

## Annex 1

### ~~Quality Assurance Scheme for Advocates Rules~~

#### ~~Scope of QASA~~

~~rC31 Subject to Rule rC32, you must not undertake *criminal advocacy* unless you have *provisional accreditation* or *full accreditation* in accordance with these *QASA Rules* and with the *QASA Handbook*. rC31-rC63 removed from 1 October 2018.~~

~~rC32 *Barristers* who do not have *provisional accreditation* or *full accreditation* under the *QASA* are permitted to undertake *criminal advocacy*:~~

~~.1 in hearings which primarily involve advocacy which is outside of the definition of *criminal advocacy*; or~~

~~.2 if they have been instructed specifically as a result of their specialism in work outside of the definition of *criminal advocacy*.~~

~~rC33 You shall only undertake *criminal advocacy* in hearings which you are satisfied fall within the *QASA level* at which you are accredited, or any *QASA level* below the same, unless you are satisfied that you are competent to accept instructions for a case at a higher *QASA level* strictly in accordance with the criteria prescribed in the *QASA Handbook*.~~

#### ~~Provisional accreditation~~

~~rC34 If you are granted *provisional accreditation*, you must apply to convert this to *full accreditation* within 12 or 24 months of the date on which your *provisional accreditation* was granted.~~

#### ~~Full accreditation~~

~~rC35 If you are granted *full accreditation*, it will be valid for 5 years from the date on which it was granted.~~

~~*General provisions relating to applications for registration, progression or re-accreditation*~~

rC36 ~~You may apply for registration, progression or re-accreditation under these QASA Rules. In support of an application you shall submit such information as may be prescribed by the QASA. This will include:~~

- ~~.1 completing the relevant application form supplied by the *Bar Standards Board* and submitting it to the *Bar Standards Board*;~~
- ~~.2 submitting such information in support of the application as may be prescribed by the QASA. This will include all of the *criminal advocacy evaluation forms* that you have obtained; and~~
- ~~.3 paying the appropriate fee in the amount determined in accordance with the *Bar Standards Board's* published fees policy.~~

rC37 ~~An application will only have been made once the *Bar Standards Board* has received the application form completed in full, together with all information required in support of the application and confirmation from you in the form of a declaration that the information contained within, or submitted in support of, the application is full and accurate.~~

rC38 ~~You are personally responsible for the contents of your application and any information submitted to the *Bar Standards Board* by you or on your behalf, and you must not submit (or cause or permit to be submitted on your behalf) information to the *Bar Standards Board* which you do not believe is full and accurate.~~

rC39 ~~On receipt of an application, the *Bar Standards Board* shall decide whether to grant or refuse the application, and shall notify you accordingly, giving reasons for any decision to refuse the application. This decision will take effect when it has been communicated to the *barrister* concerned.~~

rC40 ~~Before reaching a decision on the application, the *Bar Standards Board* may appoint an *independent* assessor to conduct an assessment of your competence to conduct *criminal advocacy* at the relevant *QASA level*.~~

*Registration for QASA*

rC41 ~~In order to be accredited under QASA barristers must first apply for registration. In support of an application you shall submit such information as may be prescribed by the QASA.~~

~~QASA Level 1~~

~~.1 If you apply for registration at QASA level 1 and your application is successful, you will be awarded full accreditation at QASA level 1.~~

~~QASA Levels 2 to 4~~

~~.2 If you apply for registration at QASA levels 2, 3 or 4 and your application is successful, you will be awarded Provisional accreditation which will be valid for 24 months.~~

~~.3 You must apply to convert your provisional accreditation to full accreditation within 24 months.~~

~~.4 You must be assessed in your first effective criminal trials at your QASA level and submit the prescribed number of completed criminal advocacy evaluation forms confirming that you are competent in accordance with the competence framework detailed in the QASA Handbook.~~

~~.5 Your application must include all completed criminal advocacy evaluation forms obtained by you in effective trials.~~

~~.6 If your application is successful you will be awarded full accreditation.~~

~~.7 Subject to Rule rC41.8, if your application for full accreditation is unsuccessful, you shall be granted provisional accreditation at the QASA level below and shall be required to apply to convert this to full accreditation at that lower QASA level in accordance with Rules rC41.3 to rC41.5.~~

~~.8 If your application for full accreditation at QASA level 2 is unsuccessful, you shall be granted accreditation at QASA level 1.~~

Barristers not undertaking trials

- ~~.9 If you do not intend to undertake criminal trials you may apply for *registration* at *QASA level 2*. If your application is successful, you will be awarded *provisional accreditation*. You must be assessed via an *approved assessment organisation* within 24 months.~~
- ~~.10 If your application for *full accreditation* is successful you shall be awarded *full accreditation* and will be permitted to undertake non-trial hearings up to *QASA level 3* and trials at *QASA level 1*.~~
- ~~.11 Once you have *full accreditation*, if you wish to undertake trials at *QASA level 2* you must inform the BSB of your intention and comply with Rules rC42.2 to Rules rC42.5.~~

#### ~~Barristers who took silk between 2010 and 2013~~

- ~~.12 If you took silk between 2010 and 2013 inclusive you can register through the modified entry arrangements set out in paragraph 2.38 of the *QASA Handbook*~~

#### *Progression*

~~rC42 If you have *full accreditation*, you may apply for *accreditation* at the next higher *QASA level* to your current *QASA level*.~~

- ~~.1 *Progression to QASA level 2*~~
- ~~.2 If you wish to progress to *QASA level 2* you must first obtain *provisional accreditation* at *QASA level 2* by notifying the *Bar Standards Board* of your intention to progress.~~
- ~~.3 Your *provisional accreditation* will be valid for 24 months. In order to convert this to *full accreditation* you must be assessed in your first effective criminal trials at *QASA level 2* and submit the prescribed number of completed *criminal advocacy evaluation forms* confirming that you are competent in *QASA level 2* trials in accordance with the competence framework detailed in the *QASA Handbook*.~~
- ~~.4 Your application must include all completed *criminal advocacy evaluation forms* obtained by you in *effective trials*.~~

- ~~.5 Where your application is successful, you shall be granted *full accreditation* at *QASA level 2*, which is valid for 5 years from the date of issue.~~

~~*Progression to QASA level 3 and 4*~~

~~Stage 1~~

- ~~.6 You must first apply for *provisional accreditation* at the next higher *QASA level* to your current *QASA level*. In order to apply for *provisional accreditation*, you must submit the prescribed number of *criminal advocacy evaluation forms* confirming that you are very competent at your current *QASA level* in accordance with the competence framework detailed in the *QASA Handbook*.~~
- ~~.7 Your application must include all completed *criminal advocacy evaluation forms* obtained by you in *effective trials*. These should be obtained within a 12 month period.~~
- ~~.8 If your application is successful you will be awarded *provisional accreditation*.~~

~~Stage 2~~

- ~~.9 Your *provisional accreditation* will be valid for 12 months. You must apply to convert your *provisional accreditation* to *full accreditation* before your *provisional accreditation* expires.~~
- ~~.10 You must be assessed in your first effective criminal trials at your new *QASA level* and submit the prescribed number of completed *criminal advocacy evaluation forms* confirming that you are competent in accordance with the competence framework detailed in the *QASA Handbook*.~~
- ~~.11 Your application must include all completed *criminal advocacy evaluation forms* obtained by you in *effective trials*.~~
- ~~.12 If your application is successful you will be awarded *full accreditation*.~~
- ~~.13 If your application for *full accreditation* is unsuccessful, you may continue to conduct *criminal advocacy* at your current *QASA level* until the expiry of your current accreditation.~~

*Re-accreditation*

rC43 ~~You must apply for *re-accreditation* at the *QASA level* at which you are accredited within five years from the date on which your *full accreditation* was granted.~~

rC44 ~~You shall submit, in support of an application for *re-accreditation*, evidence to demonstrate your competence to conduct *criminal advocacy* at the *QASA level* at which you are accredited, comprising:~~

- ~~.1 if you are accredited at *QASA level 1*, evidence of the assessed continuing professional development undertaken by you in the field of advocacy in the period since you were accredited at *QASA level 1* or, if you have previously been *re-accredited* at that *QASA level*, since your most recent *re-accreditation*;~~
- ~~.2 if you are accredited at *QASA level 2, 3 or 4*, the number of *criminal advocacy evaluation forms prescribed by the QASA*. Your application must include all completed *criminal advocacy evaluation forms* obtained by you in consecutive *effective trials* in the 24 months preceding the application.~~

rC45 ~~If your application is successful you will be awarded *full accreditation* for a period of 5 years.~~

rC46 ~~Subject to Rules rC47, if your application for *re-accreditation* is unsuccessful, you shall be granted *provisional accreditation* at the *QASA level* below and shall be required to apply to convert this to *full accreditation* at that lower *QASA level* in accordance with Rules rC41.3 to rC41.5.~~

rC47 ~~If your application for *re-accreditation* at *QASA level 2* is unsuccessful, you shall be granted accreditation at *QASA level 1*.~~

*Lapse of accreditation*

rC48 ~~Subject to Rule rC50, your *provisional accreditation* will lapse if you do not apply for *full accreditation* before it expires.~~

rC49 ~~Subject to Rule rC50, your *full accreditation* will lapse if you do not apply for *re-accreditation* within 5 years of the date on which you were awarded *full accreditation*.~~

~~rC50 If the BSB has received an application within the period of accreditation, the accreditation will not lapse whilst a decision is pending.~~

~~rC51 If your accreditation lapses, you may not undertake criminal advocacy in accordance with rC31.~~

#### ~~Applications for variation~~

~~rC52 Where your individual circumstances result in you encountering difficulties in obtaining completed criminal advocacy evaluation forms within the specified period, then you may apply to the Bar Standards Board for an extension of time to comply with the requirements; or~~

~~rC53 Where your individual circumstances result in you encountering difficulties in obtaining completed criminal advocacy evaluation forms, then you may apply to the Bar Standards Board for your competence to conduct criminal advocacy to be assessed by an independent assessor, and you may submit the results of the assessment in support of your application for registration, re-accreditation or progression in the place of one criminal advocacy evaluation form.~~

#### ~~Managing underperformance~~

~~rC54 The Bar Standards Board may receive criminal advocacy evaluation forms raising concerns regarding your competence to conduct criminal advocacy at any time.~~

~~rC55 Where concerns regarding your competence to conduct criminal advocacy are brought to the attention of the Bar Standards Board, either during the course of its consideration of an application brought by you under these Rules, or as a result of concerns raised under Rule rC54, it may decide to do one or more of the following:~~

- ~~.1 appoint an independent assessor to conduct an assessment of your criminal advocacy;~~
- ~~.2 recommend that you undertake, at your own cost, such training for such period as it may specify;~~
- ~~.3 revoke your accreditation at your current QASA level; and/or~~

~~.4 refer you for consideration of your health or conduct under the Fitness to Practise Rules or the Complaints Rules, as it considers appropriate,~~

~~and shall notify you accordingly, giving reasons for its decision.~~

~~rC56 Where your accreditation has been revoked, you shall be granted provisional accreditation at the QASA level below and shall be required to apply to convert this to full accreditation in accordance with Rules rC41.3 to rC41.5.~~

~~rC57 Where you have applied for registration or re-accreditation at QASA level 1, and your application has been refused, you will not be entitled to accept any instructions to conduct criminal advocacy, and the Bar Standards Board may recommend that you undertake training in accordance with Rule rC55.2 before you re-apply for registration or re-accreditation as appropriate.~~

~~rC58 Where you have undertaken training under Rule rC55.2, the Bar Standards Board shall, at the end of the specified period, assess whether you have satisfactorily completed the training before reaching a decision in relation to any further steps that it may consider appropriate to take in accordance with Rule rC55.~~

#### *Appeals*

~~rC59 You may appeal to the Bar Standards Board against any decision reached by it under these rules. Appeals must be made in accordance with the published Bar Standards Board QASA Appeals Policy.~~

#### *Commencement and transitional arrangements*

~~rC60 Subject to Rule rC63, the QASA Rules commence on 30 September 2013.~~

#### *Registration of barristers currently undertaking criminal advocacy*

~~rC61 Barristers currently undertaking criminal advocacy are required to apply for registration under the QASA Scheme in accordance with the phased implementation programme as set out at paragraphs 2.11 to 2.13 of the QASA Handbook.~~

~~rC62 The dates for registration will depend upon the primary circuit in which you practise. This will be the circuit in which you undertake criminal advocacy more frequently than in any other circuit.~~



- ~~.1 If you primarily practise in the Midland or Western Circuit, you must register for QASA from 30 September 2013 and before the first occasion on which you undertake *criminal advocacy* after 7 March 2014.~~
- ~~.2 If you primarily practise in the South Eastern Circuit, you must register for QASA from 10 March 2014 and before the first occasion on which you undertake *criminal advocacy* after 13 June 2014.~~
- ~~.3 If you primarily practise in the Northern, North Eastern or Wales and Chester Circuit, you must register for QASA from 30 June 2014 and before the first occasion on which you undertake *criminal advocacy* after 3 October 2014.~~

~~rC63 Subject to Rules rC63.1, rC63.2 and Rule rC31 commences for all advocates from 4 October 2014.~~

- ~~.1 Rule rC31 will commence for those advocates who primarily practise in the Midland or Western Circuit from 10 March 2014. Any advocate who undertakes *criminal advocacy* in these circuits without *accreditation* must be able to prove to the *Bar Standards Board* that they practise primarily in another circuit.~~
- ~~.2 Rule rC31 will commence for those advocates who primarily practise in the South Eastern Circuit from 14 June 2014. Any advocate who undertakes *criminal advocacy* in this circuit without *accreditation* must be able to prove to the *Bar Standards Board* that they practise primarily in the Northern, North Eastern or Wales and Chester Circuit.~~

