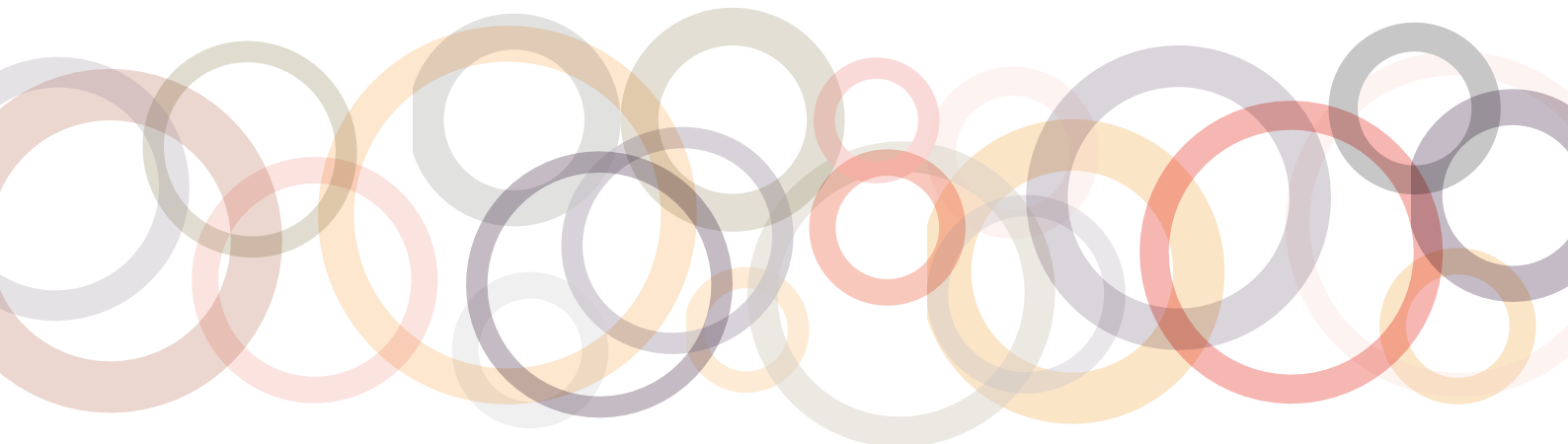


BAR
STANDARDS
BOARD

REGULATING BARRISTERS



Academic Stage Book

Effective from 1 September 2018 – 31 August 2019

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Future Bar Training

The future of Bar training has recently been the subject of a major review under the **Future Bar Training** consultation (<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-requirements/>).

In March 2017 and May 2018, the Bar Standards Board (BSB) released policy statements relating to a series of reforms which, subject to the approval of the Legal Services Board, will see significant changes to the nature of vocational training and pupillage. When new courses commence will depend on when individual training providers propose new courses for authorisation but the BPTC will continue in its current form for the academic years 2018/19 and 2019/20.

Further guidance on proposed changes to the Academic Stage of training may be found on the BSB website: <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-requirements/future-bar-training/future-ways-to-qualify-as-a-barrister/academic-learning/>.

The vocational training requirements set out in the current BPTC Handbook stand for the Academic Year 2018-19 and will continue, notwithstanding any minor annual adjustments, until any new arrangements are in place, and for the duration of any transitional period defined by the BSB. A copy of the BPTC Handbook may be downloaded from the BSB website: https://www.barstandardsboard.org.uk/media/1945975/bptc_handbook_july_2018.pdf

Section 1: Introduction to the Academic Stage

Overview

- 1.1 Qualification for practice as a barrister consists of the following stages:
 - i) The Academic Stage
 - ii) The Vocational Stage
 - iii) The Professional Stage
- 1.2 The Academic Stage is usually completed either by undertaking a recognised Qualifying Law Degree (“QLD”) or by undertaking another acceptable degree and then passing a Graduate Diploma in Law (“GDL”). This book sets out the various rules, regulations and policies that govern completion of the Academic Stage for the purpose of qualification as a barrister.

The Bar Standards Board

- 1.3 The Bar Standards Board is the regulatory arm of the General Council of the Bar and is responsible for the education and training requirements for barristers. The requirements are set out in the Bar Training Rules (section 4B of the BSB Handbook).
- 1.4 The BSB’s requirements for completion of the Academic Stage of training for the Bar are completely separate to those of the SRA; therefore, individual applications must be submitted to the BSB.

It should never be assumed that completion of the Academic Stage for the purpose of the SRA equates to completion of the Academic Stage for the purpose of the BSB.
- 1.5 The BSB has delegated authority in relation to individual student applications to its staff.

Content of the Academic Stage

- 1.6 The purpose of the Academic Stage is to ensure that those who wish to qualify as barristers have both an appropriate level of academic ability and a sufficient body of knowledge and understanding of English law, which may be assumed and built upon during the Vocational Stage.
- 1.7 The Academic Stage covers the following foundations of legal knowledge (“foundation subjects”):
 - i) Public Law (including Constitutional Law, Administrative Law and Human Rights)
 - ii) Law of the European Union
 - iii) Criminal Law
 - iv) Obligations (including Contract, Restitution and Tort)
 - v) Property Law
 - vi) Equity and the Law of Trusts

Further information

- 1.8 Where this document suggests that you contact the BSB's Authorisations Team, or for any other general information on the Academic Stage, please contact:

authorisations@barstandardsboard.org.uk

Authorisations Team
Regulatory Assurance Department
The Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ

Tel: 020 7611 1444
Fax: 020 7831 9217

www.barstandardsboard.org.uk

Application forms and guidelines are available at:

<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-training-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/#AcStageApps>

Other reference documents, and GDL/QLD course lists are available at:

<https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/bar-training-requirements/academic-learning-components/academic-component-documents/>

Unless a waiver of the requirements of rQ28.1 has been granted by the BSB, it is the responsibility of the student to ensure that they have completed the Academic Stage of training for the Bar and provided evidence thereof to their chosen Bar Professional Training Course (BPTC) provider by the date of commencement of the BPTC. Failure to comply with this requirement will result in the student not being permitted to commence the BPTC.

Section 2: Completion of the Academic Stage through a Qualifying Law Degree

Overview

- 2.1 In order to complete the Academic Stage through a QLD for the purpose of qualifying as a barrister, a student must:
- i) hold a degree that is recognised as a QLD;
 - ii) have been awarded the degree at or above the minimum standard; and
 - iii) not have reached the time after which a QLD is considered to be 'stale'.
- 2.2 Further details of each of these requirements are set out below.

Recognition of a Qualifying Law Degree

- 2.3 A degree will be recognised as a QLD if it satisfies the requirements set out in the Joint Statement 1999. A list of QLD courses is available from the BSB and can be downloaded from its website.

The minimum standard and the exercise of discretion

- 2.4 The minimum standard for a QLD undertaken for the purpose of completion of the Academic Stage for qualification as a barrister is lower second class honours (ie "a II(ii)").
- 2.5 The BSB has a special discretion to allow students to proceed without meeting the minimum standard. This discretion will only be exercised rarely and where there are exceptional circumstances. The following are the criteria that must be met in order for discretion to be exercised:
- i) there is clear evidence (in terms of the majority of grades achieved, especially in the foundation subjects) that the student is academically of second class quality overall;
 - ii) it appears that the student's failure to achieve a second class degree was directly attributable to a temporary cause which prevented/impeded him/her fulfilling his/her full academic potential, which can be securely demonstrated as not having already been taken into account by the awarding institution in the award of the third class degree, for good reason beyond the student's control: mitigating circumstances will not be taken into consideration twice;
 - iii) it plainly appears that this cause is not of such a character as to render the student unsuitable to practise at the Bar; and
 - iv) there is clear motivation to qualify and practise at the Bar.
- 2.6 The application form for the exercise of discretion may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website. Students are advised not to apply unless they believe that they meet all of the above criteria; however, the fact that these criteria are met **will not** guarantee approval.

Time-limits for completion of a Qualifying Law Degree

- 2.7 From 1 September 2011, the maximum time limit for completion of a QLD (studied either full-time, part-time or by distance learning) is six years.
- 2.8 A QLD that falls outside the period specified above may, where there are exceptional circumstances, be awarded by a QLD provider.
- 2.9 If students have what they consider to be exceptional circumstances, preventing them from completing the QLD within the time limit, they should apply directly to their QLD provider institution for an extension of time. Provider institutions should apply their own assessment policies and regulations in assessing such applications.

The pass mark

- 2.10 All foundation subjects on a QLD must be passed with at least 40%, regardless of any lower pass mark set by institutions. If an institution has a pass mark below 40%, it must ensure that all students who are intending to qualify as barristers are aware that they must obtain at least 40% in each foundation subject.

Marginal failure

- 2.11 A QLD provider institution may compensate or condone a single marginal failure of a foundation subject where the following requirements are satisfied:
- i) The provider institution's assessment regulations permit condonation and/or compensation; and
 - ii) There are exceptional circumstances in the student's case that are likely to have impacted on the student's performance; and
 - iii) The mark actually attained by the student in the subject to be condoned or compensated is not less than 35%; and
 - iv) There is evidence of the student's academic strength across the entire degree programme.
- 2.12 A student who fails a foundation subject that is not condoned must pass the relevant foundation subject at the institution which awarded the degree or pass the whole of the relevant subject in the GDL, within the maximum of three attempts and subject to the degree being awarded at lower second class honours or above. Any student undertaking the GDL route for this purpose must first apply for and obtain a Certificate of Partial Exemption from the Academic Stage of training from the BSB (please see para 3.22).

Deemed passes

- 2.13 A QLD provider institution may, if its assessment regulations permit it, deem a student to have passed one or more subjects that he or she failed or did not take as a result of illness, bereavement or other substantial cause beyond his or her control and so award a QLD. If this results in the student being awarded a law degree without a classification, he or she will need to apply for the exercise of discretion as set out above.

Maximum number of attempts

- 2.14 The maximum number of attempts permitted for any foundation subject is normally three. Where all three attempts have been exhausted, either within a law degree, the GDL or a combination thereof, the Academic Stage can only be satisfied by completing a full QLD or GDL programme afresh. In exceptional circumstances, a QLD provider institution may allow additional attempts at foundation subjects.
- 2.15 Where a foundation subject is taught and assessed as two separate units (eg, Criminal Law I and Criminal Law II), students are permitted three attempts at each unit, rather than collectively for the subject.

Credit Transfer

- 2.16 A QLD provider may allow students to transfer credit from another QLD provider without needing the approval of the BSB.

Exemptions from foundation subjects

- 2.17 Qualifications on which a UK/Republic of Ireland university grants exemptions from foundation subjects must be considered by the BSB to ascertain whether or not exemption should be accorded to that qualification. Individual advice will often need to be given as the qualification on which the exemption is based may not meet the BSB's requirements, for example it may be considered 'stale' (see paras 4.7 to 4.13) or be based on a degree which does not meet the Bar's minimum entry requirement (see paras 2.4 to 2.6).
- 2.18 Unless previously approved by the BSB, a law degree will **not** be accepted as satisfying the Academic Stage of training for the Bar where the graduate has been granted exemption from one or more of the foundation subjects by:
- Passing a diploma which contains some of the foundation subjects;
 - Passing law papers in the examinations of professional bodies;
 - Passes in the Business Technology Education Council's HND and HNC law papers or foundation degrees which do not have qualifying status; or
 - Accreditation of Prior Experiential Learning (APEL)

Section 3: Completion of the Academic Stage through the Graduate Diploma in Law

Overview

- 3.1 In order to complete the Academic Stage through the GDL, a student must:
- i) be eligible to undertake the GDL in accordance with the rules and regulations of the BSB;
 - ii) complete a GDL course that has been validated by the SRA and BSB;
 - iii) pass all foundation subjects plus one other area of legal study, except where exemptions have been granted by the BSB; and
 - iv) not have reached the time after which the GDL is considered to be 'stale'.
- 3.2 Further details of each of these requirements are set out below.

Eligibility

- 3.3 In order to be eligible to undertake the GDL for the purpose of qualification as a barrister, a student must:
- i) hold a UK/Republic of Ireland degree, awarded at or above the minimum standard; or
 - ii) have been granted a Certificate of Academic Standing by the BSB.
- 3.4 Students who complete the GDL without meeting the BSB's eligibility requirements (eg because they enrolled on the course on the basis of the SRA's eligibility requirements) have not completed the Academic Stage for the purpose of qualification as a barrister and so are not eligible to commence the BPTC.

Recognition of a GDL

- 3.5 A list of approved GDL courses is available from the BSB and can be downloaded from its website.
- 3.6 The Hong Kong Common Professional Examination Certificate in Laws is **not** a course approved by the BSB as a GDL.

The minimum standard and the exercise of discretion

- 3.7 The minimum standard for any degree undertaken for the purpose of eligibility to undertake the GDL for completion of the Academic Stage for qualification as a barrister is lower second class honours (ie "a II(ii)").
- 3.8 The BSB has a special discretion to allow students to proceed without meeting the minimum standard. This discretion will only be exercised rarely and where there are exceptional circumstances. The following are the criteria that must be met in order for discretion to be exercised:
- i) there is clear evidence (in terms of the majority of grades achieved) that the student is academically of second class quality overall;

- ii) it appears that the student's failure to achieve a second class degree was directly attributable to a temporary cause which prevented/impeded him/her fulfilling his/her full academic potential, which can be securely demonstrated as not having already been taken into account by the awarding institution in the award of the third class degree, for good reason beyond the student's control; mitigating circumstances will not be taken into consideration twice;
 - iii) it plainly appears that this cause is not of such a character as to render the student unsuitable to practise at the Bar; and
 - iv) there is clear motivation to qualify and practise at the Bar.
- 3.9 The application form for the exercise of discretion may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website. Students are advised not to apply unless they believe that they meet all of the above criteria; however, the fact that these criteria are met **will not** guarantee approval.

Deemed passes

- 3.10 A student who has been awarded a degree without a classification (eg an aegrotat degree awarded as a result of illness) should apply for discretion as set out above.

Certificates of Academic Standing

- 3.11 Students with degrees from outside the UK/Republic of Ireland who wish to undertake the GDL must apply to the BSB for a Certificate of Academic Standing. The BSB will issue a Certificate of Academic Standing if it is satisfied that the qualifications held are equivalent to a UK honours degree of at least lower second class.
- 3.12 Students with non-standard UK/Republic of Ireland degrees (ie degrees that are awarded without a classification) must also apply for a Certificate of Academic Standing. This includes students who hold a post-graduate degree without an undergraduate degree. Students who hold UK medical, dental or veterinary degrees should contact the Authorisations Team for further advice.
- 3.13 Students who do not hold any degree qualifications must apply for a Certificate of Academic Standing as mature non-graduate students. The term "mature" has no particular reference to a student's age; however, applicants must be able to demonstrate considerable experience or exceptional ability in an academic, professional, business, or administrative field in order to qualify by this route.
- 3.14 Please note that a Certificate of Academic Standing issued by the SRA does **not** certify eligibility to undertake the GDL for the purpose of qualification as a barrister.
- 3.15 The application form for a Certificate of Academic Standing may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website.

Time-limits for completion of the GDL

- 3.16 A full-time GDL should normally be completed with all examinations and/or assessments passed in not less than one year and not more than three years.

- 3.17 A part-time GDL should normally be completed with all examinations and/or assessments passed in not less than two years and not more than four years.
- 3.18 Students may apply to their GDL provider institution for an extension of time in which to complete the GDL. Provider institutions should apply their own assessment policies and regulations in assessing such applications.

Maximum number of attempts

- 3.19 The maximum number of attempts permitted for any foundation subject is normally three. Where all three attempts have been exhausted, either within a law degree, the GDL or a combination, the Academic Stage can only be satisfied by completing a full QLD or GDL programme afresh. In exceptional circumstances, a GDL provider institution may accept additional attempts at foundation subjects.

Credit Transfer

- 3.20 A GDL provider may allow students to transfer credit from another GDL provider without needing the approval of the BSB.

Exemptions from the Academic Stage of training for the Bar

Exemptions on the basis of UK degrees

- 3.21 The BSB may grant exemptions from the foundation subjects and another area of legal study where a student has passed corresponding subjects within a UK degree programme. Exemptions will only be granted where the degree on which the application is based has been awarded, the final classification is at least lower second class honours or above and the subjects studied were the same as those on the institution's own QLD. Partial exemption is unlikely to be granted to students graduating in England and Wales from an institution that does not have a QLD programme.

Exemptions on the basis of degrees awarded in the Republic of Ireland

- 3.22 As from September 2004 law degrees granted by universities in the Republic of Ireland are no longer regarded as QLDs for the purposes of completion of the Academic Stage of training for the Bar. Notwithstanding this, subject to obtaining lower second class honours or above, and applying within the time limits, exemptions from the Academic Stage of training for the Bar may be applied for on an individual, subject by subject basis, in respect of such a degree.

Exemptions on the basis of law degrees awarded in Scotland

- 3.23 In order to be acceptable for exemptions from the Academic Stage of training for the Bar, a law degree obtained in Scotland must be an honours degree (normally a four-year course) awarded at lower second class honours or above.

Exemptions on the basis of overseas degrees or non-standard UK/Republic of Ireland degrees

- 3.24 The BSB may grant exemptions from the foundation subjects and the other area of legal study may be granted where a student has passed corresponding subjects within an overseas degree or a non-standard UK/Republic of Ireland degree.

Exemptions will only be granted on the basis of a degree for which a Certificate of Academic Standing has been granted.

Exemptions on the basis of professional qualifications

- 3.25 It is open to students to apply for exemption on the basis of professional qualifications. However, such exemptions will only be granted where the relevant foundation subjects have been studied to the same breadth and depth as they would be studied on a QLD or GDL.

General

- 3.26 Only those eligible to undertake the GDL for the purpose of qualification as a barrister are eligible to apply for exemptions. This means that those who do not hold a UK/Republic of Ireland undergraduate degree of lower second class honours or above will not be eligible to apply for exemption unless and until they have obtained a Certificate of Academic Standing.
- 3.27 Exemptions remain valid for five years after the award of the degree in which the relevant subjects were passed; therefore, in order for an applicant to be able to take advantage of any exemptions granted, applications for full, or partial, exemption must be made no more than five years after the award of the relevant degree; although, it may be possible to reactive a degree which is older.
- 3.28 Any foundation subjects outstanding after exemptions have been granted must be taken and passed within the GDL and not by any other means.
- 3.29 The application forms and further guidance on making an application for exemption may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website; however, submission of such an application **must not** be taken as a guarantee that the application will be successful as all applications are assessed on an individual, subject-by-subject basis.
- 3.30 Certificates of Exemption granted by the SRA are **not** valid for completion of the Academic Stage for the purpose of qualification as a barrister.

Section 4: Completion of the Academic Stage and Commencement of the Vocational Stage

Summary

- 4.1 In order for a student to be eligible to commence the Vocational Stage (ie the BPTC):
- i) the student must have completed the requirements of the Academic Stage in full; and
 - ii) the qualifications on which completion of the Academic Stage is based must not be 'stale'.

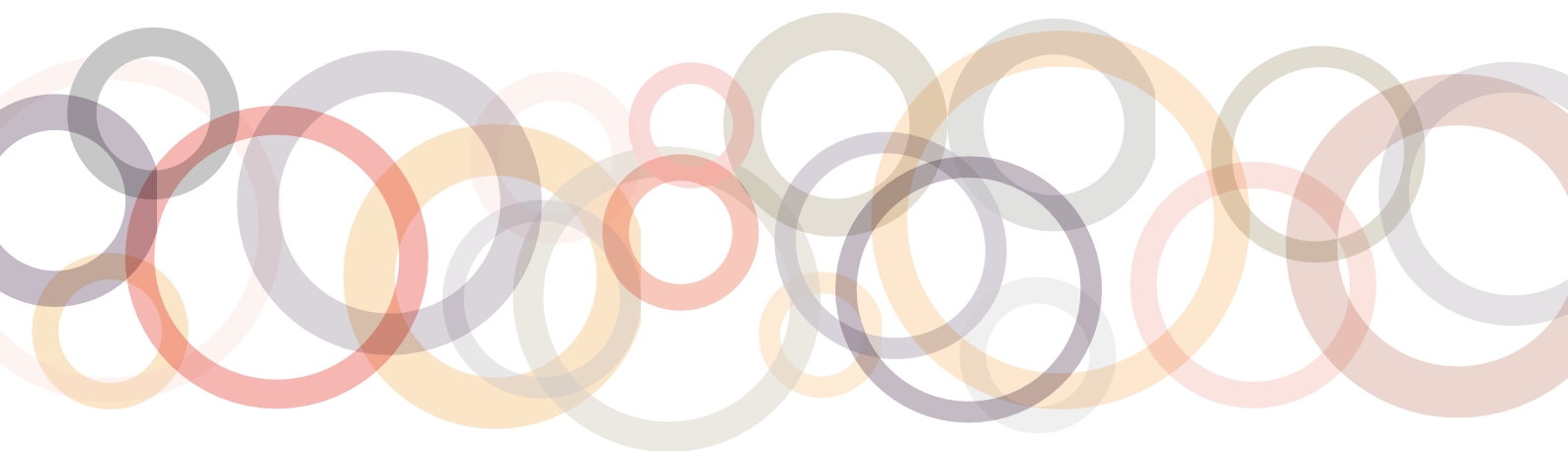
Non-completion of the Academic Stage

- 4.2 Ordinarily, a student must have completed the requirements of the Academic Stage in full before commencing the BPTC. This means that all relevant resits must have been taken and passed and the QLD or GDL must have been awarded.
- 4.3 However, the BSB may, in exceptional circumstances, allow a student to commence the Vocational Stage before completion of the Academic Stage.
- 4.4 An application is unlikely to be granted unless:
- i) The offer of a BPTC place remains open despite the outstanding results;
 - ii) Results are outstanding in no more than one subject due to mitigating circumstances and this subject is being taken as a first attempt;
 - iii) Where the result of a law degree is awaited, there is clear evidence from the awarding university that the final, overall classification is confidently predicted to be lower second class honours or above;
 - iv) The final results of the outstanding element will be known by 1 October of the year in which the BPTC is commenced; and
 - v) Both parties 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.
- 4.5 The fact that these criteria are met will not guarantee approval. Applicants will need to be able to demonstrate that they are likely to have the necessary knowledge to commence the BPTC and that the reasons for failing to complete the Academic Stage are exceptional.
- 4.6 An application form and further guidance on making an application under this procedure may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website.

Stale qualifications

- 4.7 Students proceeding to the Vocational Stage must be able to rely upon legal knowledge which is reasonably current. For this reason, both QLDs and GDL courses have a time-limit after which they are regarded as stale.

- 4.8 The BPTC must be commenced within five years of completion of the Academic Stage, whether by means of a QLD or GDL. The same time-limit applies to any foundation subjects passed individually as a result of the granting of partial exemption.
- 4.9 The effect of this rule is that any QLD or GDL awarded before 1 January 2014 is stale for the purpose of commencement of the 2019/20 BPTC.
- 4.10 Anyone who wishes to qualify as a barrister after this time-limit is required to reactivate their stale qualifications, usually by undertaking the whole of the GDL.
- 4.11 In exceptional circumstances, the BSB may reactivate stale qualifications without requiring completion of the GDL. It will only do so where there is reliable and comprehensive evidence from an impartial and professional source that an applicant has current competence in all of the foundation subjects, eg through legal work or study.
- 4.12 An application form for reactivation may be obtained from the Authorisations Team, or directly from the Academic Stage section of the BSB website.
- 4.13 It is very unlikely that an application for reactivation will be approved in respect of qualifications that are eight years old or more.



Authorisations Team
Regulatory Assurance Department
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ

DX: 240 LDE

Tel: 020 7611 1444

Fax: 020 7831 9217

authorisations@barstandardsboard.org.uk

www.barstandardsboard.org.uk

Twitter: [@barstandards](https://twitter.com/barstandards)