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Waiver criteria and guidelines for Criminal Record Checks for Inns' student members applying for Call in 2021

Introduction

As a result of the ongoing COVID 19 health emergency, some international students, or those currently practising overseas who are looking to transfer to the Bar of England and Wales, may be unable to comply with the identification (ID) requirements necessary for the criminal record checks to be undertaken prior to their Call to the Bar ceremony.

The BSB, therefore, is providing a waiver from the requirement to have criminal record checks undertaken for candidates for Call to the Bar in certain circumstances. **This waiver does not remove the requirement for candidates for Call to disclose relevant criminal records found on the Call Declaration¹.**

Who is eligible to receive the waiver?

Inns' student members (including transferring qualified lawyers) who are currently residing overseas with no plans to travel (or return) to the UK prior to their chosen Call ceremony may, using the form provided, discuss with their Inn whether they are eligible under the provisions of this waiver.

This waiver has been introduced on a one-off basis specifically for any student member applying for Call in 2021. It will also apply for those who may need to resit exams later in 2021 or in 2022, should they not be able to comply with identification requirements closer to these dates. For the avoidance of doubt, this waiver will not apply to students or transferring qualified lawyers taking first sittings in 2022.

To whom will the waiver apply?

Any eligible student or transferring qualified lawyer may have the criminal record check requirements waived if either or both of the following criteria apply to their circumstances:

- it is unlawful for them to send the original ID documentation from the country where they are residing; and/or
- sending their original ID documents would represent a threat to their personal safety or freedom.

¹ Persons should only disclose matters which would not otherwise be 'filtered'. If you are unsure what you should disclose, please speak with your Inn. For more information, please see our information for applicants [here](#).

Do I have to apply for the waiver?

Yes. You must complete an application and submit it to your Inn. You can find the details here:

[Gray's Inn](#)

[Inner Temple](#)

[Lincoln's Inn](#)

[Middle Temple](#)

How will an Inn decide if the waiver applies?

If a person thinks that they are eligible and that the criteria above apply to them, they should complete and return the form to their Inn via email.

Those who are due to be Called to the Bar in July should submit their applications immediately so as to give their Inn as much time as possible to process the request prior to Call. Those due to be Called later in the year should submit their applications as quickly as they are able.

If a waiver is not granted those applying will not be able to be Called until they complete the criminal record checks.

Please ensure that you have submitted all necessary supporting evidence with the application form, as any failure to do so may result in delays in dealing with the application.

You may be asked to supply further information or documentation in support of your application. If you refuse to provide the required evidence, your application may be rejected.

It is critical that persons do not apply for this waiver unless the criteria set out above apply to their circumstances.

Requests for review of a decision relating to this waiver

If a person is unhappy with the decision taken by their Inn relating to this waiver, the right to review is unaffected and the BSB independent review panel will meet via video conference to consider such requests.

Further information about reviews of decisions relating to COVID-19 can be found [here](#).