualification certificate*, the *pupil* may ask for a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

B6. Qualifying Sessions

rQ75 In this Part 4.B6 a qualifying session means an event (or part of an event) of an educational and collegiate nature arranged by or on behalf of an Inn;

rQ76 Subject to Rules rQ77 and rQ82, a *person* who is admitted to an *Inn* must attend 12 *qualifying sessions* during a period of no more than five years ending on the date on which that *person* is called to the Bar.

rQ77 An *Inn* may on an application showing such exceptional grounds as satisfy criteria agreed by all four Inns waive or modify the requirement to attend *qualifying sessions*.

rQ78 Each *Inn* is responsible, in cooperation with the other Inns, for:

- .1 ensuring that suitable *qualifying sessions* are available for its members;
and
- .2 deciding what requirements must be satisfied for a *person* to be credited with attendance at one or more qualifying sessions; and
- .3 agreeing criteria which specify the grounds on which the requirement to attend qualifying sessions may be waived or modified.

B7. Exemptions from Training Requirements

rQ79 The *Bar Standards Board* may grant exemptions from part or all of:

- .1 the Academic Stage,
- .2 the *vocational stage*, and/or
- .3 the Professional Stage,

of training.

rQ80 In exercising its discretion whether to grant an exemption from part or all of any Stage of training, the *Bar Standards Board* will determine whether the relevant knowledge and experience of the applicant make it unnecessary for the applicant to do such training.

rQ81 An exemption from part or all of any Stage of training may be granted unconditionally or subject to conditions, which may include in an appropriate case:

- .1 a requirement to do training instead of the training prescribed by this Section 4.B; and/or
- .2 a condition that the applicant must pass a *Bar Transfer Test*.

rQ82 Where the *Bar Standards Board* exempts a *person* from the Vocational or Professional Stage of training, it may also:

- .1 grant exemption in whole or in part from the requirement to attend *qualifying sessions*; and
- .2 specify the period within which any requirement to attend *qualifying sessions* must be fulfilled, which may be a period ending after the *person* concerned has been called to the *Bar* and in the case of a Specially Qualified Applicant is usually a period of three years during which the applicant must attend six *qualifying sessions* unless special circumstances apply.

Applications

rQ83 An application for exemption under this Section must be in such form as may be prescribed by the *Bar Standards Board* and contain or be accompanied by the following:

- .1 details of the applicant's educational and professional qualifications and experience;
- .2 evidence (where applicable) that the applicant is or has been entitled to exercise rights of audience before any court, specifying the rights concerned and the basis of the applicant's entitlement to exercise such rights
- .3 any other representations or evidence on which the applicant wishes to rely in support of the application;
- .4 verified English translations of every document relied on which is not in the English language; and
- .5 the prescribed fee.

rQ84 Before deciding whether to grant any exemption under this Section, the *Bar Standards Board* may make any further enquiries or require the applicant to provide any further information that it considers relevant.

rQ85 A *person* whose application for exemption is rejected may ask for a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

Full Exemption

rQ86 If the *Bar Standards Board* is satisfied that an applicant falls within Rule rQ87, the *Bar Standards Board* will:

- .1 exempt the applicant from any Stage of training prescribed by this Section 4.B which the applicant has not fulfilled;
- .2 issue the applicant with a *full qualification certificate*; and
- .3 authorise the applicant to practise as a *barrister* on his being admitted to an *Inn* and called to the *Bar* under Section 4.B9 subject to complying with the Code of Conduct.

rQ87 The following categories of *person* fall within this Rule rQ87:

- .1 a *person* who has been granted rights of audience by an *authorised body* and is entitled to exercise those rights in relation to all proceedings in all courts of England and Wales;
- .2 subject to Rule rQ88, a *person* who has been granted rights of audience by an *authorised body* and is entitled to exercise those rights in relation to either all proceedings in the High Court or all proceedings in the Crown Court of England and Wales (but not both);
- .3 a *barrister* of Northern Ireland who has successfully completed *pupillage* in accordance with the rules of the *Bar* of Northern Ireland;
- .4 subject to Rule rQ89, a *Qualified European Lawyer*.

rQ88 The *Bar Standards Board* may exceptionally require an applicant who falls within Rule rQ87.2 to do part or all of the practising six months of *pupillage* if it considers this necessary having regard in particular to the knowledge, professional experience and intended future *practice* of the applicant.

rQ89 Subject to Rules rQ91 to rQ95, the *Bar Standards Board* may require a *Qualified European Lawyer* to pass a *Bar Transfer Test* if the *Bar Standards Board* determines that:

- .1 the matters covered by the education and training of the applicant differ substantially from those covered by the Academic, Vocational and Professional Stages of training; and
- .2 the knowledge acquired by the applicant in the course of his professional experience does not fully cover this substantial difference.

Registered European Lawyers

rQ90 The Rules governing registration as a *Registered European Lawyer* in Section 3.D of this *Handbook*.

rQ91 The *Bar Standards Board* may not require an applicant who is a *Registered European Lawyer* and who falls within Rule rQ93 or rQ94 to pass a *Bar Transfer Test* unless it considers that the applicant is unfit to *practise* as a *barrister*.

rQ92 In considering whether to require an applicant who falls within Rule rQ94 to pass a *Bar Transfer Test*, the *Bar Standards Board* must:

- .1 take into account the professional activities the applicant has pursued while a *Registered European Lawyer* and any knowledge and professional experience gained of, and any training received in, the law of any part of the United Kingdom and of the rules of professional conduct of the Bar; and
- .2 assess and verify at an interview the applicant's effective and regular pursuit of professional activities and capacity to continue the activities pursued.

rQ93 To fall within this Rule rQ93 an applicant must have:

- .1 for a period of at least three years been a *Registered European Lawyer*, and
- .2 for a period of at least three years effectively and regularly pursued in England and Wales under a Home Professional Title professional activities in the law of England and Wales.

rQ94 To fall within this Rule rQ94 an applicant must have:

- .1 for a period of at least three years been a *Registered European Lawyer*, and
- .2 for a period of at least three years effectively and regularly pursued in England and Wales professional activities under a Home Professional Title; and
- .3 for a period of less than three years effectively and regularly pursued in England and Wales under a Home Professional Title professional activities in the law of England and Wales.

rQ95 For the purpose of this Section 4.B17, activities are to be regarded as effectively and regularly pursued if they are actually exercised without any interruptions other than those resulting from the events of everyday life.

Partial Exemption

rQ96 If the *Bar Standards Board* is satisfied that an applicant falls within RulerQ97, the *Bar Standards Board* will:

- .1 exempt the applicant from the Academic Stage and the *vocational stage* and, if the *Bar Standards Board* thinks fit, from part or all of the Professional Stage of training; and
- .2 if the applicant is exempted from the whole of the non-practising six months of *pupillage*, issue the applicant with a *provisional qualification certificate*.

rQ97 The following categories of *person* fall within this RulerQ97:

- .1 a *person* who has been granted rights of audience by another Approved Regulator and is entitled to exercise those rights in relation to any class of proceedings in any of the *Senior Courts* or all proceedings in county courts or magistrates' courts in England and Wales;
- .2 a *Qualified Foreign Lawyer* who has for a period of at least three years regularly exercised full rights of audience in courts which administer law substantially similar to the common law of England and Wales;
- .3 a teacher of the law of England and Wales of experience and academic distinction.

Temporary Call to the Bar of Qualified Foreign Lawyers

rQ98 A *Qualified Foreign Lawyer* ("the applicant") who falls within Rule rQ97.2 is entitled to be admitted to an *Inn* and called to the *Bar* on a temporary basis for the purpose of appearing as counsel in a particular case before a *court* of England and Wales without being required to satisfy any other requirements of this Section 4.B if the applicant has:

- .1 obtained from the *Bar Standards Board* and submitted to an *Inn* a *Temporary Qualification Certificate* specifying the case for the purposes of which the applicant is authorised to be called to the *Bar*;
- .2 duly completed and signed a *call declaration* in the form prescribed by the *Bar Standards Board* from time to time; and
- .3 paid the fee prescribed by the *Inn*.

rQ99 The *Bar Standards Board* will issue a Temporary Qualification Certificate if the applicant submits to the *Bar Standards Board*:

- .1 evidence which establishes that the applicant is a *Qualified European Lawyer* or falls within RulerQ97.2;
- .2 a *certificate of good standing*; and
- .3 evidence which establishes that a Professional *Client* wishes to instruct the applicant to appear as counsel in the case or cases for the purposes of which the applicant seeks temporary *call* to the Bar.

rQ100 *Admission to an Inn* and *call* to the *Bar* under Rule rQ98 take effect when the applicant is given notice in writing by the *Inn* that the applicant has been admitted to the *Inn* and called to the *Bar* under Rule rQ98 and automatically cease to have effect on conclusion of the case or cases specified in the applicant's Temporary Qualification Certificate.

B8. Conduct of Students

rQ101 References in this Section to "the Inn" are to any *Inn* of which the *student* concerned is a member.

rQ102 A *student* must observe any regulations about to conduct and discipline made by the Inn.

rQ103 If a *student*:

- .1 becomes the subject of *pending Criminal Proceedings* or is convicted of a *Criminal offence*, or
- .2 becomes the subject of pending disciplinary proceedings or is convicted of a disciplinary offence by a professional or regulatory body, or
- .3 is the subject of a *Bankruptcy Order* or *directors disqualification order* or enters into an individual voluntary arrangement with creditors, or
- .4 is found guilty of an academic offence by a higher education institution (and has not successfully appealed against that finding),

the *student* must immediately notify the *Inn* in writing.

rQ104 This Rule rQ104 applies where notification is given or a *complaint* or report is made or it appears to an *Inn* from information given in the *student's call declaration* or otherwise that a *student* of the *Inn* has or may have:

- .1 made any false statement or acted in breach of any undertaking given in the *student's admission declaration* or *call declaration*; or
- .2 while a *student*:
 - a committed any breach of any regulations made by the *Inn* concerning the conduct and discipline of its members; or
 - b been convicted of a *Criminal offence*; or
 - c been convicted of a disciplinary offence by a professional or regulatory body; or

- d** been the subject of a *Bankruptcy Order* or *directors disqualification order* or entered into an individual voluntary arrangement with creditors; or
- e** been found guilty by the course provider of cheating or other misconduct on a *Bar Professional Training Course* (and has not successfully appealed against that finding); or
- f** otherwise been guilty of any conduct discreditable to a member of an Inn.

rQ105 Where Rule rQ104 applies, the Inn:

- .1** may make any enquiries or require the *student* to provide such information as it may think fit; and
- .2** must consider whether the matter is a *serious matter*.

rQ106 If the *Inn* decides that the matter is not a *serious matter*, the *Inn* may deal with the matter under its internal disciplinary procedure and at the conclusion of that procedure may:

- .1** dismiss any complaint; or
- .2** decide to take no action; or
- .3** advise the *student* as to future conduct; or
- .4** reprimand the *student*; or
- .5** ban the *student* for a specified period from using some or all of the Inn's facilities.

rQ107 A *student* may appeal from a decision of an *Inn* under its internal disciplinary procedure to the Inns' Conduct Committee.

rQ108 If at any stage the *Inn* decides that the matter is a *serious matter*, the *Inn* must refer the matter to the Inns' Conduct Committee for determination. After determining the matter, the Inns' Conduct Committee must send a report of its findings and reasons to the *student* and to the Inn.

rQ109 If the Inns' Conduct Committee (or the *Bar Standards Board* on a review under Section 4.B10) finds a *serious matter* proved, it may:

- .1 advise the *student* as to future conduct; or
- .2 reprimand the *student*; or
- .3 order that the *student's call* to the *Bar* be postponed for a specified period; or
- .4 direct that the *student* be expelled from the *Inn* (in which case the *Inn* must expel the *student*).

rQ110 If the Inns' Conduct Committee finds a *serious matter* proved, the *student* may ask for a review under Section 4.B10 of the decision of the Inns' Conduct Committee, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given.

rQ111 Where Rule rQ104 applies, the *student* is not entitled to be called to the Bar:

- .1 until the *Inn* has decided that the matter is not a *serious matter*; or
- .2 if the *Inn* decides that the matter is a *serious matter*, until the matter has been determined; or
- .3 if the Inns' Conduct Committee (or the *Bar Standards Board* following a review under Section 4.B10) orders that the *student's call* to the *Bar* be postponed for a specified period, until that period has expired.

B9. Call to the Bar

Requirements for Call

rQ112 Subject to Rules rQ111, rQ113 and, rQ117 a *person* is entitled to be called to the *Bar* by an *Inn* of which that *person* is a member if that *person* has:

- .1 completed or been exempted from the *vocational stage* of training in accordance with this Section 4.B;
- .2 complied with any applicable requirement to attend *qualifying sessions*;
- .3 submitted to the *Inn* a duly completed and signed a *call declaration* in the form prescribed by the *Bar Standards Board* from time to time; and
- .4 paid the fee prescribed by the *Inn*.

rQ113 Before deciding whether a *person* who has complied with Rule rQ112 (“the candidate”) is entitled to be called to the *Bar*, the *Inn*:

- .1 may make any enquiries or require the candidate to provide any further information that it considers relevant;
- .2 must consider whether Rule rQ104 applies; and
- .3 if Rule rQ104 applies, must give effect to Rule rQ111.

rQ114 If the *Inn* decides that the candidate is not entitled to be called to the *Bar*, the *Inn* must inform the candidate of its decision and of the reasons for it.

rQ115 If the *Inn* decides that the candidate is not entitled to be called to the *Bar*, the candidate may request a review of the decision under Section 4.B10, provided that the request is made in writing to the *Bar Standards Board* within one month of the date when notice of the decision was given by the *Inn*.

rQ116 If on a review under Section 4.B10 the *Bar Standards Board* decides that the candidate is entitled to be called to the *Bar*, the *Inn* must *call* the candidate to the *Bar*.

rQ117 Where it is alleged that the *call declaration* made by a *barrister* on *call* is false in any material respect or that the *barrister* has engaged before *call* in conduct which is dishonest or otherwise discreditable to a *barrister* and which was not,

before *call*, fairly disclosed in writing to the Benchers of the *Inn* calling him or where any undertaking given by a *barrister* on *call* to the *Bar* is breached in any material respect that shall be treated as an allegation of a breach of this *Handbook* and will be subject to the provisions of Part 5.

Call Days and Procedure

rQ118 Calls to the *Bar* will take place on such days as may be authorised from time to time by the Inns' Council.

rQ119 A candidate must be called to the *Bar* in *person* unless given written permission by the *Inn* to be absent from the *call* ceremony.

B10. Review and Appeals

rQ120 Where provision is made under this Section 4.B for a review by the *Bar Standards Board* of a decision, any request for such a review must be accompanied by:

- .1 a copy of any notice of the decision and the reasons for it received by the *person* or organisation requesting the review (“the applicant”);
- .2 where the decision is a decision of an *Inn* or of the Inns’ Conduct Committee, copies of all documents submitted or received by the applicant which were before the *Inn* or the Inns’ Conduct Committee (as the case may be);
- .3 any further representations and evidence which the applicant wishes the *Bar Standards Board* to take into account; and
- .4 the prescribed fee.

rQ121 Where the decision under review is a decision of an *Inn* or of the Inns’ Conduct Committee, the *Bar Standards Board* will invite the *Inn* or the Inns’ Conduct Committee (as the case may be) to comment on any further representations and evidence which the applicant submits under Rule rQ120.3.

rQ122 On a review under this Section the *Bar Standards Board*:

- .1 may affirm the decision under review or substitute any other decision which could have been made on the original application;
- .2 may in an appropriate case reimburse the fee paid under Rule rQ120.4; and
- .3 will inform the applicant and any other interested *person* of its decision and the reasons for it.

rQ123 Where under this Section 4.B provision is made for a review by the *Bar Standards Board* of a decision, no appeal may be made to *the Visitors to the Inns of Court* unless such a review has taken place.

rQ124 Subject to Rule rQ123, a *person* or organisation who is adversely affected by a decision of the *Bar Standards Board* may appeal to *the Visitors to the Inns of*

Court against the decision, in accordance with the *Hearings before the Visitors Rules*.

B11. Powers of the Inns

Inns' Conduct Committee

rQ125 Subject to this Section 4.B, the Inns' Conduct Committee shall have power to carry out the functions specified in the Inns' Conduct Committee Rules.

rQ126 The Inns' Conduct Committee Rules must be approved by the *Bar Standards Board* and any amendment to those rules will take effect on:

- .1 the date when the amendment is approved by the *Bar Standards Board*; or
- .2 such later date as the *Bar Standards Board* appoints.

rQ127 The *Bar Standards Board* may:

- .1 issue guidance which the Inns' Conduct Committee must follow in carrying out its functions; and
- .2 ask for information about the performance of those functions which the Inns' Conduct Committee must provide to the *Bar Standards Board*.

Other Powers

rQ128 Subject to the approval of the *Bar Standards Board*, an *Inn* may charge such fees as it prescribes for dealing with applications and calling *persons* to the *Bar* under this Section 4.B.

rQ129 Any function or power which under this Section 4.B is exercisable by an *Inn* or by the Inns' Conduct Committee may be delegated (and sub-delegated) to any committee, body or *person* to the extent permitted by the standing orders of the *Inn* or the Inns' Conduct Committee Rules (as the case may be).

C. The CPD Rules

The Mandatory Continuing Professional Development Requirements

rQ130 For the purpose of this Section 4.C:

- .1 "calendar year" means a period of one year starting on 1 January in the year in question;
- .2 the "mandatory requirements" are those in Rules rQ131 to rQ136 below.
- .3 a "*pupillage year*" is any calendar year in which a *barrister* is at any time a *pupil*.

rQ131 Any practising *barrister* who, as at 1 October 2001, had started but not completed the period of three years referred to in the Continuing Education Scheme Rules at Annex Q to the Sixth Edition of the Code of Conduct must complete a minimum of 42 hours of continuing professional development during his first three years of *practice*.

Guidance on Rules rQ131

gQ1 Rule rQ131 is intended to apply only in those limited circumstances where a *barrister* started *practice* before 1 October 2001 but after the New Practitioners Programme ("NPP") first came into force, left *practice* before completing the NPP, but has since returned. Rule rQ131 requires them to finish their NPP during whatever is left of their first three years of *practice*.

rQ132 Any practising *barrister* who starts *practice* on or after 1 October 2001 must during the first three calendar years in which the *barrister* holds a practising certificate after any *pupillage year* complete a minimum of 45 hours of continuing professional development.

rQ133 Subject to Rule rQ134, any *barrister*:

- .1 must, if he holds a practising certificate or certificates throughout the whole of any calendar year, complete a minimum of 12 hours of continuing professional development during that period; and

- .2 must, if he holds a *practising certificate* or certificate for part only of a calendar year, complete one hour of continuing professional development during that calendar year for each month for which he holds a *practising certificate*.

rQ134 Rule rQ133 does not apply:

- .1 in the case of a *barrister* to whom Rule rQ131 applies, to any calendar year forming or containing part of the period of 3 years referred to in Rule rQ131; or
- .2 in the case of a *barrister* to whom Rule rQ132 applies, during any *pupillage year* or during the first three calendar years in which the *barrister* holds a *practising certificate*.

rQ135 Any *practising barrister* must submit details of the continuing professional development he has done to the *Bar Standards Board* in the form prescribed, and at the time specified, by the *Bar Standards Board*.

rQ136 The *Bar Standards Board* may, by resolution, specify the nature, content and format of courses and other activities which may be done by *barristers* (or by any category of *barristers*) in order to satisfy the mandatory requirements.

rQ137 The *Bar Standards Board* may, by resolution and after consultation with the Inns, Circuits and other providers as appropriate, increase the minimum number of hours of continuing professional development which must be completed in order to satisfy any of the mandatory requirements.