

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**REGULATORY ASSURANCE DEPARTMENT  
AUTHORISATIONS TEAM**

**CRITERIA AND GUIDELINES FOR WAIVER OF THE CPD REQUIREMENTS**

These Notes are divided into two sections:

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

<b><i>Nature of Application</i></b>	<b><i>Brief Summary</i></b>
<b>1 New Practitioners Programme</b>	The CPD Rules (Section 4C of the BSB Handbook) require newly qualified barristers to complete 45 hours of accredited continuing professional development, including at least nine hours of Advocacy Training and three hours of Ethics, during their first three years of practice. The BSB has the discretion to extend the time for completion of, and/or waive, these requirements.
<b>2 Established Practitioners Programme – old rules</b>	Prior to 1 January 2017, the CPD Rules required all practising barristers who had completed the New Practitioners Programme to complete 12 hours of CPD annually at least four hours of which must be through accredited activities. Each year's hours had to be completed by 31 December. The BSB has the discretion to extend this deadline, and/or to waive CPD

	<p>requirements. It may do so if:</p> <ul style="list-style-type: none"> <li>i) a barrister was not practising during some or all of the relevant period and/or</li> <li>ii) the barrister demonstrates relevant mitigating/personal circumstances.</li> </ul>
<p><b>3 Established Practitioners Programme – new rules</b></p>	<p>From 1 January 2017, it is the responsibility of individual barristers to determine the amount of CPD that they should complete. It is therefore not envisaged that any barrister will need to apply for an extension or waiver in respect of their EPP requirements from 2017.</p>

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

### 1 General

- 1.1 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 Qualification Rules, which constitute Section 4B of the Handbook, are referred to as “BQR”.
- 1.2 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.

### 2 How applications are dealt with

- 2.1 Applications must be made on the current designated application, available from the BSB’s website, and accompanied by the relevant application fee.
- 2.2 Applications may either be submitted as hard-copies by post or as scanned copies by email. All applications must contain a hand-written signature.
- 2.3 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.

- 2.4 All applications contain a declaration that the applicant has read, understood and complied with these Criteria and Guidelines.
- 2.5 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.
- 2.6 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 by the awarding institution.
  - 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 pre-paid envelope for this purpose. If the documents are to be returned by courier, it is the applicant’s responsibility to arrange for the courier and pay any necessary charges.

- 2.7 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 (e.g. clients) are suitably redacted so as to ensure anonymity. Any application that is supported by unredacted material will be returned to the applicant.
- 2.8 The BSB will take into account all the circumstances of the particular application and will apply the guidelines set out in these Notes.
- 2.9 All applications will be acknowledged in writing within seven days of receipt of the complete application form.
- 2.10 The BSB normally deals with all applications within eight weeks of receipt and notifies applicants of its decision within 10 days of a decision.
- 2.11 The BSB will treat all applications and any supporting documentation provided in the strictest confidence.
- 2.12 All enquiries about applications whether proposed or pending should be addressed to the BSB.

### **3 Reviews and Appeals**

- 3.1 Any applicant who is dissatisfied with a decision may request a review of that decision.
- 3.2 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.

- 3.3 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.
- 3.4 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.
- 3.5 All enquiries about reviews whether proposed or pending should be addressed to the BSB.
- 3.6 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 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.
- 3.7 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.
- 3.8 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/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/bar-training-waivers-and-exemption-forms/](http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/bar-training-waivers-and-exemption-forms/)

## **Contact details**

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## B. Criteria for applications

1	New Practitioners Programme (NPP)
<p><b>Introduction</b></p> <p>1.1 Applications may be made for an extension of time for completion of the NPP and/or for a waiver of the requirements of the NPP.</p> <p>1.2 The application should be made on the appropriate prescribed form in typescript. Please note that applications will only be processed if made using the version of the appropriate application form current at the time the application is made. The completed application form should be accompanied by any relevant supporting documentation.</p> <p>1.3 For details of the application fee, please refer to the Bar Standards Board website: <a href="https://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,-exemptions,-waivers-and-reviews/</a></p> <p>1.4 If an extension of time for completion of the NPP is allowed this will not usually defer commencement of the obligations under the Established Practitioners Programme. However, such a deferral may be granted in exceptional circumstances.</p>	
<p><b>Information and Documentation</b></p> <p>1.5 An applicant will be required to provide the following information and documentation:</p> <p>1.5.1 Status: The number of CPD hours completed and/or to be completed in each area. For all requirements not yet completed, please give the dates of the courses which you propose to attend and/or set out proposals for completion of the outstanding requirements within the time extension requested.</p> <p>1.5.2 Nature of Application: Please give as much information as you can. Documentary evidence (eg medical evidence) must be provided in respect of any mitigating personal circumstances upon which the application relies.</p>	



- 1.5.3 Other Information: Please use this section to supply any other information that may be relevant to the application.
- 1.5.4 Declaration: By signing the form, you confirm that the information provided is complete and accurate. The form should also be signed by your Head of Chambers, if you are in self-employed practice, or by your supervisor, if you are employed. If it is not possible to obtain such a signature, the reason for this must be explained in the “Other Information” section of the form.

**Criteria (Waiver)**

- 1.6 A waiver of the requirements of the NPP will normally be granted on the grounds of:
- 1.6.1 Evidence of experience gained through practice and/or employment of a level comparable to the equivalent component(s) of the NPP (eg as a lecturer/teacher).
  - 1.6.2 Evidence of completion of equivalent courses.
- 1.7 The following factors are not relevant to a waiver application:
- 1.7.1 Not practising while holding a practising certificate.
  - 1.7.2 Writing a book.
  - 1.7.3 Pressure of work and/or administrative duties in chambers or, in the case of employed barristers, at work. This includes being involved in a complicated and/or lengthy and/or important case.
  - 1.7.4 Being a narrow/specialist practitioner.
  - 1.7.5 Expense (eg if an applicant’s chambers/employer is unwilling to provide funding for attendance at courses/other CPD events and/or related travel expenses).
  - 1.7.6 Inconvenience.

### **Criteria (Extension of Time)**

- 1.8 An extension of time for completion of the NPP will normally be granted on the grounds of:
  - 1.8.1 Evidence of maternity leave or serious illness which prevents you from continuing in practice for a significant period of time.
  - 1.8.2 Acting as the temporary sole provider of care for a partner and/or children.
  - 1.8.3 Not being included on a course due to an administrative error.
  - 1.8.4 A course that has yet to be completed being fully subscribed (providing that a place on the course was applied for promptly).
  - 1.8.5 Steps being taken to remedy the failure to complete the CPD requirements in as timely a manner as possible.
- 1.9 The following factors are not relevant to an application for an extension of time:
  - 1.9.1 Writing a book.
  - 1.9.2 Pressure of work and/or administrative duties in chambers or, in the case of employed barristers, at work (see paragraph 1.11 below). This includes being involved in a complicated and/or lengthy and/or important case.
  - 1.9.3 Being a narrow/specialist practitioner.
  - 1.9.4 Expense (eg if an applicant's chambers/employer is unwilling to provide funding for attendance at courses/other CPD events and/or related travel expenses).
  - 1.9.5 Inconvenience.

### **Guidelines**

- 1.10 Where there have been previous failures to comply with CPD requirements, the reasons for such failures and the extent to which they have been addressed may be relevant in refusing an application.

1.11 Applications may be considered where one-off work commitments have directly resulted in an inability to attend a planned CPD event and these circumstances could not reasonably have been foreseen. General pressure of work and/or administrative duties will not be sufficient for an extension of time to be granted.

1.12 Waivers - Advocacy and Ethics

Waivers of the Advocacy and/or Ethics components of the New Practitioners Programme will only be granted where the applicant is able to demonstrate substantial relevant experience gained through practice.

<b>2</b>	<b>Established Practitioners Programme (EPP)</b>
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**Introduction**

- 2.1 Applications may be made for a reduction/waiver of the CPD requirements of the EPP. Where a barrister intends to take time out of practice and suspends their practising certificate for the relevant period, their CPD requirements for the relevant year will automatically be reduced. Where a barrister does not suspend their practising certificate, their CPD requirement will remain. Save in cases where there are exceptional mitigating/personal circumstances there will be no waiver of the requirement for any self-employed or employed barrister who holds a practising certificate.
- 2.2 Applications may be made for an extension of time for completion of the 12 hours CPD annual EPP requirement. If an extension of time for completion of one year's EPP requirement is allowed, this does not reduce or defer the following year's EPP requirements.
- 2.3 The application should be made on the appropriate prescribed form in typescript. Please note that applications will only be processed if made using the version of the appropriate application form current at the time the application is made. The completed application form should be accompanied by any relevant supporting documentation.
- 2.4 For details of the application fee, please refer to the Bar Standards Board website: <https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/>

**Information and Documentation**

- 2.5 An applicant will be required to provide the following information and documentation:
- 2.5.1 Status: Please state the number of CPD hours completed and/or to be completed. Please state the dates of any course(s) which you propose to attend and/or set out proposals for completion of the outstanding requirements within the time extension requested.
- 2.5.2 Nature of Application: Please give as much information as you can.

Documentary evidence (eg medical evidence) must be provided in respect of any mitigating personal circumstances upon which the application relies.

2.5.3 Other Information: Please use this section to supply any other information that may be relevant to the application.

2.5.4 Declaration: By signing the form you confirm that the information provided is complete and accurate. The form should also be signed by your Head of Chambers, if you are in self-employed practice, or by your supervisor, if you are employed. If it is not possible to obtain such a signature, the reason for this must be explained in the "Other Information" section of the form.

### **Criteria**

2.6 A waiver of the EPP will normally be granted on the grounds of:

2.6.1 Evidence of parental leave (see paragraph 2.12 below).

2.6.2 Evidence of taking a career break.

2.6.3 Evidence of serious illness which prevented you from practising for a significant period of time.

2.6.4 Evidence of exceptional mitigating/personal circumstances that will prevent you from completing the CPD requirement.

2.7 The following factors are not relevant to a waiver application:

2.7.1 Not practising while holding a practising certificate.

2.7.2 Writing a book.

2.7.3 Pressure of work and/or administrative duties in chambers or, in the case of employed barristers, at work. This includes being involved in a complicated and/or lengthy and/or important case.

2.7.4 Being a narrow/specialist practitioner.

2.7.5 Expense (eg if an applicant's chambers/employer is unwilling to provide funding for attendance at courses/other CPD events and/or related travel expenses).

2.7.6 Inconvenience.

**Criteria (Extension of Time)**

2.8 An extension of time for completion of the EPP will normally be granted on the grounds of:

2.8.1 Evidence of serious illness.

2.8.2 Acting as the temporary sole provider of care for a partner and/or children.

2.8.3 Not being included on a course due to an administrative error.

2.8.4 A course that has yet to be completed being fully subscribed (providing that a place on the course was applied for timeously).

2.8.5 Steps being taken to remedy the failure to complete the CPD requirements in as timely a manner as possible.

2.8.6 Evidence of exceptional mitigating/personal circumstances that will prevent you from completing the CPD requirement by the due date.

2.9 The following factors are not relevant to an application for an extension of time:

2.9.1 Writing a book.

2.9.2 Pressure of work and/or administrative duties in chambers or, in the case of employed barristers, at work (see para 2.11, below). This includes being involved in a complicated and/or lengthy and/or important case.

2.9.3 Being a narrow/specialist practitioner.

2.9.4 Expense (eg if an applicant's chambers/employer is unwilling to provide funding for attendance at courses/other CPD events and/or related travel expenses).

2.9.5 Inconvenience.

**Guidelines**

2.10 Where there have been previous failures to comply with CPD requirements, the reasons for such failures and the extent to which they have been addressed may be relevant in refusing an application.

2.11 Applications may be considered where one-off work commitments have directly resulted in an inability to attend a planned CPD event and these circumstances could not reasonably have been foreseen. General pressure of work and/or administrative duties will not be sufficient for an extension of time to be granted.

## 2.12 Parental Leave

A waiver will be given equal to one hour for each month of parental leave during which a barrister undertakes no work, up to a maximum of 12 hours for any one period of parental leave.

Where a barrister has undertaken some work in the course of parental leave, this should be made clear in any waiver application.

2.12.1 New matter: If a barrister undertakes work on a new matter during parental leave, it will not be appropriate to claim a waiver of CPD hours for the month during which that work took place. Save for exceptional circumstances, no waiver of CPD hours will be given in respect of that month, although waivers may be given for subsequent months.

2.12.2 Existing matter: If a barrister undertakes work on an existing matter during parental leave, in order to provide continuity in the advice and/or representation given to the client, this will be recognised by a reduction in CPD hours proportionate to the amount of time spent on the matter. Evidence demonstrating the continuity of the matter must be provided in such cases.