

**REGULATORY OPERATIONS DEPARTMENT**

**AUTHORISATIONS TEAM**

**CRITERIA AND GUIDELINES FOR A CERTIFICATE OF EXEMPTION**

**(NON-ENGLAND AND WALES DEGREE PROVIDER)**

These Notes are divided into two sections:

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

**B. Criteria for applications**

|  |  |
| --- | --- |
| ***Nature of Application*** | ***Brief Summary*** |
| 1. **Certificate of Exemption (Non-England and Wales Provider)** | This covers applications by students for exemptions from the foundation of legal knowledge subjects where they have passed corresponding subjects within a degree from a non-England and Wales degree provider. |

**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 contain a hand-written signature.
   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:

|  |  |
| --- | --- |
| 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 that the BSB receives the full amount in Sterling: ie **you must pay all charges of your bank and agents charges, including those of the BSB.** This may include a handling charge levied by RBS if the issuing bank does not pay all bank charges.

* Please put a reference of **“AUTH”** against your name on the transaction to help identify the payment.
* Please provide proof of payment/a copy of your payment receipt with your application.
* If someone else is paying the fee on your behalf, please confirm the name of the person making the payment and any reference quoted.

If you are unable to pay by BACS, you may submit payment by cheque (made payable to the ‘Bar Standards Board’) or by credit/debit card. Please call the Authorisations Team on 020 7611 1444 to make a card payment.

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. Where original certificates or certified copies are required, these must be sent in hard-copy or emailed directly to the BSB.
* Any hard-copy documents will be scanned upon receipt. To facilitate this process, please ensure that documents supplied with an application are not stapled or submitted in individual plastic wallets.
* If an applicant requires their original documents to be returned, they must provide a prepaid envelope for this purpose. If the documents are to be returned by courier, it is the applicant’s responsibility to arrange for courier and pay any necessary charges.
  1. 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.
* 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.
* It is usually **not** appropriate to supply examples of work with an application. 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.
  1. The BSB will take into account all the circumstances of the particular application and will apply the guidelines set out in these Notes.
  2. All applications will be acknowledged in writing within seven days of receipt of the complete application form.
  3. The BSB normally deals with all applications within eight weeks of receipt and notifies applicants of its decision within 10 days of a decision.
  4. The BSB will treat all applications and any supporting documentation provided in the strictest confidence.
  5. 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 the 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. The Independent Decision-making Body (IDB) deals with reviews of decisions as if the application was being dealt with afresh, applying the guidelines set out in these Notes. An Independent Decision-making Panel (IDP) 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 an IDP has determined a review of a decision, there is no procedure under the BQR for a further review. An IDP may review its own decisions under section B4 of the BQR but is not obliged to carry out such a further review. Any person dissatisfied with a determination of an IDP is advised to take independent legal or other appropriate advice.
   7. Rule Q39 provides that where the BQR 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 Q40 provides that subject to Rule Q39, 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)

Applications forms and guidance notes: [www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html](http://www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html)

**Contact details**

[authorisations@barstandardsboard.org.uk](mailto:authorisations@barstandardsboard.org.uk)

Authorisations Team, Regulatory Operations Department, Bar Standards Board,

289-293 High Holborn, London, WC1V 7HZ,

DX: 240 LDE

Tel: 020 7611 1444

**B. Criteria for applications**

|  |
| --- |
| **Certificate of Exemption (Non-QLD Provider)** |
| **General**  1.1 Please read these notes carefully, in conjunction with the Bar Qualification Manual, available to download from [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk), before completing and submitting your application.  1.2 For details of the application fees for all academic component applications, please refer to the Bar Standards Board website: [www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html](http://www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html) |
| **Introduction**  2.1 The academic component is the first component of training for the Bar which is designed to ensure that, in addition to having achieved an appropriate level of academic ability, a student has a basic body of knowledge and understanding of English Law. This knowledge and understanding will be assumed and built upon in the vocational component of training (ie a Bar Training Course/Bar Practice Course).  2.2 The ‘foundation of legal knowledge subjects’ which comprise the academic component are:   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   In addition to those listed above, a student is also expected to complete subjects within their law degree to demonstrate a grounding in the English Legal System and expertise in Legal Research.  2.3 A student who has been awarded a law degree by a non-England and Wales degree provider, may apply to the Bar Standards Board for a Certificate of Exemption from the academic component of training. A student may apply for either full or partial exemption, depending on the subjects studied within their degree.  2.4 Submission of an application for a Certificate of Exemption must not be taken as a guarantee that such an application will be successful. Applications will be assessed on an individual subject-by-subject basis.  2.5 A successful application for a Certificate of Exemption does not guarantee a place on the Graduate Diploma in Law (GDL). In addition, the issue of a Certificate, together with the successful completion of any outstanding foundation subjects in the GDL, does not guarantee a place on a vocational component Bar Training Course/Bar Practice Course.  2.6 **Please note that a Certificate of Exemption issued by the Solicitors Regulation Authority (SRA) is not acceptable for the Bar**; therefore, a separate application must be submitted to the Bar Standards Board. |
| **Information and Documentation**  3.1 An applicant will be required to provide the following information and documentation:  3.1.1 Certificate of Academic Standing: holders of law degrees awarded outside the UK/Republic of Ireland must apply for and obtain a Certificate of Academic Standing from the Bar Standards Board before any exemptions from the academic component of training will be considered. **Please note that a Certificate of Academic Standing issued by the Solicitors Regulation Authority (SRA) is not acceptable for the Bar**; therefore, a separate application must be submitted to the BSB. You must enter the number of your Certificate of Academic Standing in the relevant section of the application form.  3.1.2 Transcripts: currently dated transcripts must be provided for the degree qualification(s) listed on the application form. Transcripts must show:   * The applicant’s full name * The final overall classification/overall mark of the degree * The date of award * All subjects taken within the degree * The number of attempts at each subject * 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.   If these documents have been submitted previously to the BSB as part of an application for a BSB Certificate of Academic Standing, it will not be necessary to provide further copies, unless specifically requested to do so.  3.1.3 Supporting evidence: you must enclose the following evidence in the form of official material bearing the official stamp, or seal, of the awarding institution. **The evidence must be clearly sorted, but should not be submitted as individually stapled items**:   * One examination paper (that was attempted by the applicant) for each subject for which exemption is sought * A detailed syllabus and reading list for all subjects for which exemption is sought * A list of cases and statutes taught for all subjects for which exemption is sought * A module/unit description form for all subjects for which exemption is sought * A plan of teaching hours for all subjects for which exemption is sought * A letter from the awarding institution stating that the above evidence is in relation to the courses as studied by you together with the dates of the courses concerned.   The above list is not exhaustive; therefore, it is possible that further evidence may be required once an initial appraisal of your application has been made. However, applicants should exercise judgment when selecting supporting evidence and ensure that only documentation that is relevant to the criteria set out in this document is supplied.  This evidence must relate to the year(s) in which you completed the subjects for which exemption is sought. If you are unable to obtain evidence for this year(s), you must provide a letter from the awarding institution confirming that there have not been any significant changes to the courses. The letter must set out the dates of evidence provided together with the dates of the courses studied in your law degree.  3.1.4 Translations: where any evidence submitted in support of this application is in a language other than English, an English translation is required. This must be undertaken by a UK Notary Public, the awarding institution, the British Council, or the appropriate Embassy. **Translations undertaken by a commercial translation service are not acceptable**. Translations must be attached to a copy of the original documents in their primary language, which have been certified as true copies by the awarding institution. In addition, a further copy of the original documents in their primary language must be submitted in a sealed envelope over-stamped with the official stamp, or seal, of the awarding institution.  3.1.5 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 (ie degree transcripts and any other relevant supporting evidence) should be submitted in a sealed envelope over-stamped with the official stamp, or seal, of the awarding institution**. If you are unable to supply documents in this format, we are currently accepting scanned copies of official documents via email. Please note that we may contact the issuing bodies of any official transcripts/certificates to verify their content as part of our assessment process**.**  3.3 Please note that the BSB will not refer to the awarding institution’s website for official supporting evidence. |
| **Criteria**  4.1 Applications for a Certificate of Exemption in respect of a law degree awarded by a non-England and Wales degree provider will only be granted in the following circumstances:  4.1.1 where the applicant has met the Bar’s minimum entry requirement, either by obtaining a UK degree of at least lower second class honours standard, or by having obtained a BSB Certificate of Academic Standing in respect of an overseas degree; and  4.1.2 where the subjects for which exemption is sought were passed at, or above, the minimum pass mark of 40%; and  4.1.3 where the degree upon which the application is based is an honours level course containing law subjects equivalent to the foundation of legal knowledge subjects studied within law degrees in England and Wales *(*in judging whether the subject upon which application is made is equivalent to a foundation of legal knowledge subject, the BSB will consider both the breadth and depth of coverage); and  4.1.4 where the degree upon which the application is based has been completed and awarded; and  4.1.5 where the degree upon which the application is based was awarded no more than five years before the year in which this application is made. It may be possible to reactivate a degree awarded more than five years ago; however, a separate application for this purpose must be made to the Bar Standards Board. Please email [authorisations@barstandardsboard.org.uk](mailto:authorisations@barstandardsboard.org.uk) for further guidance.  4.2 An appropriate subject for exemption purposes is a foundation of legal knowledge subject (see paragraph 2.2) or Another Area of Legal Study. Where exemption is sought for Another Area of Legal Study, the applicant must have completed and passed another law subject within their degree course, which has sufficient legal content and relevance (this would include subjects such as legal theory, legal history and other ‘perspectives’ on law subjects). Another Area of Legal Study must not be a foundation of legal knowledge subject, English Legal System, Legal Method, or Legal Research. The applicant must nominate their chosen subject for consideration as Another Area of Legal Study in the table on page three of the application form.  4.3 If exemption for the English Legal System is sought, the applicant must confirm under which title(s) this subject is taught at their awarding institution.  4.4 If granted, a Certificate of Exemption will be valid for a period of five years from the date of award of the degree on which the application is based. For example, exemptions granted in respect of a degree awarded in August 2020 will be valid until 31 December 2025. |
| **Guidelines**  5.1 Outstanding subjects  Any foundation of legal knowledge subjects outstanding after partial exemption has been granted must be taken and passed through the GDL, and not by any other means. When undertaking individual subjects within the GDL, students must comply with the assessment requirements of their chosen course provider.  5.2 Failed subjects  Exemption will not be granted in respect of subjects that have been failed within the degree upon which the application is based. If the applicant is unable to re-sit the failed subject(s) at the awarding institution, they must apply for partial exemption before undertaking the subject(s) concerned within the GDL.  5.3 Maximum number of attempts  The maximum number of attempts for any foundation of legal knowledge subject is three. Where a student has exhausted all three attempts at a subject within a law degree, a GDL, or a combination of the two, the student may only satisfy the academic component of training for the Bar by completing a full law degree at a degree provider in England and Wales or a GDL, afresh. |