

**REGULATORY ASSURANCE DEPARTMENT**

**AUTHORISATIONS TEAM**

**CRITERIA AND GUIDELINES FOR A WAIVER OF RULE Q28.1**

These Notes are divided into two sections:

**A. Guidance Notes – General Procedure for applications and appeals**

**B. Criteria for applications**

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| ***Nature of Application*** | ***Brief Summary*** |
| 1. **Rule Q28.1 Waiver**
 | This covers applications by students for a waiver from the provisions of Rule Q28.1 (i.e. for permission to commence the Vocational Stage of training for the Bar before completing the Academic Stage). |

**A. Guidance Notes – General Procedure for applications and appeals**

**1 General**

* 1. In these Notes, the Bar Standards Board and its staff are referred to as the “the BSB”. The BSB Handbook is referred to as “the Handbook”. The Bar Training Rules, which constitute Section 4B of the Handbook, are referred to as “BTR”.
	2. These Notes set out the criteria and guidelines which the BSB applies in considering applications and should be read carefully and in conjunction with the Handbook.
1. **How applications are dealt with**
	1. Applications must be made on the current designated application, available from the BSB’s website, and accompanied by the relevant application fee.
	2. Applications may either be submitted as hard-copies by post or as scanned copies by email. All applications must be signed. Where original certificates or certified copies are required, these must be sent in hard-copy.
	3. The application fees for each type of application are listed on the BSB website. The preferred method of payment is bank transfer (BACS), the details for which are:

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| Bank Name: | Royal Bank of Scotland |
| Branch Name:  | Childs, Fleet Street |
| Sort Code: | 15-80-00 |
| Account No: | 62428522 |
| Account Name/Alias: | General Council of the Bar |
| Currency: | GBP |
| Bank Identifier Code (BIC): | RBOSGB2L |
| International Bank Account No (IBAN): | GB60RBOS15800062428522 |

When paying by BACS, **you must ensure with your bank that the BSB receives the full amount in Sterling: ie, you must pay all charges of both your bank and agents charges, including those of the BSB: ie, the handling charge levied by RBS if the issuing bank does not pay all bank charges.** **PLEASE ALSO ENSURE YOU PUT A REFERENCE OF “AUTH” AGAINST YOUR NAME ON THE TRANSACTION TO IDENTIFY THE PAYMENT**.

If you are unable to pay by this method, please contact the BSB for further advice.

Details of the Fee Waiver Policy are available on the BSB website.

* 1. All applications contain a declaration that the applicant has read, understood and complied with these Criteria and Guidelines.
	2. Applications are considered and determined under the powers of the Bar Standards Board. The Bar Standards Board has delegated to BSB staff the ability to take decisions within the criteria and guidelines set out in this document.
	3. An applicant must ensure that all supporting evidence is sent with the application form. An application will not be treated as “complete” until the application form, required supporting documentation and application fee have been received. The BSB may request further information or documentation be supplied in support of an application, but applicants should note that it is the primary responsibility of the applicant to provide all relevant information and supporting evidence.
	4. However, applicants should exercise judgement when selecting supporting evidence and ensure that only documentation that is relevant to the criteria set out in this document is supplied. In particular, it is usually **not** appropriate to supply examples of work. Any applicant who does supply such examples should ensure that documents that refer to third parties (eg clients) are suitably redacted so as to ensure anonymity. Any application that is supported by unredacted material will be returned to the applicant.
	5. The BSB will take into account all the circumstances of the particular application and will apply the guidelines set out in these Notes.
	6. All applications will be acknowledged in writing within seven days of receipt of the complete application form.
	7. The BSB normally deals with all applications within eight weeks of receipt and notifies applicants of its decision within 10 days of a decision.
	8. The BSB will treat all applications and any supporting documentation provided in the strictest confidence.
	9. All enquiries about applications whether proposed or pending should be addressed to the BSB.
1. **Reviews and Appeals**
	1. Any applicant who is dissatisfied with a decision may request a review of that decision.
	2. Any request for a review must be made on the designated application form and accompanied by the relevant application fee within one month of notification of the relevant decision and must be accompanied by the appropriate application fee. All requests will be acknowledged in writing within seven days of receipt.
	3. Review Panels deal with reviews of decisions as if the application was being dealt with afresh, applying the guidelines set out in these Notes. A Review Panel shall be entitled to have such regard to the original decision, and to uphold, vary or take into account such decision, as in its absolute discretion it feels appropriate.
	4. Applications for review are normally determined within 10 weeks of receipt. Should it not be possible to deal with a review within this timescale, the applicant will be notified.
	5. All enquiries about reviews whether proposed or pending should be addressed to the BSB.
	6. Where a Review Panel has determined a review of a decision, there is no procedure under the BTR for a further review. A Review Panel may undertake a further review under section B10 of the BTR but is not obliged to carry out such a further review. Any person dissatisfied with a determination of a Review Panel is advised to take independent legal or other appropriate advice.
	7. Rule Q123 provides that where the BTR provide for a review by the BSB of a decision, no appeal may be made to the High Court unless such a review has taken place.
	8. Rule Q124 provides that subject to Rule Q123, a person or organisation who is adversely affected by a decision of the BSB may appeal to the High Court, in accordance with the Civil Procedure Rules.

**Online Resources**

BSB website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

Application forms and guidelines: [www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/](https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations%2C-exemptions%2C-waivers-and-reviews/)

**Contact details**

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**B. Criteria for applications**

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| **Rule Q28.1 Waiver** |
| **General** 1.1 This form and guidance notes are applicable only to students submitting an application by 31 August 2019. If you intend to submit an application after this date, you must contact the Bar Standards Board for a copy of the new form. 1.2 Please read these notes carefully, in conjunction with the current Academic Stage Book, available to download from [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk), before completing and submitting your application.1.3 For details of the application fees for all Academic Stage applications, please refer to the Bar Standards Board website: [www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/](https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations%2C-exemptions%2C-waivers-and-reviews/) |
| **Introduction**2.1 Rule Q28.1 of the Bar Standards Board Handbook stipulates that before starting the Vocational Stage of training for the Bar of England and Wales, a person must have completed (or been exempted under Section 4.B7 of the Handbook from) the Academic Stage of training for the Bar.2.2 The Bar Standards Board has the power, in exceptional circumstances, to grant a waiver of Rule Q28.1.2.3 Submission of an application for a waiver of Rule Q28.1 must not be taken as a guarantee that such an application will be successful. The outcome of each application depends entirely on the individual circumstances of the applicant.2.4 A successful application for a waiver of Rule Q28.1 does not guarantee a place on the Bar Professional Training Course.  |
| **Information and Documentation**3.1 An applicant will be required to provide the following information and documentation:3.1.1 Evidence of mitigating circumstances: please provide evidence from the institution where you are undertaking your Academic Stage qualification (ie a Qualifying Law Degree (QLD) or the Common Professional Examination/Graduate Diploma in Law (CPE/GDL)) stating its acceptance of any mitigating circumstances which may have affected your performance, along with details of those circumstances and any other supporting evidence which you may wish that institution to provide.3.1.2 Re-sit Examinations/Assessments: please provide confirmation from the institution where you are undertaking your Academic Stage qualification (ie a Qualifying Law Degree or the CPE/GDL) of the date of the re-sit examination/assessment, the date of the Examination Board, the date upon which the final result will be known (and expected mark/grade), the number of credits that will remain outstanding at the proposed time of commencement of the professional stage and a predicted final overall grade/classification of your QLD or CPE/GDL.3.1.3 BPTC Provider Statement: please provide a statement from your BPTC provider confirming that the provider is willing to accept you on the course before satisfactory completion of the Academic Stage of training for the Bar (subject to the BSB granting you permission to do so).3.1.4 Missed or Incomplete Examinations/Assessments: where an examination(s) or assessment(s) has/have been missed, or coursework is incomplete due to illness or other exceptional circumstances, please provide independent evidence of the reasons(s) you were unable to take the examination(s)/assessment(s) or complete the coursework.3.1.5 Transcripts: currently dated official transcripts must be provided for the qualification listed on the application form (ie Qualifying Law Degree or CPE/GDL). Transcripts must show:* The student’s full name;
* The final overall classification/overall mark of the qualification (if known);
* The date of award (if known);
* All subjects taken within the qualification;
* The number of attempts at each subject; and
* All marks and/or credits obtained in all years of study. Where an alphanumeric grading system is used, a key must be included showing the actual marks, or mark ranges, represented by the grades shown on the transcript.

3.1.6 Evidence of change of name: if, for any reason, the names you have entered on your application form differ from those given on your degree transcripts and/or other supporting evidence, appropriate evidence of the change(s) must be enclosed with your application. Photocopies of this documentation must be certified copies (ie certified as true copies by a UK Notary Public, or a qualified legal practitioner from your home jurisdiction). Any other form of certification will not be accepted.**3.2 Official evidence from the awarding institution (including qualifying law degree or CPE/GDL transcripts) must be submitted in sealed envelopes over-stamped with the official stamp, or seal, of the awarding institution. Open copies (ie those not contained within appropriately sealed envelopes) will not be accepted.** |
| **Criteria** 4.1 Applications for a waiver of Rule Q28.1 will only be granted in the following circumstances:4.1.1 where the Bar Standards Board is satisfied that the applicant has attained sufficient knowledge to commence the BPTC; and 4.1.2 where there is clear evidence that the reason(s) for the student failing to complete the Academic Stage before commencement of the BPTC are compelling.4.2 The Bar Standards Board will usually expect to see compliance with the following as a minimum, when considering applications for a waiver of Rule Q28.1:4.2.1 that the offer of a BPTC place remains open despite the outstanding results;4.2.2 that results are outstanding in no more than one subject due to mitigating circumstances, and this subject is to be assessed as a first attempt;4.2.3 where the result of a law degree is awaited, that there is clear evidence from the awarding institution that the final overall classification is predicted confidently to be lower second class honours, or above;4.2.4 that the final results of the outstanding subject will be known by 1 October of the year in which the BPTC is commenced; and4.2.5 that both the student and the BPTC provider accept that the student must withdraw from the BPTC if the student has not been certified as having fully and satisfactorily completed the Academic Stage of training for the Bar by 1 October of the year in which the BPTC is commenced.  |
| **Guidelines**5.1 Rule Q28.1 of the Bar Standards Board Handbook applies to all students, regardless of whether or not there is an intention to practise at the Bar of England and Wales.5.2 If a student’s BPTC provider requires completion of the Academic Stage of training prior to *registration* on the course (as opposed to *commencement* of study), this is matter between the provider and the student as such a requirement is not covered by Rule Q28.1. |