THE BAR TRANSFER TEST

Regulations and Guidance for Qualified Lawyers intending to transfer to practise at the Bar of England and Wales.

For use from July 2014

Education & Training Department
Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ
www.barstandardsboard.org.uk
Preface

The Bar Council is recognised by the Legal Services Board (LSB) as the official Approved Regulator for education and training for the Bar. This Handbook has therefore been produced by the Bar Standards Board (BSB) as the independent regulatory arm of the Bar Council since January 2006. It is the official reference document for the Bar Transfer Test (BTT) and must be adhered to from 7 July 2014 (following the retendering process). The current regulations and Handbook will apply at the time the Test is taken, regardless of whether previous attempts have taken place.

The requirements and guidance set out in this booklet apply only to those who have been required to take the Bar Transfer Test as a condition for being granted exemption(s) from the standard training requirements of the BSB’s Qualifications Committee. These are, in general, qualified lawyers from other jurisdictions and/or solicitors who wish to qualify to practise at the Bar of England and Wales. To ensure that all requirements are complied with, candidates are advised to read in addition to this document the latest edition of the Bar Training Rules, which is contained within the BSB Handbook (available on the Bar Standards Board website). In particular candidates are referred to Part B7, Exemptions from Training Requirements.

A review of the Bar Transfer Test was conducted by a Working Group of the BSB Education and Training Committee January 2012 – May 2012 and the present Handbook, building on existing material, regulations and guidance, lays out the principles, processes and requirements for the content of the BTT, as well as regulations for the admission, assessment and certification of candidates.

Key sections of the Bar Training Rules (BTRs) and the BSB Handbook are highlighted in each section as appropriate, with webpage references provided to full versions of those documents. Information on administrative and quality assurance procedures to be followed as required by the BSB and LSB is also included.

In conjunction with the Provider(s) of the BTT, the Education & Training Department of the BSB will revise and update this Handbook periodically in order to ensure currency, and also to provide additional guidance and clarification as necessary. Updated information will also be maintained on the website of the Bar Standards Board.

These regulations are effective from July 2014

Comments and queries should be directed to:

Education & Training Department
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
Tel: 0207 611 1444

BTT@barstandardsboard.org.uk
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1 Introduction: The Regulatory Framework for the BTT

1.1 Aims and objectives of the BTT

The Bar is a demanding profession. Those called to the Bar of England and Wales must demonstrate the qualities and standards of professionalism that justify the responsibility and trust that may be placed in them by members of the public, including a standard of English that is appropriate for the oral and written advocacy which is necessary for practice. They also play a vital role in the administration of justice. The purpose of the Bar Transfer Test (BTT) is to enable candidates who are qualified lawyers to have the opportunity to transfer to the Bar of England and Wales, without having to undergo the full course of education and training as required in the Academic Stage (Qualifying Law Degree or conversion course) and the Vocational Stage (Bar Professional Training Course, ‘BPTC’).

The imposition of a Bar Transfer Test is necessary for the protection of the public in an outcomes based approach where the required standards and competences must have been assessed as having been met. It is also necessary in terms of the Regulatory objectives as defined in the Legal Services Act 2007 (Part 1, para 1(1)-(4)). A robust Bar Transfer Test helps to ensure that the objectives, as laid down by the Act, are met as follows:

a. Protecting and promoting the public interest
   The need for qualified lawyers from other jurisdictions or professions to be assessed and examined formally before proceeding with transfer to the Bar of England and Wales is clearly in the public interest. Those candidates who are successful at the BTT may proceed to the professional stage of training (i.e. pupillage).

b. Supporting the constitutional principles of the Rule of Law
   The requirement for such persons to demonstrate competence prior to transfer can only help to uphold the principles of the Rule of Law by ensuring the quality of transferring lawyers.

c. Improving access to justice
   Access to justice is improved by ensuring that transferring lawyers perform to the required standard.

d. Protecting and promoting the interest of consumers
   The use of the BTT ensures that clients and consumers can be assured of the ethical and practice standards of those practitioners who have transferred from elsewhere.

e. Promoting competition in the provision of services
   Permitting qualified lawyers to transfer to the Bar, subject to successful completion of the BTT helps to promote competition between the whole range of practitioners. This is expected to reduce costs and reward good standards.

f. Encouraging an independent, strong, diverse and effective legal profession
   Permitting qualified lawyers (particularly those from overseas jurisdictions) to transfer to the Bar after successful completion of the BTT, encourages and enhances diversity. This will provide equal opportunities to practise to all suitably qualified persons, including foreign lawyers, whose presence at the Bar reflects the increasingly globalised environment within which the courts of England and Wales operate.

g. Increasing public understanding of the citizen’s legal rights and duties
   The requirement for transferring lawyers to undertake the BTT reinforces the reasonable public expectation that all barristers will have appropriate qualifications and experience.

h. Promoting and maintaining adherence to the professional principles, including maintaining proper standards of work; and acting in the best interests of clients
   Promoting excellence and quality within the profession is ensured by assessment of individuals during the BTT and their successful completion of the BTT.
1.2 Principles of Regulation of the BTT by the BSB

As the independent regulatory board of the Bar Council, the BSB is responsible for regulating barristers called to the Bar in England and Wales (http://www.barstandardsboard.org.uk/). The BSB takes decisions independently in order to promote and safeguard the highest standards of legal education and practice in the interests of clients, the public and the profession. The purpose of the BSB is thus to provide specialist regulation of advocacy and expert legal advice in the public interest. This is achieved by setting standards for the profession and by ensuring that professional practice and conduct are focused on the interests of justice, the needs of consumers and duty to the court – all within the context of the highest standards of ethical behaviour. It is the role of the BSB therefore to regulate training and practice in a way which balances the interests of the users and the providers of services, and also adheres to the Better Regulation Principles [as laid down by the Better Regulation Commission, 2006].

The aim of this Handbook is to provide transparent and consistent information about the BTT and the rules that govern it. The BTT is directed at specific categories of applicant (e.g. transferring qualified lawyers) and is proportionate in the way it operates. Applications are first assessed by the BSB Qualifications Committee which determines whether to grant exemptions from the standard requirements for qualification as a barrister and, if so, whether to make such exemptions conditional upon passing some or all papers of the BTT; proportionate to the existing qualifications and experience of the applicant. This may be in relation to some or all of the papers; candidates are rarely required to take all papers of the Test. The administration of the actual Test is outsourced to an accredited Provider of the Test. The Provider will also provide a compulsory training course in advocacy skills. Arrangements may be made for the provision of extra training in advocacy if necessary. The BSB remains accountable in terms of its function as regulator of education and training for the Bar.

The content and regulation of the BTT are also in line with the Legal Services Board Regulatory Framework. The Test takes an outcomes based approach to regulation, aimed at ensuring that transferring lawyers are at the right standard (equivalent to the Vocational stage of training) in order to progress to the Professional Stage. This needs to apply right across an increasingly diverse market, keeping as its focus the needs of consumers and possible risks to them in using the services of qualified lawyers from other jurisdictions or professions who aim to transfer to the Bar of England and Wales, and the interests of justice. Upon passing the BTT, transferring lawyers are then regulated in the same way as other fully qualified practising barristers, with all further requirements enforced in the same way.

1.3 The Role of BSB as Regulator of Education and Training

The Bar Training Rules (BTRs) were drawn up by the BSB and put in place from 6 January 2014. They set out the training which a person must complete, and other requirements which a person must satisfy, in order to be called to the Bar by an Inn and be qualified to practise as a barrister. They are available in the BSB Handbook, on the BSB website. The responsibilities of the BSB extend to the regulation of the BTT for transferring solicitors and overseas lawyers, as specified in Part B7, Exemptions from Training Requirements. Key regulations are as follows:

rQ81
81. An exemption from part or all of any Stage of training may be granted unconditionally or subject to conditions, which may include in an appropriate case:
(a) a requirement to undertake training in substitution for training prescribed by these Regulations; and/or
(b) a condition that the applicant must pass a Bar Transfer Test.

In addition, with regard to European Lawyers:
89. Subject to Rules Q91 to 95, the Board may require a Qualified European Lawyer to pass a Bar Transfer Test if the Board determines that:
(a) the matters covered by the education and training of the applicant differ substantially from those covered by the Academic, Vocational and Professional Stages of training; and
(b) the knowledge acquired by the applicant in the course of the applicant’s professional experience does not fully cover this substantial difference.

The responsibilities of the BSB in education and training are focussed on the qualification to practise at the Bar of England and Wales. Appropriate knowledge and skills are essential for all transferring lawyers, including fluency in the English language. Candidates are expected to be able to use the English language at a standard (and with an understandable accent and audibility) that is appropriate to communicate in court in England and Wales, so that judges, witnesses, juries and members of the public will be able to comprehend without difficulty. This standard of English is appropriate for oral and written advocacy and is essential for all transferring lawyers. Candidates must be able to summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. They must be able to express themselves spontaneously, fluently and precisely, differentiating finer shades of meaning even in the most complex situation.

The BTT is not intended as a qualification for practice other than at the Bar of England and Wales. The Test is designed to ensure that candidates are able to demonstrate that the Foundations of Legal Knowledge, as specified by the Joint Statement issued by the Joint Academic Stage Board in 1999,1 have been covered, namely the key elements and general principles of the following areas of legal study:

- Public Law, including Constitutional Law, Administrative Law and Human Rights
- Law of the European Union
- Criminal Law
- Obligations including Contract, Restitution and Tort
- Property Law
- Equity and the Law of Trusts
- Training in Legal Research (will be assumed for qualified lawyers)
- A knowledge of the English Legal System is also required

In addition, since the BTT is regarded (overall) as equivalent in level to the Bar Professional Training Course (BPTC), candidates must demonstrate the same level of knowledge and skills (see section 2.1 below) and in the same areas:

- Advocacy
- Civil Litigation, Evidence and Remedies
- Criminal Litigation, Evidence and Sentencing
- Ethics
- Opinion Writing
- Drafting
- Conference skills (will be assumed for qualified lawyers)
- Negotiation/Resolution of Disputes out of Court (assumed for qualified lawyers)

**NB** Knowledge and experience of the above, where not assumed, may be demonstrated other than by formal assessment within the BTT if agreed by the Qualifications Committee.

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1 For the Joint Statement, see: [http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/academic-stage/joint-academic-stage-board/jasb-documents/](http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/academic-stage/joint-academic-stage-board/jasb-documents/)
2 Framework and content of the BTT

2.1 Standards and Level Descriptors

The Bar Transfer Test consists of a maximum of 13 separate assessments, the majority of which are time-constrained formal written examinations, the remainder being oral assessments. The examination papers relate to the knowledge of the Foundation subjects as specified by the Joint Statement and covered in the Qualifying Law Degree (QLD) or the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL) and to the knowledge, skills and competencies that are assessed on the BPTC. Together these form the essential components for Call to the Bar of England and Wales. In some circumstances, it may not be necessary for individual candidates to take all papers and oral assessments but candidates are required to demonstrate their ability in all papers that are required. Assessment Regulations are detailed in section B3 below. All candidates required to be assessed in advocacy must also attend an approved training course, delivered by an approved Provider, before attempting the assessment.

The elements of the BTT framework and requirements are as follows:

Part A (relating to the CPE/GDL)
   a. Public Law (Constitutional Law, Administrative Law and Human Rights)
   b. Law of the European Union
   c. Criminal Law
   d. Obligations including Contract, Restitution and Tort
   e. Property Law
   f. Equity and the Law of Trusts
   g. English Legal system

Part B (relating to the BPTC)
   h. Advocacy
   i. Civil Litigation, Evidence and Remedies
   j. Criminal Litigation, Evidence and Sentencing
   k. Ethics
   l. Opinion Writing
   m. Drafting

The syllabuses for each subject area in Parts A and B are detailed respectively in section A2.2 and A2.3 below. In some circumstances it may be preferable or necessary for a candidate to take the CPE/GDL rather than a large diet of assessments from Part A. It should be noted that:

- Latest editions of recommended texts should always be used. Candidates should ensure that later editions have not superseded those indicated. They will be expected to be familiar with the law in force at the time of their sitting the Test.

- City Law School Bar Course Manuals should be used. These are manuals prepared for use on the Bar Professional Training Course at City Law School and published by Oxford University Press. The Civil Litigation Handbook (current edition) can also be used.

For details of the outcomes expected in the above subject areas, candidates should refer to the descriptors for the Bar Transfer Test, which are in line with those used for the Bar Professional Training Course (see Bar Professional Training Course Requirements and Guidance, known as 'The Blue Book'). These will be used by examiners to assess whether the required standards have been met. Internal Examiners must be satisfied that a candidate has fulfilled all descriptors within these areas in order to be deemed to be performing at the required level. External Examiners must also, by moderation and sampling, be satisfied that assessment is at the required level.

Candidates are therefore advised to familiarise themselves with the descriptors and ensure that they will be able to meet the required standard.
Students successfully completing the BPTC must have demonstrated:

a. a high level ability to (i) persuade orally and in written argument using cogent legal and factual analysis (ii) develop reasoned argument and (iii) deploy forensic skills with evidence (both written and oral)

b. systematic understanding of relevant knowledge and ethical principles in law and practice; together with a comprehensive understanding of techniques applicable to practice at the Bar of England and Wales,

c. expertise in the application of legal knowledge in the interests of the client, together with a practical understanding of how established technical skills are used in relation to the interpretation of knowledge in the discipline

d. conceptual understanding that enables the student to collect and analyse relevant information; evaluate current developments and advanced theory in law and practice, and acquire in-depth knowledge of written material, law reports, journals and articles in applicable areas of study

e. knowledge and understanding of the ethical values (including equality and diversity issues, and duty to the client and to the court), and the skills and underpinning knowledge necessary to assess and manage cases without supervision

f. the ability to utilise and develop their knowledge and understanding of the principles underpinning their professional practice

g. the ability and competence to undertake case analysis, research, conferences, opinion writing, drafting, negotiation and advocacy with/without supervision

Definitions for threshold pass standard on the BTT (‘competent’ or ‘not competent’ in each assessment) are defined below. These should be used in conjunction with the level descriptors above, in line with the specification for the BPTC (Blue Book A2.1.5)

<table>
<thead>
<tr>
<th>Grading</th>
<th>Descriptor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competent</td>
<td>Work is satisfactory and accurate with few errors or omissions, and is of a standard that demonstrates an ability to perform the sort of tasks appropriate to pupillage. Has attained the specified outcomes (in terms of knowledge of fundamental concepts and performance of skills). Demonstrates sufficient quality to be considered satisfactory and competent in terms of fitness to progress to the pupillage stage of training. Able, with the additional training and supervision in pupillage, to represent lay clients/members of the public.</td>
</tr>
<tr>
<td>Not Competent</td>
<td>Does not satisfy the threshold requirements. Work is inarticulate and of poor standard, faulty and badly expressed.</td>
</tr>
</tbody>
</table>
2.2 Assessment framework

<table>
<thead>
<tr>
<th>Subject (Section)</th>
<th>Minimum assessment requirements</th>
<th>Pass mark</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part A</strong></td>
<td><strong>Legal Foundation Subjects</strong></td>
<td></td>
</tr>
<tr>
<td>Public Law (Constitutional Law, Administrative Law, Human Rights) A2.3a</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>Law of the EU A2.3b</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>Criminal Law A2.3c</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>Obligations (Contract, Restitution, and Tort) A2.3d</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>Property/Land Law A2.3e</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>Equity and the Law of Trusts A2.3f</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td>English System Legal System A2.3g</td>
<td>One closed-book examination (2 hours)</td>
<td>40% for substantive law; 60% for written skills</td>
</tr>
<tr>
<td><strong>Part B</strong></td>
<td></td>
<td>60%</td>
</tr>
<tr>
<td>Advocacy A2.4h</td>
<td>One assessment with oral exercise (12 mins) based on written component (eg skeleton argument), plus two further oral assessments (examination-in-chief, cross-examination) (12 mins each). All assessments must be passed.</td>
<td></td>
</tr>
<tr>
<td>Civil Litigation, Evidence &amp; Remedies A2.4i</td>
<td>One closed-book examination of 3 hours, comprising Part A (MCQs) and Part B (SAQs), weighted equally. Both parts must be passed.</td>
<td>60%</td>
</tr>
<tr>
<td>Criminal Litigation, Evidence &amp; Sentencing A2.4j</td>
<td>One closed-book examination of 3 hours, comprising Part A (MCQs) and Part B (SAQs), weighted equally. Both parts must be passed.</td>
<td>60%</td>
</tr>
<tr>
<td>Professional Ethics A2.4k</td>
<td>One closed-book examination of 2 hours, comprising Part A (MCQs) and Part B (SAQs), weighted equally. Both parts must be passed.</td>
<td>60%</td>
</tr>
<tr>
<td>Opinion Writing A2.4l</td>
<td>No separate assessment; assessed within other written examinations</td>
<td>N/A</td>
</tr>
<tr>
<td>Drafting A2.4m</td>
<td>No separate assessment; assessed within other written examinations</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Maximum</strong></td>
<td>11 assessments</td>
<td></td>
</tr>
</tbody>
</table>

MCQs – multiple choice questions / SAQs – short answer questions

**NB** In relation to each assessment/examination, a candidate will fail if their answers (however accurate) do not meet the English language standards (see p.7, B2.3 and C2).

**NB** Translational arrangements are in place for candidates re-sitting the BTT in September 2014 (see p.52, B3, para.3.9).
2.3 Subject areas relating to the QLD/CPE Foundation subjects

2.3a Public Law (Constitutional Law, Administrative Law and Human Rights)

Syllabus

1 Nature and sources of Constitutional Law
   - Doctrines of Constitutional Law
   - Institutions of Constitutional Law in the UK and EU
   - Government Powers and Accountability

2 EU Law
   - Relations with the national legal order
   - UK sovereignty and impact of EU Law
   - EU remedies

3 Civil Liberties
   - The Police
   - The Judiciary
   - Human rights - the European Convention on Human Rights and Fundamental Freedoms

4 Administrative Law
   - Judicial review
   - Jurisdiction - ultra vires
   - Principles - natural justice
   - Procedures and remedies
   - Administrative tribunals

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion. Relevant copies of statutory materials will be provided.
2.3b  Law of the European Union

Syllabus

Basics of EU Law

- Recognition of the circumstances in which issues of EU Law may arise
- The relationship between EU and Domestic Law in a practical context
- The main content of and problems existing in some of the major areas of substantive EU Law and the impact of each on English Law, including:
  - Free movement of goods
  - Free movement of People
  - Competition Law

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion. Relevant copies of statutory materials will be provided.
2.3c Criminal Law

Syllabus

1 General
   • The general principles of criminal liability (\textit{actus reus, mens rea} and defences)
   • Application of general principles to specific offences
   • Understanding of the elements of specific offences
   • The role of case law, the rules of precedent, statutes and rules of statutory interpretation in the operation of criminal law.

2 The basic elements of criminal liability
   • \textit{Actus Reus}
   • Causation
   • Omissions
   • \textit{Mens Rea} (intention, recklessness etc)
   • Defences (including self-defence, effect of mistake)
   • Recklessness

3 Non-fatal offences against the person
   • Assault and battery
   • Assault occasioning actual bodily harm
   • Causing or inflicting grievous bodily harm
   • Robbery

4 Fatal offences against the person
   • Murder
   • Manslaughter

5 Modes of Participation
   • Accessorial liability
   • Inchoate offences

6 Offences involving fraud and dishonesty
   • Theft
   • Offences of fraud
   • Evasion of liability by deception
   • Making off without payment
   • Handling stolen goods
   • Burglary

7 Road Traffic Offences
   • Taking a vehicle without the owner’s consent
   • Aggravated vehicle taking

8 Other Offences
   • Public order offences
   • Criminal damage

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven. The questions will be in the form of Instructions to Counsel. The questions/instructions will require candidates to produce a pleading or a formal Opinion.
The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal Opinion.
2.3d Obligations including Contract, Restitution, and Tort

Syllabus (Contract)

1 Formation of Contracts
   • Offer/Acceptance
   • Intention to create legal relations
   • Consideration
   • Privity of contract
   • Capacity/Formalities

2 Terms of the Contract
   • Express terms, implied terms, particularly implied from statute (Sale of Goods Act, Supply of Goods & Services)
   • Conditions and warranties
   • Exemption clauses

3 Vitiating factors
   • Misrepresentation
   • Mistake
   • Duress/undue influence
   • Illegality/restraint of trade

4 Discharge of Contract
   • Discharge by performance
   • Discharge by frustration
   • Discharge by breach
   • Remedies
   • Damages
   • Specific performance
   • Injunction
   • Restitution

Syllabus (Tort)

1 Negligence
   • Duty of care
   • Negligent statements
   • Professional negligence
   • Nervous shock and rescuers
   • Breach of Duty
   • Damage
   • Remoteness
   • Causation

2 Employers' liability (including vicarious liability)

3 Trespass torts; Nuisance

4 Breach of statutory duty

5 Occupiers' liability

6 Common issues in Tort and Contract
   • Professional liability
   • Product liability
   • Multi-party transactions
   • Economic loss
- Misrepresentation
- Unfair Contract Terms Act
- Remedies
- Contribution and indemnity
- Defences

**Assessment**

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven. The questions will be in the form of Instructions to Counsel. The questions/instructions will require candidates to produce a pleading or a formal Opinion.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal Opinion.
2.3e Property/Land Law

Syllabus

1 General
- Estates and interests which can be held in land and how these can exist
- Ways in which legal estates can be held
- The respective roles of trustees and beneficiaries
- The formalities governing the acquisition of interests in land
- Matters which may defeat an estate or interest
- Licences and leases in both commercial and residential contexts
- The regulation of land use through private law mechanisms (covenants and easements)
- How estates and interests in land are governed by the unregistered and registered systems of conveyancing

2 Additional
- Transfer of land
- Strict settlements, the trust for sale and the trust of land
- Co-ownership
- Mortgages
- Licences
- Leases
- Freehold covenants
- Easements
- Registered land
- Unregistered land

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer four questions out of seven.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion. Relevant copies of statutory materials will be provided.
2.3f  Equity and the Law of Trusts

Syllabus

Basic principles and rules of equity
- Creation of Private Trusts
- Certainty, formalities for creation and exceptions
- Rules against remoteness of vesting
- Secret trusts
- Charitable trusts
- Requirements for charitable status
- Cy-pres doctrine
- Purpose trusts and unincorporated associations
- Resulting and constructive trusts
- Implied trusts of the home
- Administration of private trusts
- Appointment and removal of trustees
- Variation of trusts
- Trustees' powers and duties
- Breach of trust and defences
- Liability of strangers, tracing

Assessment

One two-hour closed-book examination. The paper will require candidates to answer four questions out of seven.

The question will be in the form of Instructions to Counsel. The question/instructions will require candidates to produce a pleading or a formal Opinion. The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.

Candidates must demonstrate their ability in formal written skills required of counsel. Accordingly candidates will be required to present their answers in the form of either a pleading or a formal opinion.
2.3g English Legal System

Syllabus

1 Sources of English Law
   • Common Law, Equity and Legislation
   • A detailed knowledge of the history of Common Law and Equity is not required.

2 The Doctrine of Precedent
   • The operation of the doctrine of *stare decisis* and the hierarchy of Courts
   • The relationship between precedent and law reporting
   • Advantages and disadvantages of precedent
   • Do judges make law?

3 The Interpretation of Legislation
   • United Kingdom legislation including delegated legislation, its advantages and disadvantages
   • Judicial approaches to the interpretation of statutes
   • Rules, presumptions and aids to construction
   • The Interpretation Act 1978
   • Interpretation of European Legislation

4 The Court Structure
   • The composition and jurisdiction of the House of Lords, the Supreme Court, the Court of Appeal, the High Courts of Justice, the Crown Court, Country Courts (including the small claims procedure), Coroners Courts and Magistrates Courts
   • A detailed knowledge of rights of appeal is not required for this part of the syllabus, but may fall within the scope of other papers

5 Tribunals
   • An outline knowledge only of the role and workings of tribunals
   • A knowledge of the advantages, disadvantages and control of tribunals is required

6 Judge and Jury
   • The appointment and conditions of tenure of the judges of the courts listed in 4, above
   • Qualifications for jury service
   • The use of juries in civil and criminal cases and the advantages and disadvantages of their use
   • The roles of judge and jury

7 The Structure and Organisation of the Legal Profession
   • Barristers, solicitors and legal executives
   • The professional institutions responsible for the qualifications, conduct and discipline of members of the legal profession

8 Lay participation in the legal system and alternative methods of Dispute Resolution
   • Law magistrate, tribunal members, McKenzie friends, lay assessors
   • Conciliation, mediation, arbitration - their advantages and disadvantages

Assessment

One two-hour closed-book examination.

The paper will require candidates to answer five questions out of eight.

The pass mark on the substantive law element of the paper is 40%. The pass mark for the written skills element of the paper is 60%.
Candidates must demonstrate their ability in formal written skills required of counsel. Relevant copies of statutory materials will be provided.
2.4 Subject areas relating to the Bar Professional Training Course

*NB the Law cut-off point will be 1 October each year*

2.4h Advocacy

This section aims to test candidates on the practice of advocacy which they should be capable of conducting as a barrister. It aims to test the skills necessary to prepare, present and respond to a case or legal argument before a court or other tribunal.

This section will test whether candidates:

- can prepare, manage, present and/or respond to a case or legal argument, both orally and in writing, before a court or other tribunal, whether formal or informal;
- have the essential skills for a persuasive modern advocate, as defined by the ‘Dutton criteria’:
  - the ability to persuade orally
  - the ability to persuade in written argument
  - cogent legal and factual analysis
  - the ability to develop reasoned argument, and
  - forensic skills with evidence (both written and oral)
- can apply advocacy training methods to which they will be exposed in practice;
- can apply the advocacy practice as approved by the Advocacy Training Council;
- have knowledge and understanding of the manner in which legal submissions should be made and responded to; and
- have knowledge and understanding of relevant equality and diversity issues in advocacy.

The candidate must be able to:

1. prepare a case effectively, understanding the relevant law, facts and principles, observing the rules of professional conduct and planning the advocacy task in question;
2. demonstrate basic advocacy skills in a range of civil and criminal scenarios, in applications and in trial(s), and before a range of tribunals;
3. prepare and deliver each of the following:
   a. an opening speech;
   b. a closing speech;
   c. an unopposed submission; and
   d. an opposed submission; and
4. examine, cross-examine and re-examine witnesses.

*Syllabus*

Candidates must be able to demonstrate that they have reached the required standard in the areas specified below.

1. **Preparation**
   - comprehensive analysis of the case;
   - outline of facts in a clear narrative form;
   - statement of relevant legal principles to the court as concisely as possible;
   - citation of cases and statutes as appropriate, giving full citations to the court when necessary;
   - applying legal authorities to issues in the case;
   - relating evidence to the issues;
   - making appropriate use of witness statements or affidavits;

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• structuring the speech or submission in a clear, logical, coherent, effective and proper manner; and
• adherence to instructions from the client and ethical principles.

2. **Presentation**
• speaking clearly, audibly and at a sensible pace;
• adopting an appropriate stance for addressing the court, with good communication techniques (e.g. eye contact) and a general absence of distracting gestures;
• displaying a proper degree of confidence in the case and in its presentation;
• advancing the positive points in the client's case;
• explaining, excusing or justifying, to the extent that it is proper to do so, the weak points in the client's case;
• anticipating an opponent's points, where possible, and putting forward cogent arguments to rebut them;
• answering an opponent's points clearly and effectively;
• responding appropriately to points raised by the court, or by an opponent;
• relying in argument only on points with some merit and which can be properly relied on; and
• conceding points in argument, if appropriate.

3. **Examination-in-Chief**
• understanding of the aims of examination-in-chief;
• settling the witness, with simple introductory questions;
• enabling the witness to tell the story in his or her own words;
• avoidance of the use of leading questions except on matters which are not in dispute;
• asking questions designed to elicit the important parts of the testimony of a witness;
• making appropriate use of open and closed questions;
• asking the questions audibly, at a suitable pace and in a sensible sequence; and
• making smooth transitions from one topic or series of questions to another.

4. **Cross-Examination**
• preparing for cross-examination with a clear approach to the objective which is sought;
• identifying the matters on which it is, and is not, appropriate to cross-examine;
• organizing matters to be dealt with in a sensible order;
• understanding the need to be flexible by adapting the plan prepared for cross-examination to take account of the evidence given by the witness;
• asking questions which strengthen elements of the client's case;
• asking questions which probe the evidence of a witness for ambiguities, or matters that reveal a lack of credibility;
• putting the client's case to the opponent's witness in cross-examination for explanation, agreement or contradiction;
• making sensible use of leading questions; and
• asking the witness questions audibly, at a suitable pace and in a form that the witness comprehends.

5. **Re-examination**
• deciding when it is and is not appropriate to re-examine;
• confining re-examination to matters raised in cross-examination;
• avoiding leading questions; and
• asking the witness questions audibly, at a suitable pace and in a form that the witness comprehends.
6. **Skeleton Arguments**

- Skeleton arguments must be covered, with reference to the ‘Dutton criteria’\(^3\). The importance of skeleton arguments cannot be over-emphasised.

  \[\text{NB Forms of written advocacy should be covered as appropriate}\]

**Assessment:**

Each candidate must undertake an Advocacy Course (see section A3.1) involving advocacy exercises under the supervision of a tutor; of which three will be formally assessed. Methods of training as used by the Advocacy Training Council (i.e. the Hampel Method) will be used but this may be modified if appropriate.

The diet of summative advocacy assessments must contain the following elements:

- submission of written argument;
- advancing and responding to legal, factual and procedural submissions;
- knowledge and application of legal principle;
- witness handling, including examination-in-chief, cross-examination and re-examination;
- dealing with interventions from the bench

Three exercises will be formally assessed as follows: one formal assessment must have an oral component plus a skeleton argument. There must be two further oral assessments (of examination-in-chief; cross-examination). All three summative assessments must receive the specified weighting (see table, section 2.2).

The pass mark is 60%.

\(^3\) For the full list of criteria, see:
2.4i Civil Litigation, Evidence and Remedies

This section aims to test knowledge, understanding and the ability to apply and evaluate the key areas of civil litigation and evidence. It covers practice procedure and evidence in civil claims from compliance with pre-action protocols through to appeals, with particular emphasis on the common types of work done at the junior Civil Bar.

This section will test whether candidates have a sound knowledge and understanding of:

- the organisation of the High and County Courts, the overriding objective of the Civil Procedure Rules, the impact of the Human Rights Act on civil claims and various types of claims (small claim, fast-track and multi-track), pre-action protocols and limitation;
- the rules for commencing proceedings and the rules and procedures relating to multiple causes of action, multiple parties and additional claims;
- statements of case and the rules for amendment and requesting further information;
- the rules and procedure relevant to track allocation, case management and directions;
- the principles and procedure for obtaining judgment without trial;
- the procedure for making interim applications and in particular applying for an interim injunction, freezing injunction and search order, interim payment and security for costs;
- the law, principles and procedure regulating the disclosure and inspection of documents;
- striking out, stays and discontinuance and offers to settle;
- the law and practice relating to the admission of types of evidence in civil trials, and preparation for trial;
- costs, funding and the implications of Community Legal Service funding;
- the procedure for appealing and for claiming judicial review and for making references to the ECJ;
- the rules and principles relating to judgments and orders; and
- skills in applying the different methods of enforcing money and other judgments.

The candidate must be able to:

1. demonstrate a sound understanding of the organisation of the High Court and the County Courts;
2. demonstrate a sound understanding of the procedures that must be observed in the High Court and County Court;
3. demonstrate a sound understanding of how claims are commenced and of limitation and case management;
4. demonstrate a sound understanding of the manner in which parties are required to set out and verify the factual basis of their respective cases in statements of case;
5. understand the procedure in cases involving three or more parties including a sound knowledge of the rules and procedures relating to multiple causes of action and multiple parties and additional claims;
6. understand the procedures relating to disclosure and inspection of documents;
7. demonstrate a sound understanding of requests for further information, how to respond to a request for further information and the rules on amendment of statements of case;
8. have a sound understanding of the law and procedure relating to applications for interim injunctions both prohibitory and mandatory;
9. demonstrate a sound understanding of freezing and search orders, sanctions, striking out, stays and discontinuance, interim payments and security for costs;
10. be able effectively to consider interim applications;
11. be able to demonstrate a sound understanding of default, summary and other judgments;
12. demonstrate a sound understanding of the principles and procedures in respect of Part 36 offers to settle;
13. demonstrate a sound understanding of the law and practice relating to the admission of evidence in civil trials;
14. have a sound understanding of preparations necessary for trial;
15. understand and distinguish between different bases of assessment of costs, funding and the impact of Community Legal Service funding;
16. demonstrate a sound understanding of practice relating to drawing up judgments and orders;
17. gain a sound working knowledge of the different methods of enforcing money and other judgments; and
18. have a sound understanding of the principles and procedures governing civil appeals and to be able to understand and advise on the procedure for claiming judicial review and for making references to the ECJ.

Syllabus

Candidates must have reached the required standard in the syllabus areas specified below:

1. Organisational matters
   - the organisation of the High Court (in outline);
   - the organisation of the County Courts (in outline);
   - the allocation of business between the High and County Courts (in outline);
   - the allocation of business between tracks;
   - the overriding objective of the Civil Procedure Rules; and
   - the impact of the Human Rights Act on civil claims.

2. Pre-action Protocols
   - the list of specific pre-action protocols;
   - the principles relating to pre-action conduct under the Personal Injury pre-action protocol (in outline);
   - the details of pre-action conduct where no specific protocol applies; and
   - the consequences of non-compliance with pre-action protocols.

3. Limitation
   - rules on calculating limitation (accrual and when time stops running);
   - limitation periods in tort, latent damage cases, personal injuries, fatal accidents, contract, recovery of land, judicial review and contribution claims. Also the provisions of the Limitation Act 1980, ss 14, 14A, 14B and 33; and
   - Limitation Act 1980 provisions dealing with persons under a disability, fraud, concealment and mistake.

4. Commencing Proceedings
   - when the Part 7 procedure is appropriate and how Part 7 claims are commenced;
   - when the Part 8 procedure is appropriate and how Part 8 claims are commenced;
   - how court documents are brought to the notice of other parties;
   - the principles governing the validity and renewal of claim forms;
   - the procedures for bringing and settling proceedings by or against: children and persons suffering from mental incapacity; and
   - the procedures for bringing proceedings by or against: sole traders, partnerships, LLPs and registered companies; charities and trusts; deceased persons and bankrupts.

5. Proceedings Involving Three or More Parties and Multiple Causes of Action
   - multiple causes of action and multiple parties;
   - additional claims, including in particular:
     - the various types of claims that can be raised in such proceedings,
     - the management of additional claims; and
   - the effect on additional claims of the main proceedings being determined without trial.

6. Statements of Case
   - the manner in which parties are required to set out and verify the factual basis of their respective cases in statements of case; and
• the methods by which parties may respond to statements of case, defences, replies, counter-claims.
• [Not the drafting of statements of case, for which see section 2.2.6]

7. **Remedies** (general)
• the cost of pursuing a remedy;
• whether a self-help remedy is available;
• whether alternative forms of resolving a dispute are available;
• the capacity of the defendant to pay damages if awarded;
• whether a range of remedies should be pursued;
• whether interim remedies should be pursued; and
• applicable time limits.

8. **Contract**
• the general principles underlying damages for breach of contract, including limitations on compensatory damages;
• the availability of equitable remedies, including specific performance, injunctions, rescission and rectification;
• remedies for misrepresentation;
• the law and practice in respect of interest on judgment debts pursuant to contract or statute (Judgments Act 1838; County Court (Interest on Judgment Debts) Order 1991; Late Payment of Commercial Debts (Interest) Act 1998).

9. **Tort**
• the general principles underlying the amount of damages, the calculation of quantum, the reduction of damages, aggravated and exemplary damages and the availability of injunctions;
• the principles according to which damages are quantified, the process by which a court would arrive at a final figure, and the practical steps to be taken in advising on quantum in cases of personal injury;
• the impact of Social Security payments on the assessment of damages and the method by which HM Revenue and Customs approach issues of taxation of damages;
• the law and practice in respect of interest on damages in claims for personal injury.

10. **Amendment**
• permission / consent to amend: when required, and how permission is sought;
• principles governing applications for permission to amend;
• principles governing amendments introducing new causes of action after the expiry of limitation;
• principles governing amendments adding or substituting parties after the expiry of limitation;
• amendments affecting accrued limitation rights; and
• costs consequences of amending.

11. **Further Information**
• when it may be appropriate to make a request for further information;
• the principles on which requests for further information may be administered or are allowed; and
• how to respond to a request for further information.

12. **Interim applications**
• with notice and without notice applications;
• documentation required in interim applications;
• calculating periods of notice in interim applications; and
• duty of full and frank disclosure in without notice applications.

13. **Judgment without trial**
default judgments, including calculating time for entry of default judgment, procedure, whether permission is required, and the principles applied on applications to set aside; and
summary judgments, including the procedure, who may apply, the test to be applied, conditional orders, the principles applied on applications for summary judgment, how the test applies where there are counterclaims and set-offs and the cheque rule.

14. Case Management
- the allocation of business between the small claims track, the fast-track and the multi-track;
- the procedure at case management conferences; and
- typical directions in fast-track and multi-track claims.

15. Disclosure and Inspection of Documents
- the law, principles and procedure regulating standard disclosure and inspection of documents;
- the principles and procedure relating to specific disclosure;
- collateral use of disclosed documents;
- Norwich Pharmacal orders; and
- pre-action discovery under SCA 1981 s.33 (2) and disclosure against non-parties under SCA 1981 s.34 (2).

16. Sanctions, Striking Out, Stays and Discontinuance
- identification of whether, in any given case, an application should be made for sanctions or to strike out;
- the procedure for applying for sanctions, to strike out and for relief from sanctions, and the principles applied by the court;
- applications for stays pending consent to medical examination and the effect of stays; and
- discontinuing and the costs consequences of discontinuing.

17. Interim Payments and Security for Costs
- the principles and procedure relating to applications for interim payments;
- grounds for applying for interim payments, to include cases with more than one defendant and effect of set-offs and counterclaims;
- amount to be ordered by way of interim payment, including the effect of set-offs and counterclaims;
- procedure on applications for security for costs;
- applying for security for costs on the grounds of residence outside the jurisdiction and against impecunious companies; and
- the approach to the discretion to order security for costs in these cases.

18. Interim injunctions
- the procedure for applying for an interim injunction;
- *American Cyanamid* principles;
- the principles governing the following exceptions and variations to *American Cyanamid*: applications for mandatory interim injunctions, interim injunctions that finally dispose of the case, cases where there is no arguable defence, restraint of trade cases, defamation claims and cases involving freedom of expression and privacy;
- how those principles apply in the particular circumstances; and
- the meaning and effect of the usual undertakings and cross-undertakings given in interim injunction cases.

19. Freezing Injunctions and Search Orders
- The following topics relating to freezing injunctions:
  - the principles for granting such an injunction,
  - procedure for applying for such an injunction,
  - the terms to be incorporated in drafting such an injunction, and
  - the grounds upon which an application may be made to vary or discharge such an injunction;
• The following topics relating to search orders:
  o the principles for granting such an order
  o the procedure for applying for such an order, and
  o how such orders are executed.

20. **Offers to settle**
• the requirements in making offers to settle under Part 36;
• calculation of the relevant period;
• consequences of accepting offers to settle under Part 36;
• withdrawing, reducing and increasing offers to settle;
• consequences of failing to obtain judgment which is more advantageous than an offer to settle; and
• secrecy relating to offers to settle, and the consequences of breach.

21. **Trial**
• the use of witness summonses;
• skeleton arguments;
• the procedure on the trial of civil cases, including trial timetables, the order of speeches, calling and examining witnesses; and
• judgment and submissions on orders for costs and permission to appeal.

22. **Costs, Funding and Community Legal Service**
• the nature of private funding, conditional fee agreements, after the event insurance, before the event insurance, and public funding;
• the contrast between conditional fee agreements and contingency fee agreements;
• the difference between funding and costs orders;
• the different methods of assessing costs (summary and detailed assessment) and when each is appropriate;
• the different bases on which costs are assessed (standard and indemnity);
• the various interim costs orders and their effects;
• the situations where costs orders do not follow the event;
• the likely effect on the order for costs where:
  o a party achieves only partial success,
  o there is a joinder of defendants and the claimant succeeds against some but not all of them,
  o one or more parties is publicly funded; and
• the effects of state funding and the statutory charge on civil litigation and counsel's duty to the Legal Services Commission.

23. **Judgments and Orders**
• who, generally, is responsible for drawing up a judgment / order, together with exceptions to the general rule;
• the consequences where a party fails to draw up and file a judgment / order within the time permitted;
• the time for payment of a money judgment;
• penal notices in interim injunction orders; and
• the form of orders requiring an act to be done.

24. **Enforcement of Judgments**
• the different methods of enforcing money and other judgments (in outline); and
• which method or combination of methods is appropriate to the particular circumstances of the judgment debtor in question.

[NB This topic will be assessed at the level of junior counsel advising a client on enforcement immediately after a fast track trial.]

25. **Judicial Review**
the requirements and principles for obtaining permission to claim judicial review; and
the availability of remedies of quashing order, mandatory order, prohibiting order, injunction and declaration in judicial review claims.

26. Appeals and references to the ECJ

- the principles and procedures governing civil appeals in England and Wales (excluding appeals to the Supreme Court), comprising permission to appeal, routes of appeal, time for appealing, appellant’s notice and grounds on which an appeal may succeed, fresh evidence in appeals, respondent’s notice, and skeleton arguments; and
- the principles and procedures governing references to the European Court of Justice.

27. Civil Evidence

All the following rules are to be considered in the context of civil claims on the fast track and multi-track.

- burden and standard of proof [but not presumptions or judicial notice];
- competence and compellability of witnesses;
- the law and practice relating to the admission of hearsay evidence in civil trials;
- the practice and procedure relating to the preparation and exchange of witness statements;
- the principles underlying the general exclusionary rule in relation to evidence of opinion and the main exceptions to that rule;
- the special rules relating to the opinion of experts, comprising the definition of an expert, the form of experts’ reports, disclosure of reports and literature, use of secondary facts, ultimate issues, and the requirements for permission to use expert evidence and to call experts;
- the principles relating to legal professional privilege, privilege against self-incrimination, without prejudice communications and public interest immunity in civil cases, and exceptions to these rules;
- waiver of privilege;
- evidence rules governing examination-in-chief and cross-examination, comprising: leading and non-leading questions; cross-examination as to credit, the rule of finality, and exceptions to that rule, hostile and unfavourable witnesses; and use of previous consistent and inconsistent evidence;
- previous judgments, comprising res judicata, abuse of process and the CEA 1968, s. 11; and
- character evidence.

Assessment:

One closed-book examination, three hours long, comprising Part A (MCQs) and Part B (SAQs), with equal weighting.

Candidates are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to candidates as to which parts of the syllabus will or will not be assessed.

The pass mark is 60%.

Reading/Reference List:

A balanced selection which should include:
Civil Procedure (Sweet & Maxwell), known as ‘The White Book’, must be used as the primary text
Blackstone’s Civil Practice (OUP)
A Practical Approach to Civil Procedure, S Sime (OUP)
The Civil Court Practice 2011 (‘the Green Book’), Editor-in-Chief: The Rt Hon Lord Neuberger of Abbotsbury, March 2011 (LexisNexis) [NB this is not a substitute for the use of the White Book]
2.4j Criminal Litigation, Evidence and Sentencing

Building on criminal law courses of the Qualifying Law Degree, this area will test candidates on current procedures relating to arrests, pre-trial issues, summary and jury trials, sentencing and appeals. It will also test the more important evidential rules that apply to criminal cases.

This section will test whether candidates have a sound knowledge and understanding of the law relating to:

- criminal arrest and the various modes of trial and sentencing;
- the roles of the Youth Court, adult Magistrates’, Crown and appellate Courts;
- jury trials;
- evidential rules relating to criminal cases;
- sentencing powers of the various courts; and
- appeal procedures.

The candidate must be able to demonstrate a sound understanding of the criminal process as a whole and how cases progress through the system. In addition the candidate should be able to demonstrate a sound understanding and knowledge of the following specific topics:

1. the processes related to police investigation and arrest,
2. the law and practice relating to bail in criminal cases,
3. mode of trial, committal, the procedures for sending indictable only cases to the Crown Court and the transfer of cases involving complex fraud and child victims and witnesses,
4. plea and other pre-trial issues in the Magistrates’ Court,
5. disclosure of unused material,
6. the conduct of summary trials,
7. the rules relating to indictments, arraignment and conducting pre-trial hearings in the Crown Court,
8. the conduct of jury trials,
9. the main evidential rules relating to criminal trials,
10. the principles, procedures and types of sentence in criminal cases,
11. the procedures for dealing with youth cases,
12. the law and practice of appeals in criminal cases.

Syllabus

Candidates must be able to demonstrate that they have reached the required standard in the syllabus areas specified below.

Section 1: Overview

1. Overview of criminal procedure
   - the classification of offences (indictable, either-way and summary);
   - the court structure in England and Wales;
   - how a criminal case progresses through the system (outline of the progress of the three categories of criminal offence, with respect to adults and of offences of varying seriousness with respect to youths);
   - the funding of criminal cases (a detailed knowledge is not required, but candidates should have an understanding of the general structure of funding arrangements); and
   - the importance and application of the Criminal Procedure Rules 2005, in particular the overriding objective and the case management functions of the court (other parts of the rules may be relevant to individual topics; where this is the case they are specifically referred to below).
Section 2: Criminal investigations, commencement of proceedings and pre-trial issues

2. Preliminaries to prosecution
   - the structure of the codes of conduct issued under the Police and Criminal Evidence Act 1984 (PACE) and their importance to criminal investigations (outline only);
   - the provisions of Code C.10 (cautions and special warnings) and Code C.11 (interviews);
   - the provisions of Code D.3 (identification by witnesses);
   - the different powers of search and arrest;
   - the role of the Crown Prosecution Service; and
   - the different forms of commencing criminal proceedings.

3. Bail and remands
   - the difference between adjournments and remands;
   - time limits applicable to defendants remanded in custody;
   - the general right to bail under the Bail Act 1976 and the occasions when it does not apply;
   - the grounds and reasons for refusing bail;
   - bail conditions that can be applied and under what circumstances;
   - the practice and procedure on appeal to the Crown Court against a decision to refuse bail in the Magistrates’ Court;
   - the grounds upon which the prosecution can appeal to the Crown Court against a decision to grant bail; and
   - dealing with defendants who have failed to surrender to bail or breached their bail conditions.

4. Plea in the Magistrates’ Court, mode of trial, committal, sending and transfers
   - the rules relating to the provision of advance information;
   - preliminary hearings in the Magistrates’ Court (outline only required);
   - pleas generally in the Magistrates’ Court, including equivocal pleas;
   - the factors which the defendant should be aware of in deciding whether to elect Crown Court trial;
   - the approach taken by the magistrates to the question whether or not to accept jurisdiction;
   - plea before venue and mode of trial, including the special rules for criminal damage cases;
   - committal for sentence;
   - the committal of either-way offences to the Crown Court for trial;
   - sending indictable only offences to the Crown Court;
   - the transfer of complex fraud cases and cases involving child victims and witnesses (outline only); and
   - the committal/sending of linked summary only cases and the procedure for dealing with them in the Crown Court.

5. Disclosure of unused material and defence statements
   - the investigator’s duty to retain unused material;
   - the prosecutor’s duty of disclosure;
   - the test for determining whether unused material should be disclosed by the prosecution, including the requirement of continuous review;
   - time limits for prosecution disclosure;
   - applications to compel the prosecution to disclose;
   - defence duties of disclosure;
   - the requirements relating to the contents of a defence statement;
   - the consequences of defence failures in the disclosure process;
   - public interest immunity and public policy; and
   - third party disclosure.

6. Indictments
   - the time limits for preferring a bill of indictment;
the structure and format of an indictment;
the format of a count;
counts which can lawfully be joined on an indictment;
the rules relating to duplicity, specimen counts and overloading of indictments;
the joinder of defendants on an indictment;
applications to sever the indictment;
the consequences of misjoinder;
applications to amend indictments;
applications to stay and quash indictments; and
voluntary bills of indictment (outline only).

7. Preliminaries to trial in the Crown Court
the plea and case management hearing in the Crown Court and its importance to case management;
arraignments;
special pleas, autrefois acquit and convict (outline only);
pleas to alternative counts, offering no evidence and leaving counts to lie on file; and
preliminary and pre-trial hearings in complex and serious and sensitive cases, including the powers of dismissal of transferred and sent cases.

Section 3: Procedural and evidential issues relating to criminal trials

8. Summary trial procedure
the circumstances in which the magistrates can proceed in the absence of the defendant;
abuse of process in the Magistrates’ Court (outline only);
the procedural steps in a summary trial, including reading statements and formal admissions;
submission of no case to answer;
order of speeches;
verdicts;
costs after trial (outline only); and
the role of the Magistrates’ Legal Advisor in the trial (outline only).

9. Jury trial procedure
judge-only trials (outline only);
proceeding in the absence of the defendant;
abuse of process in the Crown Court (outline only);
the law and practice relating to juries, including the circumstances when individual jurors or the whole jury can be discharged;
procedural steps in a jury trial, including submissions of no case to answer, formal admissions and reading statements;
dealing with points of law during the trial, including the procedure for determining the admissibility of evidence;
speeches;
the content of summing up;
verdicts, including majority verdicts and conviction of a lesser offence; and
costs after trial (Outline only).

10. Preliminary evidential matters
the basic terminology of evidence;
facts in issue;
relevance;
admissibility, including the discretionary power to exclude under s78 and the common law powers to exclude evidence;
weight;
tribunals of fact and law; and
presumptions (outline only).
11. **Burden and standard of proof**
- the distinction between the legal burden and the evidential burden of proof;
- the general rule concerning the incidence of the burden of proof in criminal cases and the exceptions to it;
- the standard of proof required in criminal cases when the legal burden rests on the prosecution; and
- the standard of proof required when the legal burden rests on the defence.

12. **Preliminary issues relating to Witnesses**
- competence and compellability;
- oaths and affirmations; and
- the principles and procedure for the issue of a witness summons and warrant of arrest (outline only).

13. **The rules relating to the examination of Witnesses**
- examination-in-chief: form of questioning, memory refreshing, the use of previous consistent statements, hostile witnesses;
- cross-examination: form of questioning, previous inconsistent statements, restrictions on cross-examination, including finality on collateral matters;
- re-examination: form of questions; and
- the special measures available to vulnerable witnesses and witnesses in fear of testifying.

14. **Hearsay evidence**
- the definition of hearsay under the Criminal Justice Act 2003;
- the difference between hearsay and original evidence;
- the difference between hearsay and real evidence;
- general restriction on the admissibility of hearsay evidence;
- the gateways to admissibility under the Criminal Justice Act 2003;
- how to make applications to adduce hearsay evidence and the procedural requirements for making such applications under the Criminal Procedure Rules;
- how to apply to exclude hearsay evidence and what safeguards are set out in the Criminal Justice Act 2003; and
- procedural requirements relating to applications to exclude under the Criminal Procedure rules.

15. **Character evidence**
- the definition of bad character under the Criminal Justice Act 2003;
- the gateways for admissibility of non-defendant bad character;
- the gateways for admissibility of defendant bad character;
- how to make applications to adduce bad character evidence and the procedural requirements for such applications under the Criminal Procedure rules;
- how to make applications to exclude bad character evidence and the grounds upon which such evidence can be excluded;
- the tactical use of character evidence;
- proving convictions under ss73 – 75 of PACE; and
- good character directions.

16. **Confessions and unlawfully obtained evidence**
- the definition of confessions under PACE;
- the principles governing the admissibility of confessions, including reference to the effect of breaches of the Codes issued under PACE;
- the admissibility of evidence obtained as a result of inadmissible confessions;
- how to make or challenge applications to exclude confessions during the course of the trial;
- the principles governing the exclusion of other prosecution evidence under s78 of PACE;
- common categories of evidence that are the subject of applications to exclude under s78 of PACE; and
- how to make or challenge applications to exclude to evidence under s78 of PACE.
17. **Inferences from the defendant’s silence and other conduct**
   - the evidential significance of the defendant’s lies and what directions should be given to the jury;
   - the principles that apply to and the potential consequences of the defendant’s failure to mention facts when questioned: s 34 of the Criminal Justice and Public Order Act 1994;
   - the principles that apply to and the potential consequences of the defendant’s failure to account for objects, substances and marks: s 36 of the Criminal Justice and Public Order Act 1994;
   - the principles that apply to and the potential consequences of the defendant’s failure to account for his presence at the scene of a crime: s37 of the Criminal Justice and Public Order Act 1994; and
   - the principles that apply to and the potential consequences of the defendant’s failure to testify in his own defence during the trial: s 35 of the Criminal Justice and Public Order Act 1994, including the advice that should be given to a defendant about this issue.

18. **Identification evidence and other issues relating to corroboration**
   - the special need for caution required in identification cases;
   - the circumstances in which the judge may withdraw an identification case from the jury;
   - the nature and content of a “Turnbull” warning;
   - the grounds on which the judge might exclude identification evidence (consideration of Code D.3 of PACE will also be required);
   - how to make or challenge applications to exclude identification evidence; and
   - the circumstances in which the judge might warn the jury about “suspect” evidence as set out in the case of R v. Makanjuola [1995] 2 Cr App R 469.

19. **Opinion evidence and experts**
   - the general prohibition on the use of opinion evidence in criminal cases;
   - the exception to this rule in relation to expert evidence;
   - the definition of an expert;
   - the scope and limits of expert evidence in the trial; and
   - the procedural requirements for the introduction of expert evidence under the Criminal Procedure Rules.

20. **Privilege**
   - the privilege against self-incrimination; and
   - the principles that apply to legal professional privilege, including waiver of privilege.

Section 4: Cases involving Youths

21. **Youth courts**
   - the categorisation of youths into “child” and “young person” and its legal consequences;
   - the diversion of youths from the criminal justice system by the use of reprimands and warnings etc (outline only);
   - the procedure in the Youth Court and how it differs from the adult court;
   - the circumstances in which a youth will appear in the adult Magistrates’ Court and in the Crown Court, including brief reference to how the dangerous offender provisions apply to youths; and
   - the sentences available to the Youth Court.

Section 5: Sentencing

22. **Sentencing principles**
   - the sentencing powers of the Magistrates’ court and the Crown Court (including, their power to sentence youths);
   - the sentencing procedure in the Magistrates’ court;
   - the sentencing procedure in the Crown Court, including committals for sentence;
- determining the facts of the offence, including Newton hearings, the use of a basis of plea and pre-sentence reports;
- indications as to sentence;
- the role of prosecuting counsel in sentence;
- the purposes of sentence;
- the principles relevant to the assessment of seriousness;
- common aggravating and mitigating features of cases, including discount for a guilty plea, custody and community sentence thresholds; and
- the purpose of the Sentencing Guidelines Council and how it issues guidance for the courts, including the importance of Court of Appeal guideline cases.

23. **Non-custodial sentences**
- the principles for the imposition of absolute and conditional discharges;
- the principles relevant to the imposition of a fine, including the consequences of default;
- the principles for the imposition of a community sentence, including the objectives of such sentences;
- the main types of community sentences available to the courts;
- the consequences of breach of a community sentence; and
- binding over orders (outline only).

24. **Custodial sentences**
- the requirements before a custodial sentence can be passed;
- concurrent and consecutive sentences, including the totality principle;
- suspended sentences;
- mandatory and minimum sentences;
- principles applicable in determining the length of custodial sentences;
- provisions as to early release and time spent on remand (outline only).

25. **Ancillary orders and costs on conviction**
- costs on conviction (outline only);
- compensation;
- forfeiture and deprivation orders;
- endorsement of driving licences and disqualification (outline only);
- registration of sex offenders; and
- confiscation under the Proceeds of Crime Act 2002 (brief outline only).

26. **The dangerous offender provisions**
- how to identify specified offences;
- the principles involved in the assessment of dangerousness; and
- the nature of and conditions for the imposition of life sentences, imprisonment for public protection and extended sentences under the dangerous offender provisions.

**Section 6: Appeals**

27. **Appeals from the Magistrates’ Court**
- The power of the magistrates to rectify mistakes;
- the general right of appeal from the Magistrates’ court to the Crown Court;
- the procedure in the Crown Court for dealing with the appeal, including the constitution of the court;
- the powers of the Crown Court on appeal, including the power to increase sentence;
- appeal to the High Court by case stated (outline only); and
- appeal to the High Court by judicial review (outline only).

28. **Appeals from the Crown Court**
- The power of the Crown Court to rectify mistakes as to sentence;
- the right to appeal to the Court of Appeal (CA);
- the requirement to obtain leave to appeal to the CA;
- the more common grounds that can give rise to appeal against conviction and sentence;
the procedural requirements for applying for leave under the Criminal Procedure Rules, including the practical steps that counsel should take when advising and preparing grounds of appeal;
renewal of application before full court after a refusal by single judge;
the power of the Court to make a loss of time direction;
the rules concerning the CA hearing fresh evidence during the appeal;
the principles and procedure the CA will adopt when determining appeals against conviction and sentence;
consequences of a conviction being quashed, including ordering re-trials;
Attorney General’s references on points of law and references of unduly lenient sentences;
Prosecution appeals against trial judge rulings;
The Criminal Cases Review Commission (brief outline only); and
appeals to the Supreme Court (outline only).

Assessment:

One closed-book examination, three hours long, comprising Part A (MCQs) and Part B (SAQs), with equal weighting.

Candidates are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to candidates as to which parts of the syllabus will or will not be assessed.

The pass mark is 60%.

Reading/Reference List:

Law reports
Criminal Appeal Reports (1908-)
Criminal Appeal Reports (Sentencing) (1979-)
Criminal Law Review (1954-)
Justice of the Peace Reports (1903- – at least a five-year back-run
Road Traffic Law Reports (1970-)

Practitioner works
Archbold’s Criminal Pleading and Practice (Sweet & Maxwell, annual)
Archbold’s Magistrates’ Court Criminal Practice (Sweet and Maxwell, annual)
Blackstone’s Criminal Practice (Oxford University Press, annual)
Thomas, D.A. (ed.). Current Sentencing Practice (including the Sentencing Referencer). (Sweet & Maxwell)
Stones Justices Manual, (Butterworth Law, annual)

Electronic sources
The Stationery Office: www.opsi.gov.uk
The Judicial Studies Board: www.jsboard.co.uk
The Criminal Justice System Online: www.cjsonline.gov.uk
The Crown Prosecution Service: www.cps.gov.uk

Finding tools
Anthony and Berryman: Magistrates’ Court Guide (Butterworth Law, annual)
Morrish and Mclean: Crown Court index (Thompson Sweet and Maxwell)
Criminal Law Week (1997-)
2.4k Professional Ethics

This section highlights the core professional values which underpin practice at the Bar of England and Wales. It will test whether candidates possess the essential qualities of ethical behaviour at the Bar. Encompassing more than the knowledge and formalities outlined in the Professional Code of Conduct, this will test far reaching and fundamental knowledge of ethics that underlies practice at the Bar.

This section will test whether candidates have a sound knowledge and understanding of:

- the fundamental concepts of professional and ethical values required of a practising barrister at the Bar of England and Wales are inculcated in the candidate;
- the candidate has knowledge and understanding of the philosophical issues and purposes underpinning ethical behaviour, including the concept of duty in professional life both to the client and to the rule of law; and
- the candidate has in-depth knowledge and understanding of the requirements of the Code of Conduct and the Equality code (as in place at the time of the Test).

The candidate must:

1. understand and appreciate the core professional values which underpin practice at the Bar of England and Wales, particularly the additional moral responsibilities held by the profession (over and above the population in general) due to decision-making roles, functions and authority which are key to practice at the Bar;
2. correctly identify issues of professional ethics and conduct which appear in given situations as likely to arise in a barrister’s practice (e.g. conflict of interest);
3. demonstrate a sound working knowledge of the provisions of the Code of Conduct of the Bar of England and Wales, and demonstrate existing and future adherence to that Code;
4. demonstrate the capacity to provide a professional and responsible approach to clients who place trust in the profession on the basis that the service provided will be of benefit;
5. display a professional and responsible approach to the assessment process and Advocacy Course, staff and other candidates, and to observe the Code of Practice in order to prevent exploitation of clients and preserve the integrity of the profession, maintaining the public’s trust and ensuring continuance of the provision of service; and
6. be instilled with diversity awareness.

Syllabus

Candidates must have reached the required standard in the syllabus areas specified below:

1. **Ethical Issues at the Bar**
   - core professional values which underpin practice at the Bar of England and Wales (what is meant by ethics and why it matters; the ethics according to which barristers work in England and Wales): BSB Handbook Part 1, Sections A to D; Part 2, Section A;
   - the disability and equality code, and issues related to working in a multi-cultural and diverse society: BSB Handbook Part 2, Section D1.2;
   - core principles underpinning the Code of Conduct and Bar Council guidance (BSB Handbook Part 2, Sections B and C2) including:
     - the principle of professional independence
     - the principle of integrity
     - the principle of duty to the court
     - the principle of loyalty to the lay client
     - an understanding of the problems and perception of conflict of interest
     - the principle of non-discrimination on grounds of gender, race, ethnicity or sexual orientation
     - commitments to maintaining the highest professional standards of work, to the proper and efficient administration of justice and to the Rule of Law;
issues of professional ethics and conduct which appear in given situations likely to arise in a barrister’s practice (including requirements as to the client’s identity, the proper keeping of records, and knowledge and awareness of money laundering regulation): BSB Handbook Part 2, Section C2;

the ‘Cab Rank Rule’ and its importance: BSB Handbook Part 2, Section C3, rC29-30;

provisions of the Code of Conduct of the Bar of England and Wales (in given situations) – instilling the ability to follow the spirit of the Code in situations where there is no provision that is directly applicable;

reconciling the different duties owed to a professional client, lay client, the court, and the Legal Services Commission: BSB Handbook Part 2, Section C3

o duties to the Lay Client including performance in and out of court, privilege and confidentiality issues

o duty to the court – not misleading the court, dealing with clients’ previous convictions, pleading fraud: BSB Handbook Part 2, Section C1;

means of handling relationships with other people: opponents and colleagues; the tribunal; judiciary; instructing solicitors; clients (both lay and expert); court clerks; dealing with witnesses: BSB Handbook Part 2, Section C3;

consideration of dishonest conduct and conduct likely to diminish public confidence in the legal profession: BSB Handbook Part 2, Section C4; and

choosing the course of action which is consistent with the provisions and principles of the Code; where to find guidance if/when needed.

2. **Personal attributes and skills: BSB Handbook Part 2, Section C3, rC20**

- professional and responsible approaches to the profession, to the BTT process and to their obligations to staff and other candidates;
- approach to equality issues, including non-discrimination on grounds of gender, race, disability, age, sexual orientation or religious belief; awareness of equality issues; need for ‘reasonable adjustment’ where appropriate: BSB Handbook Part 2, Section C3, rC28; Section C5.2;
- the Complaints procedure and penalties for infringement of the Code of Conduct (what happens if things go wrong and how to minimise the risk: BSB Handbook Part 2, Section D1.1, rC99-104; and

**Assessment:**

One closed-book examination, two hours long, comprising Part A (MCQs) and Part B (SAQs), with equal weighting.

Candidates are required to pass in each part. Assessment will be such that a broad range of the syllabus is assessed and that any part of it may be assessed. No indication must be given to candidates as to which parts of the syllabus will or will not be assessed.

The pass mark is 60%.

**Reading/Reference List:**

*BSB Handbook*

Part 1: A to D inclusive

Part 2: A, B, C1, C2, C3, C4, C5.1, C5.2, D1.1 (rC99 – rC104), D2.1 & D2.2 and D4

Part 3: B2, B3, B7, B9, C1 and C2

Part 4: B8 and C

Part 6: All
**Additional material**

**Guidance on Practising Rules and Requirements**
- Guidance for Unregistered Barristers (Barristers without Practising Certificates) – Supplying Legal Services and Holding Out
- Public Access Guidance for Barristers

**Guidance on the Administration of a Barrister’s Practice**
- First Tier Complaints Handling
- Guidance on Referral and Marketing Arrangements for Barristers Permitted by the BSB
- Confidentiality Guidance
- Guidance on Self-Employed Practice

**Guidance on the Professional Conduct of Barristers**
- Guidance on Reporting Serious Misconduct of Others
- Media Comment Guidance
- Guidance on Insurance and Limitation of Liability
- Issuing of Documents in Court by a Barrister
- Guidance on Clash of Hearing Dates (Listings)


The Farquharson Guidelines – The Role and Responsibilities of the Prosecution Advocate

Money Laundering Regulations Guidance, Money Laundering Regulations and POCA 2002 (key principles only).

Boon, A & Levin, J: The Ethics and Conduct of Lawyers in England and Wales
The aim of this section is to test the candidate’s skill in opinion writing; that is, providing written advice to the instructing solicitor and lay client. Providing written advice in the forms of opinions is an important part of professional activity. Opinions must be practical, reliable, clear and well-presented.

This section will test whether candidates have a sound knowledge and understanding of:

- the transition from the academic sphere into the professional sphere in which they hope to prosper in competition with other skilled professionals, in assisting clients with particular legal problems;
- the need to:
  - understand the client’s problem and do their best (subject always to ethical considerations) to provide a practical solution to the problem
  - understand the facts, distinguishing between those which are undisputed and those which are likely to be in dispute, and distinguishing the relevant from the irrelevant (a process which interacts with analysis of the applicable law)
  - have a sound knowledge of the applicable law, analysing the problem so as to give reliable and realistic advice on its solution
  - provide advice that is clear, practical and as definite as possible
  - (in giving written advice) eliminate mistakes in spelling and grammar, cultivate a clear and concise prose style, and present the opinion in a professional format;
- the ability to identify clients’ needs through a thorough grasp of the facts, the law and the relevant procedures; and
- the skill of analytical reasoning.

The candidate must be able to:

- identify and address the needs and objectives of the client and seek (subject always to ethical considerations) to provide a practical solution to the client’s problems;
- accurately identify and show a thorough grasp of all the material facts, the relevant law, the real issues, the relevant procedure, parties and evidence, distinguishing one issue from another;
- identify and ask for further information/evidence, when necessary;
- give clear, sound, practical advice on the matters raised in the instructions and advise on any practical steps to be taken;
- where appropriate, advise on the need for expert evidence, on quantum of damages, and on any limitation aspects; and
- generally give realistic and practical advice as to steps to be taken, including further inquiries or investigations, compliance with pre-action protocols, and other protocols necessary to take the matter forward.

- in addition, opinions must:
  - cover everything that needs to be covered, be fully reasoned and follow a clear line of reasoning;
  - answer all questions put in instructions;
  - use a clear and appropriate structure, dealing with each issue in a logical order and separating issues into paragraphs in a sensible way, dealing with one issue at a time and giving each its due weight and significance;
  - be signed and dated, properly headed and laid out, making sensible use of sub-headings where appropriate, and written in a style appropriate to an Opinion;
  - be in clear grammatical English, correctly spelt, appropriately punctuated and written fluently and concisely in appropriate language;
  - follow a logical order, distinguishing between different topics with appropriate sub-headings; and
  - be as short as is consistent with advising properly on all aspects of the matter.
Syllabus

Candidates must be able to demonstrate that they have reached the required standard in the areas specified below.

1. **Overview**
   - needs and objectives of the client; solution of the client's problems;
   - identification of material facts, relevant law, real issues, relevant procedure and evidence - distinction between issues;
   - specialised language and grammar;
   - headings, sub-headings, lay out and style; lines of reasoning;
   - structure, order, weight and significance; conciseness and length;
   - practical approach, as opposed to academic discussion of the law;
   - addressing questions expressly or implicitly raised in the instructions by expressing clear conclusions where appropriate, alternatively explaining why there can be no clear conclusions;
   - explanation of legal and factual alternatives, and setting out of conclusions, with full advice;
   - identifying the need for relevant further information/evidence, explaining where appropriate why the further information is needed; and
   - providing clear, identifiable, appropriate, sound, practical advice on the matters raised in the instructions.

Assessment

Assessment of writing and drafting skills is carried out through the whole range of assessments (with the exception of multiple choice questions). Written exercises require the application of legal research and legal knowledge. Poor English, grammar and syntax will be penalised.

Reading/Reference List:

A balanced selection of student text books dealing with opinion writing which are currently available.
2.4m Drafting

The aim of this section is to test the candidate on his/her critical knowledge, understanding and the conceptual and analytical skills necessary to draft a variety of documents including, inter alia, Claim Forms, Statements of Case and Witness Statements, Indictment, Grounds and Advice on Appeal in a criminal case.

This section will test whether candidates can:

- demonstrate an understanding of the nature, function and value of pleadings and learn to draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately;
- analyse critically a range of legal issues (claims, Witness Statements, Indictments, Grounds of Appeal and Advice on Appeal in a criminal case and settlement agreements); and
- demonstrate practical skills in drafting so that documents are properly presented and structured in clear grammatical and correct English.

The candidate must be able to:

- demonstrate a sound understanding of the nature, function and value of pleadings;
- draft a full range of pleadings and other documents from simple to complex in civil and criminal proceedings using precedent appropriately (for example Particulars of Claim in a Claim Form; Any Statement of Case; Order; Witness Statement; Indictment; Grounds of Appeal and Advice on Appeal in a criminal case. Part 8 Claim Form; compromise agreement);
- draft documents that are written in clear grammatical English, correctly spelt and appropriately punctuated, and in a style that is fluent and concise, and appropriate to the document;
- draft documents that are well-structured, with proper headings and laid out, neat on the page, and containing all necessary formalities;
- produce work that is accurate and contains correct figures and sums;
- produce drafts that are precise and unambiguous, in terms that are appropriate, in compliance with the requirements of practice, sound in law, settled in the appropriate court and drafted to achieve the objectives agreed with the client;
- analyse and set out the material facts and tell a clear story, identifying the material issues and omitting all immaterial matters; and
- accurately state the client's case, and identify the relief sought.

Syllabus

Candidates must be able to demonstrate that they have reached the required standard in the areas specified below.

1. **General drafting**
   - Claim form with Particulars of Claim;
   - Statement of Case;
   - Order;
   - witness statement;
   - indictment;
   - grounds of appeal and advice on appeal in a criminal case.
   - Part 8 Claim Form; and
   - settlement/compromise agreement.

2. **Style and terminology**
   - stating the client's case, and identify the relief sought;
   - application of material facts, clarity and identifying material issues (omitting all immaterial matters);
• requirements of practice, relevant law, and court procedures;
• relation structurally to other documents and consistency with accompanying advice;
• use of precedents;
• drafting, terminology;
• accurate and correct use of figures and sums;
• grammatical English, correctly spelt and appropriately punctuated;
• language and style appropriate to the document; and
• headings and lay out, formalities and structure.

3. Remedies (general)
• whether a range of remedies should be pursued; and
• applicable time limits.

4. Contract
• pleading and responding to the correct heads of damages for breach of contract, including limitations on compensatory damages;
• pleading quantum in accordance with the correct legal principles and consistently with the evidence;
• the availability of equitable remedies, including specific performance, injunctions, rescission and rectification;
• remedies for misrepresentation; and
• pleading claims for interest pursuant to contract or statute (Judgments Act 1838; Late Payment of Commercial Debts (Interest) Act 1998).

5. Tort
• pleading and responding to the correct heads of damages, the calculation of quantum, the reduction of damages, aggravated and exemplary damages and the availability of injunctions; and
• quantifying damages in cases of personal injury; and
• pleading interest on damages in claims for personal injury.

Assessment

Assessment of writing and drafting skills is carried out through the whole range of assessment (with the exception of multiple choice questions). Written exercises require the application of legal research and legal knowledge. Poor English, grammar and syntax will be penalised.

Reading/Reference List:

A balanced selection of books dealing with drafting which are currently available including:

Encyclopaedias and loose-leaf works
Butterworths Civil Court Precedents
Encyclopedia of Forms & Precedents (LexisNexis Butterworths)
The Litigation Practice (Sweet & Maxwell)
Practical Civil Courts Precedents (Sweet & Maxwell)

Books
Atkins Court Forms
Blackstone’s Civil Practice (OUP)
Bullen, E., Leake, S.M, Jacob, Sir J.I.H, Bullen, Leake and Jacob's Precedents of Pleadings (Sweet & Maxwell)
Civil Procedure (Sweet & Maxwell)
Drafting Manual, CLS, (OUP)
Pleadings Without Tears, W Rose (OUP)
A3 Taught course

3.1 Advocacy

All candidates taking assessments in advocacy must attend, before the assessment, a training course provided by individual(s) other than those conducting the final assessment.

The course seeks to:

- provide the skills necessary to prepare, manage, present and/or respond to a case or legal argument, both orally and in writing, before a court or other tribunal, whether formal or informal;

- provide, at an initial level, the essential skills for a persuasive modern advocate, to high ethical standards and as defined by the ‘Dutton criteria’:
  - the ability to persuade orally
  - the ability to persuade in written argument
  - cogent legal and factual analysis
  - the ability to develop reasoned argument, and
  - forensic skills with evidence (both written and oral);

- prepare candidates for the advocacy training methods to which they will be exposed in pupillage and thereafter;

- introduce candidates to the advocacy training methods approved by the Advocacy Training Council, by training candidates strictly in accordance with those methods; and

- provide knowledge and understanding of the manner in which legal submissions should be made and responded to.

ATC methods of training (i.e. the Hampel Method) must be used but this may be modified in accordance with the guidance provided. The Hampel Method must be used in the final stages of advocacy teaching (i.e. by the completion of advocacy training during the course, candidates must be taught by means of and be experienced in the Hampel Method).

The diet of advocacy practice and final assessments must contain the following elements:

- submission of written argument;

- advancing and responding to legal, factual and procedural submissions; knowledge and application of legal principle;

- witness handling, including examination-in-chief, cross-examination and re-examination;

- dealing with interventions from the bench

[NB Forms of written advocacy should also be covered as appropriate.]

3.2 Guidance on use of the Hampel method for the BTT

The six stages of the Hampel Method (Headnote – Playback – Reason – Remedy – Demonstration – Replay) must be covered at the BTT level, as the recognised best practice for advocacy. Scope is allowed for continued innovation and improvement in the way that the BTT Providers construct their advocacy programmes. However, the application of the Hampel Method is expected (i.e. required by the BSB) on the BTT. Candidates must have been trained in accordance with the Hampel Method so that they are properly prepared when they come to the compulsory Advocacy Course in the first six months of their pupillage.

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4 For the full list of criteria, see: http://www.advocacytrainingcouncil.org/index.php?option=com_content&view=article&id=58:the-dutton-criteria&catid=35:
Only tutors who have been accredited by the BSB on the recommendation of the ATC may teach advocacy to BTT candidates. For the purpose of accreditation, tutors must be fully acquainted with and competent in teaching according to the Hampel Method. They are required to demonstrate proficiency in the application of the Hampel Method to the ATC.

3.3 Resources

**General Requirements**

1. Accommodation must be appropriate to professional training in specification and presentation.

2. Institutions will be expected to ensure that all reasonable adjustments are made to accommodate disabled candidates, and in accordance with current legislation on disability and equality [see also section on assessment below].

3. Lecture theatres must contain modern presentational tools (e.g. video or DVD, PowerPoint, CD-ROM, Internet, OHP). The acoustics and sight lines of the lecture theatre must be satisfactory. The layout should facilitate an interactive approach to teaching in large group sessions and the seating ideally should be raked.

**Seminar Rooms**

- Seminar rooms must be of sufficient size to conduct oral skills in groups of twelve comfortably.
- Furnishings and the size and nature of the room must be sufficiently flexible to be able to conduct advocacy exercises that facilitate behaviour in court (stance, voice projection, position of court officers, witnesses, defendants etc.) and in the judge’s chambers, with other candidates being well sighted to observe comfortably.
- Court room furniture, whether demountable or permanent, must be available in a sufficient number of seminar rooms to enable advocacy exercises to take place in a court room setting regularly.
- A permanent mock court room must be available.
- A video/DVD camera/player and TV must be available in each room.
- Core practitioner works must be readily available for reference

**Library**

Each Provider shall have a dedicated law library, including a practitioners’ library that houses the reference material and meets the other specifications relevant to the provision of a library.

The law library should meet the essential criteria for law library provision outlined in the Statement of Standards for University Law Library Provision (2009) published by the Society of Legal Scholars (or its current version), available at:


This sets out the standards that a law library established for educational purposes should provide to meet the resource needs of staff and candidates. The Statement is wide-ranging in scope and covers management, liaison and staffing issues, services to candidates, space and physical facilities, the content of printed collections and electronic database provision.

The library provision as a whole should be to a practitioner level, with an appropriate range of practitioner works (treatises, encyclopedias, precedents) for all areas of legal practice assessed and taught during the BTT, and consistent with the principles set out in the Statement of Standards and Indicative List. Providers must include texts for the study of professional ethics and practice, the knowledge subjects and the skills. A suitable balance between printed and electronic formats must be maintained. A range of different types of publication must also be
offered, which must include law reports, law journals, encyclopedias and loose-leaf works, other practitioner works and finding tools.

Collections must be kept up-to-date with loose-leaf works regularly updated. The latest editions of textbooks must be purchased. Sufficient multiple copies must be provided, and alternative and specialist works must be available where the syllabus requires. The library must be open in term time for at least 11 hours a day from Monday to Friday inclusive, 7 hours on Saturdays and on Sundays where practicable. Opening times must adequately address the support needs of BTT candidates.
Part B  Regulations

B1  General Regulations

[See section C1 for general advice and guidance]

1.1  Definitions

These Regulations are made in accordance with the Bar Training Rules. The Regulations and Handbook in force at the time the BTT is taken will apply, regardless of whether previous registration or attempts have taken place.

Definitions:

(a)  ‘Qualified Lawyer’ (definitions in accordance with the BTRs)

“Qualified Lawyer” means a person who is a member of an Authorised Body, a Qualified European Lawyer or a Qualified Foreign Lawyer.

“Qualified European Lawyer” has the meaning ascribed to it in Part 6 (Definitions) of the BSB Handbook: “Qualified European Lawyer” means a person who is a national of a Relevant State and who either: holds a diploma required in a Relevant State for the practice of a legal profession regulated by that State which diploma satisfies the requirements of Regulation 22(1)(a) of the European Qualification Regulations; or satisfies the requirements of Regulation 22(1)(b) of the European Qualification Regulations.

“Qualified Foreign Lawyer” has the meaning ascribed to it in Part 6 (Definitions) of the BSB Handbook: “Qualified Foreign Lawyer” means a person who is a member of a legal profession regulated in a jurisdiction outside England and Wales and entitled to practise as such.

(b)  ‘The Qualifications Committee’: The Qualifications Committee as defined in Part 6 (Definitions) of the BSB Handbook (or any successor body);

(c)  ‘The Test’: The Bar Transfer Test for candidates for admission to the Bar of England and Wales who are required to take the Test by the Qualifications Committee pursuant to Part 6 (Definitions) of the BSB Handbook. It is an examination administered by the BSB which: (a) is designed to assess whether a person has the professional knowledge (including knowledge of the rules of professional conduct) required in order to practise as a barrister in England and Wales; and (b) covers subjects not already covered by the education and training of the person concerned, the knowledge of which is essential for such practice.

(d)  ‘The Bar Standards Board’: the regulatory arm of the General Council of the Bar of England and Wales (or any successor body);

(e)  ‘The Education and Training Committee’: the Education and Training Committee of the Bar Standards Board (or any successor body);

(f)  ‘The BPTC Subcommittee’: the body responsible for oversight of the Test and the Bar Professional Training Course under delegated powers from the Education and Training Committee;

(g)  ‘The Examination Board’: the Board of Examiners for the Test in accordance with Regulation 3.4 below;

(h)  ‘The Provider’: the institution (or institutions) that has/have been approved by the Education and Training Committee to administer, deliver and assess the Test, on behalf of the BSB;

(i)  ‘The Director’: the person or persons appointed as Director for the BTT (at one or more Provider)
(j) ‘The Provider’ an organisation that has been approved by the Education and Training Committee to administer, deliver and assess the Test, on behalf of the BSB;

(k) ‘The Examiners’: persons employed by an assessment body Provider who are recognised by the BPTC Subcommittee as responsible for examining elements of the Test;

(l) ‘The External Examiners’: persons appointed by the BPTC Subcommittee in order to scrutinise and comment upon the content and the marking of the Test, who shall be appointed on the basis of their expertise in the areas to be assessed in the Test. There will be one appointed to moderate each subject area of the BTT.

B2 Admission Regulations

[See section C2 for advice and guidance on applications and admissions]

2.1 Entry Requirements

1 Transfer to the Bar of England and Wales by means of the Bar Transfer Test route, is designed for candidates who are qualified lawyers from a recognised jurisdiction (see definitions above).

2 The requirements apply to any person required to take the Bar Transfer Test as a condition of being granted exemptions from the standards training requirements for qualification as a barrister. This includes:

- European Union Lawyers (including 'Morgenbesser' candidates);
- Solicitors admitted in England and Wales or Northern Ireland;
- Northern Ireland Barristers;
- Scottish Advocates;
- Hong Kong Barristers;
- Practitioners in other common law jurisdictions;
- Legal Executives, Licensed Conveyancers, Patent and Trade Mark Attorneys, Law Costs Draftsmen and Notaries and others regulated by Approved Regulators under the Legal Services Act 2007; and
- Legal Academics.

3 The Qualifications Committee manages the applications process (for which see http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers/) and has the power to exempt individuals from the Academic, Vocational and/or Professional stages of training for the Bar. Such exemptions may be granted subject to passing certain papers of the Bar Transfer Test. Assessments must be undertaken in accordance with the Assessment Regulations. Any requirements from which an applicant is not granted exemptions (e.g. membership of an Inn of Court, completion of pupillage) must be fulfilled.

2.2 Membership of an Inn of Court

1 Membership of an Inn of Court is required prior to the completion of Qualifying Sessions and Call to the Bar of England and Wales. Although membership is not required prior to the taking of the BTT, candidates may wish to join before taking the BTT in order to complete their Qualifying Sessions.

2 In accordance with BTR candidates are required to complete a number of Inns Qualifying Sessions.
B3 Assessment Regulations

[See section C3 for advice and guidance on assessment]

3.1 Overview

1 The Test shall be conducted in the English Language and shall consist of written assessments and oral assessments in the knowledge areas and skills as specified in Part A of this Handbook.

2 There will be two sittings of the Test each year, in April and September, with corresponding Examination Boards in June and October.

3 Candidates who are only required to take the assessment of knowledge of the rules of professional conduct may exceptionally be allowed at the discretion of the Examiners to take the Test at other times of the year.

4 It is the responsibility of each candidate to ensure that he or she does not commit any breach of these Regulations.

3.2 English Language Requirements

1 A high standard of fluency in English will be expected from all candidates throughout each assessment. This requirement applies regardless of the candidate’s first language. This will be an explicit consideration for the examiners. Assessments (both oral and written) must be presented in a standard of English that is appropriate for an advocate appearing in a court or tribunal in England and Wales and for providing written and oral advice outside court.

2 All candidates must demonstrate that their oral and written English language ability is fluent, and readily comprehensible to native English speakers. This includes:

   i. Clarity;
   ii. Spelling;
   iii. Grammatical accuracy; and
   iv. Oral intelligibility to others.

3 In any case, all candidates must be able to demonstrate that their oral and written English language ability is at least equivalent to:

   i. A minimum score of 7.5 in each section of the IELTS academic test; or
   ii. A minimum score of 73 in each part of the Pearson Test of English (academic).

3 For those with any doubt as to the level of their English skills, they are strongly advised to undertake one of the approved English language tests, listed on the UK Border Agency website, before enrolling on the course.

4 The BTT Provider must also be satisfied as to the candidate’s fluency in English.

[See Section C3 for further guidance on English language requirements]

3.3 Conduct of examinations and responsibilities of the BPTC Subcommittee

The Test shall be conducted under the supervision and direction of the Bar Standards Board acting through the Education and Training Committee and appointed Provider(s) of the BTT. Individuals responsible for training must not also perform the role of assessor. The Education and Training Committee will (acting through the BPTC Subcommittee) be responsible for the following:
3.4 Marking and Grading

1 Candidates for the Test will be graded as passed or failed on each element of the Test that is required of them, so that decisions can be made concerning whether they have passed the BTT overall, failed, or need to be referred to do re-sits either as an additional recorded opportunity or ‘as if for the first time’. A candidate is required to pass all relevant sections of the Test before being considered as having passed the Test overall [NB see paragraph 3.7 below].

2 The pass mark for papers related to the QLD/CPE and Foundation subjects (Public Law; Law of the EU; Criminal Law; Obligations (Contract, Restitution, and Tort); Property/Land law; Equity and the Law of Trusts; English Legal System) is 40% (60% for written skills).

3 The pass mark for papers related to the BPTC (Advocacy; Civil Litigation, Evidence and Remedies; Criminal Litigation, Evidence and Sentencing; Professional Ethics; Opinion Writing; and Drafting) is 60%.

3.5 The Examination Board

1 The Examination Board shall comprise of:

   i. The Chair of the BPTC Subcommittee (or his/her nominee), who shall act as Chair of the Board of Examiners;
   ii. The Director of the BTT at the approved Provider(s); and
   iii. All Examiners of the Test, including all External Examiners.

2 The Examination Board shall be considered quorate if the Chair of the Board of Examiners, Director of the BTT, and at least one External Examiner are present (in person or by telephone, Skype or video link).

3.6 Duties of the Examination Board

The Examination Board will be responsible for the following:

a. Approval of examination dates for the Test;

b. The commissioning of specimen and actual written examination papers, including:
   • oral assessments
   • all written examination papers;

c. Approval of all necessary physical and other arrangements for the conduct of the Test;

d. Supervision of all arrangements for the setting, marking and moderation of examination papers and assessments (including arrangements for internal first and second marking, and moderation of assessments by BSB-appointed External Examiners);
e. Consideration of results of the Test to determine which candidates have passed or failed the Test at each sitting (that is, approval of grades and the consequent passing, failure, referral or deferral of candidates and, where necessary, means for the retrieval of failure); and
f. Consideration of cases where mitigating circumstances have been submitted (the remedy being an attempt being discounted in terms of re-sit opportunities). There will be no adjustment of marks due to mitigating circumstances.

3.7 Deferrals, re-sitting and retrieval of failure

1. Once a candidate has deferred a sitting in any or all of the Test papers, they must give a minimum of 14 days’ notice if they wish to reverse that decision to defer.

2. Any individual paper failed on first attempt may be taken a second time.

3. A candidate who fails the second attempt at any paper will be required to re-sit all the papers they are required to undertake at the next sitting of their choice (but within the period allocated by the Qualifications Committee).

4. If the candidate has not then passed all papers, no further opportunities to re-take the Test or any part of it will be permitted, until a period of two years has elapsed since the last attempt at an assessment/examination, at which time a candidate may apply to the Qualifications Committee to repeat the process ab initio.

5. A candidate who fails any paper on first attempt and whose documented mitigating circumstances have been accepted by the Examination Board, may take that assessment paper again ‘as if for the first time’ (i.e. without it counting as an ‘attempt’).

6. A candidate who fails any paper on a second (re-sit) attempt and whose documented mitigating circumstances have been accepted, may take that assessment paper again ‘as if for the first time’ i.e. without it counting as an ‘attempt.’

3.8 Mitigating Circumstances

1. If a candidate considers that there were mitigating circumstances that impaired his or her performance in any assessment, or that prevented him or her from taking any assessment then details may be submitted to be taken into consideration by the BTT Examination Board. Preliminary consideration by the Provider may take place (with a recommendation indicated to the BTT Examination Board) but decisions are made by the BTT Examination Board.

2. Where documented mitigating circumstances are accepted by the Examination Board, then a candidate who has failed (or missed) the examination may be permitted to take or re-sit the examination without penalty (i.e. ‘as if for the first time’). There will be no raising of marks (either for an assessment that has been passed or for an assessment that has been failed) as a result of the acceptance of mitigating circumstances.

3. In order to satisfy the Examination Board that there were mitigating circumstances, in respect of Regulation 1 above, a candidate must provide supporting evidence from an independent and relevant source; for example, medical certification. The Examination Board may request further evidence from the candidate if it considers the supporting evidence to be insufficient and/or unreliable.

4. Evidence submitted by a candidate when applying for mitigating circumstances to be considered must reach the Examination Board within seven days of the sitting of the relevant assessment.

5. Any medical certificate provided must clearly set out the candidate’s physical or other condition at the relevant time.
6 If a candidate establishes to the satisfaction of the Examination Board that there are mitigating circumstances which impaired his or her performance in any assessment or which prevented him or her from taking any assessment then, where the requirement was for the candidate to re-take all papers, the Examination Board may require the candidate to re-sit only those assessments that they have failed or not taken and not require the candidate to re-sit those assessments which they have passed.

3.9 Assessment of candidates with disabilities

1 If a candidate is unable, due to a permanent or long-term disability, to be taught and/or assessed by normal means, then the Provider should negotiate and agree to 'reasonable adjustment' (i.e. additional support or a varied method of assessment) as appropriate. This should be arranged before enrolment.

2 The need to ensure that Test objectives are met and that the candidate should be assessed in a manner which is fair both to them and the other candidates (neither advantaged nor disadvantaged) must be borne in mind.

3 It is the candidate’s responsibility to ensure that the Provider is made aware of the disability, and written evidence (normally medical) must be provided. Advice should be sought from relevant medical agencies if necessary.

[See section C4 for further information/guidance on mitigating circumstances.]

3.10 Transitional Arrangements for September 2014

1 Transitional arrangements are in place for candidates re-sitting the BTT in September 2014. These arrangements also apply to candidates who had deferred their first sit and/or re-sit of the Test from 2013.

2 Any candidate who failed the Evidence part of Section 3 (as was under the previous Regulations) for the first time will be required to take a separate Evidence paper. Any candidate who failed the Evidence part of Section 3 for the second time will be required to re-sit all the papers they are required to undertake (i.e. all agreed waivers will be applied) at the next sitting of their choice (but within the period allocated by the Qualifications Committee), and they will be required to re-sit these papers under the new Regulations.

3 Any candidate who failed the Criminal or Civil parts of Section 3 (as was under the previous Regulations) for the first time will be required to re-sit these sections under the new Regulations. Any candidate who failed the Criminal or Civil parts of Section 3 for the second time will be required to re-sit all the papers they are required to undertake (i.e. all agreed waivers will be applied) at the next sitting of their choice (but within the period allocated by the Qualifications Committee), and they will be required to re-sit these papers under the new Regulations.

4 Any candidate who has failed both the Evidence and Criminal or Civil parts of Section 3 (as was under the previous Regulations) for the first time will be required to re-sit only Criminal or Civil under the new Regulations as papers 9 or 10. Any candidate who failed the Evidence and Criminal or Civil parts of Section 3 for the second time will be required to re-sit all the papers they are required to undertake (i.e. all agreed waivers will be applied) at the next sitting of their choice (but within the period allocated by the Qualifications Committee) and they will be required to re-sit these papers under the new Regulations.

5 Any candidate who failed Section 4 (Professional Ethics, as was under the previous Regulations) for the first time will be required to re-sit this section under the new Regulations as Paper 11. Any candidate who failed Section 4 for the second time will be required to re-sit all the papers they are required to undertake (i.e. all agreed waivers will be applied) at the next sitting of their choice (but within the period allocated by the Qualifications Committee), and they will be required to re-sit these papers under the new Regulations.
6 Any candidate who failed Sections 5a and/or 5b (Submissions and Witness Advocacy, as was under the previous Regulations) for the first time will be required to re-sit these sections under the new Regulations as Paper 8 (parts 1, 2 and 3). Any candidate who failed Sections 5a and/or 5b for the second time will be required to re-sit all the papers they are required to undertake (i.e. all agreed waivers will be applied) at the next sitting of their choice (but within the period allocated by the Qualifications Committee), and they will be required to re-sit these papers under the new Regulations.
Reviews of assessment decisions

[See section C4 for advice and guidance on applications and admissions]

4.1 Grounds for review of Examination Board Decisions

Requests for Review of Examination Board decisions may only be made on one or more of the following grounds:

a. that the Examination Board, in reaching a decision not to recommend that the Education and Training Committee should certify that a candidate has passed the Test, has acted ultra vires;

b. that the Examination Board erred in the application or non-application of its powers under Schedule 13 of the Bar Training Regulations;

c. that the Examination Board in the exercise of any discretion reached a conclusion which on the facts no reasonable tribunal could have reached;

d. that information has been received by the Review Board which, if it had been available to the Examination Board at the time when it reached its decision, would or might have caused the Examination Board to reach a different decision;

e. that a candidate’s performance in an assessment was affected by ill-health or another factor, amounting to mitigating circumstances, which they were unable to disclose at the appropriate time, or which they had good reason not to disclose. Written evidence or certification of such mitigating circumstances and the reasons why they were not disclosed at the appropriate time must be provided to support such claims (see section C3 Mitigating circumstances);

f. that an administrative error seriously influenced the outcome of the assessment concerned;

g. that relevant BSB regulations were not followed in relation to the content of the assessment, the way it was conducted, or its results;

h. that the procedures followed by those responsible for the assessment were not in accordance with the principles of natural justice.

4.2 Stage 1: Initial Review

Where a candidate wishes to request a review of a single assessment or of the overall result on the BTT as a whole:

a. The candidate shall first attempt to resolve the issue with the BTT Provider through the seeking and obtaining of feedback on performance. This is a precondition of formal review.

b. Within two weeks of the publication of the assessment or Test results, the candidate shall raise the matter in writing with the BTT Director at the Provider of the BTT assessment, outlining the grounds upon which they would rely in a request to the BSB for review, and setting out the remedy they would seek.

c. The Director shall investigate the matter, in order to form an objective assessment of the case.

d. If the request for review is not based on the grounds in paragraph 4.1 above, the Director shall inform the candidate that no further action can be taken.
e. After considering the case and any supporting evidence provided by the candidate, the BTT Director shall advise the candidate whether in his/her opinion the request for Review falls within the jurisdiction of the BPTC Subcommittee and if so, shall advise the candidate to submit a formal Request for Review to the BSB for consideration by the next meeting of the BPTC Subcommittee.

f. If, after the best endeavours of the BTT Director, the candidate is not satisfied with the advice provided by the BTT Director, he or she may submit a Request for Review, with supporting evidence to the BPTC Subcommittee. A recommendation from the BTT Director may accompany the Request.

4.3 Stage 2: Submission of Requests for Review to the BPTC/BTT Subcommittee

A candidate may submit a written Request for Review of an individual assessment or of performance on the BTT as a whole to the BPTC Subcommittee as follows:

a. The candidate must make a case in writing and provide all the relevant evidence for the Subcommittee to consider.

b. Full documentation must be provided by the candidate together with the application form for review. This must clearly set out the grounds for review in accordance with 4.1 above, and also specify what remedy is sought.

c. If the review is not based on the grounds in paragraph 4.1 above, the Chair of the BPTC Subcommittee shall inform the candidate that no further action can be taken.

d. If the Chair considers that the application falls within the grounds specified in para 4.1 above, the application shall be put before the next meeting of the BPTC Subcommittee.

e. The BPTC Subcommittee shall consider the grades achieved and background circumstances, in order to form an objective assessment of the case

f. After considering the case and any supporting evidence provided, the BPTC Subcommittee shall:

i. in the case of a Request for a Review of an individual assessment (or assessments), either
   a. uphold the decision of the Examination Board and confirm the original mark; or
   b. appoint a further examiner to reassess the work; or
   c. direct the Examination Board to allow a further re-sit without penalty (i.e. as if for the first time).

ii. in the case of a Request for Review of performance on the BTT as a whole, either
   a. determine that there is a *prima facie* case for Review and refer the request to the Review Board; or
   b. determine that there is no *prima facie* case for Review and confirm the original result.

The candidate will be informed of the Subcommittee’s decision and the remedy, if any, to be granted.

g. Where the Subcommittee is satisfied that the documentation and the evidence submitted (including the appropriate form setting out the ground(s) for review and the reasons in support of those grounds) constitute a *prima facie* case for Review, it shall refer the Request for Review together with all documentation and evidence submitted in support of it to the BTT Review Board (see stage 3 below). The Chair of the Subcommittee shall notify the candidate that this has been done.
4.4 Stage 3: Review by the BTT Review Board

4.4.1 The BTT Review Board

1 The Chair of the Education and Training Committee shall appoint the BTT Review Board which shall be constituted of:

   a) a Chair; and
   b) four other members nominated by the Chair of the BPTC Subcommittee

2 No member of the BTT Examination Board and no member of the BPTC Subcommittee or Education and Training Committee may be appointed to membership of the Review Board.

3 A member of the Examination Board appointed by the Chair of the Examination Board shall assist the Review Board with general information concerning the Test and (if so requested) by attending meetings of the Review Board. This may be the Director of the BTT at the Provider. The person so appointed shall not discuss or vote on individual cases.

4.4.2 The Review

1 In considering a Request for Review referred to it by the BPTC Subcommittee, the Review Board shall have before it the following documents:

   a. copies of the minutes of all relevant meetings of the Examination Board; and
   b. all documentation sent to the Examination Board and/or Qualifications Committee by the applicant pursuant to Regulation B3.7 (Mitigating Circumstances); and
   c. any other written representations submitted by the candidate to, or for the attention of, the Examination Board or the Review Board

2 Written representations by third parties will be put before and considered by the Review Board but only in so far as they relate to exceptional circumstances (as defined in Regulation 3.7 above).

3 The Review Board shall be free to make its own decisions as appropriate in the circumstances of each application for review.

4 The Review Board shall not consider representations and other documentation that were not put before the Examination Board or the BPTC Subcommittee unless it is satisfied that there is a reasonable explanation for these matters not having been put before the Examination Board or the BPTC Subcommittee.

5 The Review Board shall not receive oral representations.

6 The Review Board shall not:

   a. re-appraise the academic judgment of any Examiner;
   b. reassess the candidate;
   c. organise or undertake the remarking of any Test paper or advocacy video/DVD of the candidate.

4.4.3 The decision of the BTT Review Board

1 The Review Board may:

   a. uphold the decision of the Examination Board and confirm the result originally awarded or
   b. remit the case to the Examination Board with a direction to permit the candidate to re-take one or more specified assessment(s) ‘as if for the first time’ (i.e. with no penalty in terms of the number of attempts allowable) or
2 The decision of the Review Board shall be communicated to the candidate, with reference to the evidence considered. The Review Board shall provide reasons for its decision and shall also inform the Examination Board of the decision, within four months of the date of submission of the referral of the Request for Review by the BPTC Subcommittee to the Review Board.

The decision of the BTT Review Board is final.
B5 Academic Offences and non-payment of fees

[See section C5 for advice and guidance on applications and admissions]

5.1 Cheating and misconduct in examinations

1 The conduct of candidates in the assessment room is subject to the control and direction of the invigilators who may require that a candidate leave the room if, in the opinion of the invigilators, the candidate’s conduct is such as to cause disturbance to other candidates or to affect the proper running of the examination.

5.1.2 Any candidate who:

i. during an assessment uses or has with him or her any book, manuscripts or materials, including types of electronic equipment, not approved by the Examination Board for use in the examination; or

ii. copies from the paper of another, or permits his or her own paper to be copied, or receives aid from, or gives assistance to, any other candidate during the examination, or attempts any of the foregoing; or

iii. removes from the assessment room any answer book or paper, used or unused; or

iv. commits any other kind of conduct whatsoever in relation to an assessment, which the Examination Board considers to be an act of misconduct; or

v. is required to leave the assessment room by the invigilators

will be liable to be struck off the list of candidates and disqualified from the Test, or be subject to a lesser penalty, as deemed appropriate by the Qualifications Committee, following a recommendation of the Examination Board, such recommendation to be communicated to the candidate forthwith.

5.2 Notification of results

1 Examination results will be communicated to all candidates following the Examination Board.

2 The Bar Standards Board may, pending investigation by the Examination Board, withhold publication in any pass list of the name of any candidate suspected of having infringed any of the preceding paragraphs of this Regulation.

3 Results may also be withheld due to non-payment of fees to a Provider and/or the BSB.

4 A candidate whose name is struck off the list in accordance with Regulation above, will not be certified as having passed the Test and will be reported to their Inn of Court, if a member. If a candidate is not yet a member of an Inn, each Inn will be advised by the BSB of the names of persons who have in this way been found guilty of cheating or misconduct in the BTT, or non-payment of fees. Such a candidate will not be permitted to attempt any further assessment without leave of the Qualifications Committee.

B6 Regulations for approval, monitoring and review

[See section C6 for advice and guidance on approval, monitoring and review]

6.1 Regulations for the approval of delivery of the BTT

6.1.1 Approval of new BTT Provider(s)

All new Training Providers and Assessment Providers must be approved by the Bar Standards Board.
6.1.2 Changes to approved training and assessment

Changes to existing arrangements are also subject to approval, the level of scrutiny being dependent on the amount and nature of the change. The level of scrutiny by the BSB will depend on the nature of the new proposal and/or additions or changes to the way the BTT is operated.

6.1.3 Requirements for accreditation

A proposal for accreditation will only be accepted by the BSB if it conforms to all BSB regulations and procedures.

6.1.4 Time limits for approval

Provision of training and/or assessment will normally be accredited for three years in the first instance, after which review and/or reaccreditation must take place. Continued approval will always be subject to satisfactory monitoring of the Test. A shorter period of approval or limit to the number of sittings may be imposed if concerns are identified.

6.1.5 Conditional approval

Approval may be subject to certain conditions being met. All conditions must be fulfilled, and confirmed by the BSB as having been fulfilled satisfactorily before delivery of the Test or training can commence.

6.1.6 Infringement of conditions and 'triggered' visits

Where conditions have not been met, or where there is infringement of the conditions or specification (e.g. unacceptable operation of Examination Boards), then it is possible that an additional procedure, such as a special visit, may take place as necessary. Costs of such visits will be met by the Provider.

6.1.7 Appeals against accreditation decisions

In the event of a proposal not being approved by the BSB, further discussion should take place between the potential Provider that has made the appeal, and the Chair of the BSB, the Chair of the Education and Training Committee and members of the accreditation panel. The decision of the BSB will be final.

6.1.8 Withdrawal of approval/closure

Withdrawal of approval for delivery of the BTT may occur if there is evidence that it no longer meets minimum standards required or is no longer viable (for example if it no longer forms part of the strategic or business plan of the Provider). Withdrawal/termination of provision of the BTT may also be instigated by a Provider that decides to cease delivery for similar reasons. In no case will approval be withdrawn without discussion with the Provider and those concerned. Where delivery of the BTT ends, then care must be taken of any candidates part-way through the process, so they can find alternative means to complete the BTT.

6.1.9 Information requirements for accreditation

Documentation must be provided according to BSB requirements [see section C2].

6.1.10 Delivery on additional sites or in partnership with other institutions

Delivery on alternative site(s) or through collaborative partnerships will not normally be permitted.
6.2 Regulations for the monitoring and review of delivery of the BTT

6.2.1 Internal Monitoring

The assessment processes and advocacy and other support mechanisms must be subject to internal monitoring on an annual basis. For guidance, see C6.

6.2.2 Monitoring/review by the BSB

In addition to the internal annual monitoring process, the BSB reserves the right to make the BTT subject to monitoring/review by the BSB. For guidance, see C6.
Part C  Advice, Guidance and Quality Assurance Procedures

C1  General

Advice and guidance on the applications processes (and consideration of exemptions) is available to potential candidates through the Qualifications section of the Bar Standards Board.

Advice and guidance on obtaining results and other issues related to the examination process are available from the Education & Training Department of the BSB.

Advice and guidance on procedures for sitting the Test (and any associated course) is available from the Provider of the BTT. Support and counselling concerning the BTT will also be made available by the BTT Provider, including advice on pre-assessment preparation and training. By means of careful planning, the skills and knowledge needed to achieve each individual’s goals in his/her professional development should be identified and addressed. Careful consideration and planning can also help enable transferring qualified lawyers to determine the most relevant and cost-effective methods of preparing themselves for the BTT. For further advice/guidance the BTT Provider should be consulted.

Advice and guidance on Inn membership is available from the Inns of Court.

If your jurisdiction or qualification is not recognised, contact your home bar or law society

Timetable of events/activities for BTT candidates

<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximately six months before the next scheduling of the BTT</td>
<td>Read and become familiar with all the guidance and specifications available, including this Handbook</td>
</tr>
<tr>
<td>Approximately six months before the next scheduling of the BTT</td>
<td>Investigate Inn membership, procedures for Qualifying Sessions, Call to the Bar and pupil Advocacy Courses</td>
</tr>
<tr>
<td>At least four months before the next scheduling of the BTT</td>
<td>Submit formal application to the Qualifications Committee</td>
</tr>
<tr>
<td>Approximately four months before the next scheduling of the BTT</td>
<td>Contact BTT Provider to notify of intention to sit</td>
</tr>
<tr>
<td>Approximately two to four months before the next scheduling of the BTT</td>
<td>Receive notification of exemptions permitted by the Qualifications Committee</td>
</tr>
<tr>
<td>At least two months before the next scheduling of the BTT</td>
<td>Register for the BTT and Advocacy Course (if required). Notify any special requirements, adjustments, etc.</td>
</tr>
<tr>
<td>Before the BTT is sat</td>
<td>Attend the compulsory Advocacy Course</td>
</tr>
<tr>
<td>Dates for Test</td>
<td>Take Test papers as required (April or September)</td>
</tr>
<tr>
<td>Within one to two months after the Test</td>
<td>Meeting of the BTT Examination Board</td>
</tr>
<tr>
<td>Within three months after the Test</td>
<td>Notification of Results by BSB Education &amp; Training Department</td>
</tr>
</tbody>
</table>
| Following receipt of results | If successful, and not yet a member of an Inn, apply for Inn Membership.  
(NB this may take up to two months; a formal declaration is required; Call forms must be counter signed by a Bencher of the relevant Inn)  |
| Within two to three months of approval of Inn membership | Complete any required Inns Qualifying Sessions |
| Approximately three to six months after approval of Inn membership | Attend Call Ceremony, or apply to be called in absentia (NB this may take up to two to three further months, depending on dates of Call ceremonies which take place on a limited number of set dates each year) |
| Following Call to the Bar | Start pupillage (The non-practising period of pupillage can be undertaken prior to Call. Reduction in pupillage may also apply). |
Following Call to the Bar

If required, complete and pass the Inn’s assessed Advocacy Course during the non-practising period of pupillage (NB in some cases, where Inn membership has been approved but Call has yet to take place, it may be possible to attend the course before Call).

Following successful completion of the non-practising period of pupillage (or other requirement)

Issuing of Provisional Qualification Certificate (NB some exemptions from pupillage requirements may be possible, and should be applied for to the Qualifications Committee at the same time as the application to do the BTT).

Following successful completion of second six months pupillage

Issuing of Full Qualification Certificate for the Bar of England and Wales

C2  Guidance on Admission Regulations

Application and entry Requirements

Procedures to be followed by qualified foreign lawyers, Legal academics, European lawyers and solicitors who want to transfer to practice at the Bar vary slightly. Information is provided on the BSB website at: http://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers with details of criteria for applications (and the relevant forms) provided at: https://www.barstandardsboard.org.uk/media/1362509/panel_1_-_transferring QUALIFIED LAWYERS_guidelines_19-01-12.doc.

Applications are dealt with by the Qualifications Committee of the BSB. The Committee will decide whether to grant exemptions from the standard training requirements and whether these are conditional on passing some parts of the BTT. Prospective candidates are advised to consult the website and/or contact the Qualifications Committee section at the BSB.

Once the Qualifications Committee has approved an application and specified which papers of the BTT must be taken, then the candidate should contact the/an approved BTT Provider for further information and guidance on the examination timetable and fees that are payable, according to the number of assessments to be taken (see Appendix A and Appendix B).

Contact details of the relevant departments at the BSB are provided in Appendix C.

Membership of an Inn of Court and Inns’ Qualifying Sessions

Inn Membership is necessary once the BTT has been taken and passed, but before candidates can be called to the Bar. Candidates may choose to join an Inn before taking the BTT. Applications must be made direct to an Inn of Court, in good time before the Call ceremony itself. Call Ceremonies take place at certain times during the year, but it is possible to be called in absentia in exceptional circumstances. If a candidate is not a member of an Inn of Court at the time of taking the BTT then time must be allowed for an application for membership of an Inn of Court to be made and processed before the next Call ceremony following the successful completion of the BTT. Admission to an Inn of Court normally takes approximately two months to process. Membership and Call declarations must be completed and difficulties may sometimes arise with these, for example if a candidate has been convicted of certain criminal offence. In addition applicants must be supported by a Bencher of an Inn.

In addition, it is normally required for six Inns Qualifying Sessions to be undertaken.

It should be noted that candidates may also be required to attend and pass an Inns’ assessed Advocacy Course during the non-practising period of pupillage.

It is advisable to make detailed enquiries with the Inns regarding the schedule for Inn membership, Qualifying Sessions, Call to the Bar and pupils’ assessed Advocacy Courses before undertaking the BTT.
Contact details of the Inns of Court are provided in Appendix C.

**English Language**

Fluency and proficiency in the English Language are essential because judges, other advocates, witnesses, juries and the public must be able readily to understand the advocate. All applicants must demonstrate that their oral and written English language ability is fluent, and readily comprehensible to native English speakers, including the

i. clarity
ii. spelling
iii. grammatical accuracy and
iv. oral intelligibility to others (including judges, juries, witnesses, other advocates, clients, instructing solicitors and others with whom communication is required in the course of practice)

that are necessary for effective performance of their professional functions as members of the Bar of England and Wales by those who are drafting legal documents, and/or advising clients, and/or communicating on their behalf to others, whether in writing or orally.

Overseas candidates are also referred to the UK Border agency website: [http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply/english-language/](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply/english-language/)

Note that the Inns of Court may impose entry requirements in addition to those requested by the BSB.

**The Bar Course Aptitude Test (BCAT)**

The BSB has recently introduced an Aptitude Test on which a minimum threshold must be met by candidates seeking to commence the Bar Professional Training Course. The BCAT will not be required of candidates for the BTT.
C3 Guidance on Assessment Regulations

Overview

In the event of there being more than one Provider appointed, then the same arrangements will be in place at each Provider. It may be possible for some assessments to be taken at locations other than the Provider(s), for example overseas, subject to the contractual arrangements, sufficient notification and operational matters to be addressed.

Mitigating Circumstances

Candidates must provide details of any special mitigating circumstances which may affect their work (see Regulations section B4.7). These must be communicated as soon as possible and normally in advance of the date of the examination, or due date for coursework. Special circumstances may not subsequently be invoked as ‘insurance claims’ following poor performance, nor as excuses for academic offences. Long-standing conditions and disabilities are dealt with separately (see B4.8).

In considering claims for mitigating circumstances, the following will be taken into consideration by the BTT Examination Board:

- whether the circumstances were outside the candidate’s control (ie not of their own choosing);
- how significant the effect of that circumstance would be;
- how relevant the circumstances were to the assessment, for example proximity in time, which must be carefully recorded and considered; and
- whether independent and reliable evidence is provided about the circumstance. Medical certification of a condition affecting the candidate would normally be accepted.

Examples of circumstances that would normally justify special consideration include:

- serious personal injury, such as a broken limb, or a medical condition requiring hospital attention or one with an incapacitating effect;
- an acute illness affecting the time available, so that a reasonable person would have been unable to carry out the assessment task as required;
- being the victim of a serious crime, such as robbery, burglary or a violent assault during the period immediately preceding the assessment;
- the serious illness or death of a close relative: such as a parent, child, sibling, spouse, partner, grandparent (or other in appropriate cases);
- unforeseen and unavoidable and imposed work pressures serious enough to interfere with the candidate's study or ability to meet an assessment deadline or sit an examination;
- unforeseen and unavoidable serious difficulties with caring arrangements; and
- transport difficulties of an unpredictable and uncontrollable nature, where alternative arrangements could not be made (with independent evidence).

Examples of circumstances that would not normally be acceptable include:

- the illness of a distant relative;
- financial problems or difficulties with housing;
- foreseeable arrangements for baby-sitters, child-minders or other domestic or work situations;
- foreseeable transport difficulties, road works or private transport break downs;
- computer problems such as disc corruption, photocopying or printing problems;
- problems with handing in work by the given deadline;
- any claim not supported by reliable evidence (e.g. a letter from a ‘flatmate’);
- confusion over time, date or location of the examination on the part of the candidate when this has been clearly notified, and not posed any problem to other candidates;
- cases where medical certificates are retrospective, i.e. dated/issued after a candidate has completely recovered from the illness claimed; and
- examination stress.
Where documented mitigating circumstances are accepted by the Examination Board, the normal remedy will be to allow the candidate to be granted a further ‘first sit’. There will be no adjustment of grades, (increase in marks awarded) or raising from a fail to a pass.

**Assessment of candidates with disabilities**

Disabled candidates may be permitted extra facilities, particularly in examinations – for example extra time (e.g. candidates with dyslexia), technological aids (dictaphone, computer, larger fonts etc.), breaks in examinations (physically disabled candidates, impaired manual dexterity), an amanuensis or scribe (visually impaired candidates, or unable to write e.g. limb disability), or a reader (for visually impaired). In some cases it may be necessary for assessments to be adapted or modified in order for a disabled candidate to be assessed in an equivalent way to candidates without disabilities (e.g. alternative to presentation for speech impairment).

[NB some of the above may also apply to short-term disabilities, e.g. broken limb].

All requests for reasonable adjustments to be made in terms of the above must be made formally and in writing to the BTT Provider at the time of enrolment for the Examination.

Results will be communicated to candidates by email and hard-copy letter by the BSB, following receipt of results and candidate details from the Provider. Results can be issued by email only to the email address as originally registered and subsequently checked by the Provider.

**C4 Guidance on Review**

The BSB will deal openly and fairly with candidates who wish to apply for a Request for Review of an assessment decision of an individual paper or the BTT as a whole. These can only be considered if they are made by the candidate who is directly affected. A time limit is set and will be strictly adhered to unless a sound explanation is given as to why the Request for Review could not have been made earlier. In summary:

The review process at Subcommittee stage may:

i. uphold the decision of the Examination Board and confirm the original mark;
ii. appoint a further examiner to reassess the work;
iii. direct the Examination Board to allow a further re-sit without penalty;
iv. where the matter concerns performance on the whole course, determine whether or not there is a *prima facie* case to refer the matter to the final Review Board.

The Review Board may:

i. confirm the original result; or
ii. remit the case back to the Examination Board with a direction for one or more re-sits to be made available without penalty (‘as if for the first time’).

Marks and grades will not be reduced as a result of a review.

The BSB will review the number, nature and outcomes of applications for review raised and dealt with each year, in order to monitor and evaluate the effectiveness of the procedures.

**Seeking Feedback**

A candidate who wishes to discuss an assessment grade should do so with the BTT Director for the BTT at the Provider. This may well dispel the issue, for example by means of feedback to the
candidate as to the reason for the grade awarded. This should be done as soon as possible after
the grading decision has been made known.

**Unacceptable reasons for review**

- a. The BSB will not consider Requests for Review that result from a candidate failing to
  follow the published policies and procedures.
- b. The BSB will not consider Requests for Review based solely on disagreement with
  the academic judgment of the internal or external examiners who made the
  assessment. The nature of assessments and all grades awarded are subject to
  moderation by internal and external examiners and are also confirmed by a Board of
  Examiners.
- c. The BSB will not consider Requests for Review that are founded on the candidate’s
  own shortcomings, such as the ability to meet the time and place of the examination.

If a *prima facie* case is not made for a full review, for example if the application for review is not
based on one or more of the grounds specified in B4.1 above or is simply a matter of
disagreement with the academic judgment of the examiners, then the request will not proceed
to be considered by the BTT Review Board. The Review Board will only consider cases where
a Review is requested following the candidate’s results for the Test as a whole. Requests for
Review related to individual assessments will be dealt with by the BPTC Subcommittee.

**C5 Guidance on Academic Offences**

A candidate commits an academic offence if it is demonstrated that (on a balance of probabilities)
he or she has used unfair means in order to obtain an advantage in carrying out an assessment or
other academic work through cheating, plagiarism or fabrication of information. Academic offences
will be reported to the candidate’s Inn and may result in termination of enrolment for the BTT,
termination of membership of the Inn, and/or refusal to Call. Examples of offences include cheating
and plagiarism.

**Cheating**

Cheating in an examination or test is an activity that contributes to a summative grade by:

- a. copying or attempting to copy from work of other candidates;
- b. bringing unauthorised materials into the examination;
- c. referring to unauthorised materials during the examination;
- d. obtaining, or attempting to obtain, help from others in the examination;
- e. obtaining help in an examination by use of a mobile phone, text, pager or other device;
- f. any form of impersonation;
- g. providing, or attempting to provide, help in an examination;
- h. any arrangement to break, avoid or subvert the regulations;
- i. fabrication of data in any form of assessment;
- j. plagiarism from published or unpublished sources, including collusion (see next
  section);
- k. attempting to obtain examination papers or questions by computer hacking or other
dishonest means.

**Plagiarism**

Plagiarism is defined as ‘copying or attempting to copy from any other source (published or
unpublished, and including the work of a fellow candidate or another person) in an unauthorised
manner and attempting to present that work as if it were the candidate’s own in order to obtain
an unfair advantage’. Work presented for assessment must be the candidate’s own and while
quotations from recognised sources are usually acceptable, this must be clearly acknowledged
and a reference given for the source. Collusion, whereby a second candidate or person
knowingly supplies work with consent, is also defined as plagiarism.
It is recognised that acts of cheating, plagiarism and fabrication may vary in the degree of seriousness; for example, ranging from the reproduction of small amounts of texts, not properly referenced and without attribution to the reproduction of large amounts of texts, use of another candidate’s work with or without his/her knowledge or a serious intent to deceive or fraudulently obtain the qualification. In all cases, failure will result, and membership of an Inn will not be possible (or expulsion may occur where membership has already been obtained).

If an academic offence is suspected in an examination (e.g. cheating by using unauthorised books or notes in an examination), then details and evidence must be recorded and unless a satisfactory response is received, the relevant procedures should be implemented. A candidate suspected of cheating or plagiarism will be called to a formal meeting with the BTT Director. The allegation should be put to the candidate who should be given the chance to answer the allegations.

The BSB must also be notified and a decision made whether the candidate shall be permitted to continue with the Test and if so on what terms. This will be notified to the candidate and reported to the Board of Examiners. If the offence is admitted, then this should also be reported to the candidate’s Inn (if a member) and it may be decided that the candidate should have their enrolment terminated with no further opportunity to re-apply.

If the offence is not admitted, then a formal hearing should take place as soon as possible at which the relevant evidence must be considered, and a decision made, on hearing the evidence, whether an academic offence has been committed. If the case is not proved, then work should be assessed in the normal way.

Penalties will take cognisance of the need for honesty and integrity for those aiming to transfer to the Bar of England and Wales and the normal penalty will be a fail grade with no possibility of referral, i.e. termination of the candidature for the sitting of the BTT and exclusion from any further applications or attempts.

Appeals against Academic Offences may only be made on the grounds that mitigating circumstances which may have affected the candidate’s behaviour, were not taken into account, or that new evidence may be presented that was not previously available. Appeals may not be made on the basis of continued denial of guilt. The appeals process will normally be dealt with according to institutional procedures. The BSB must be notified.

C6 Guidance for Providers on approval, monitoring and review of the BTT

Guidance on accreditation of delivery of the BTT

Accreditation by the BSB of Provider(s) and trainers (and of BTT examinations and assessments) will ensure that: training and assessment are consistent with the BSB’s mission and objectives; they meet the BSB’s requirements; standards are appropriate to the professional qualification; the documentation is in accordance with requirements; the resources (staffing, library and IT) are satisfactory; and the quality and standards of training and assessment are maintained and will be enhanced where possible.

The BSB may validate only one Provider, by means of a competition and tendering process. It is unlikely that any Provider who is not an approved Provider of the BPTC would be able to make a successful bid.

The process of accreditation will be based on consideration of whether the proposals conform to the current Handbook (regulations and guidance), as evidenced by relevant documentation, which must include: the rationale, aims and objectives for delivery of training and/or assessment; a review or critical appraisal of any former, existing or related provision; scrutiny of available documentation, and a visit by a panel to consider the proposal, after which a report will be produced. Costs of accreditation visits will be met by the applicant Provider.
Documentation must be provided according to BSB requirements. A self-evaluation or review of former or related provision will need to be produced specially, as well as the rationale as to why a licence should be granted to deliver the BTT and/or accreditation given to any training provided. In summary, the formal submission must demonstrate how the content, delivery and regulations of the BTT as specified in this Handbook, are to be adhered.

The process is summarised as follows:

<table>
<thead>
<tr>
<th>Approximately four to six months before the intended commencement of the delivery of the BTT and supporting Advocacy Course (e.g. summer 2013 for Jan 2014 start)</th>
<th>Expressions of interest to be submitted to the Education &amp; Training Department of the BSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximately four to six months before the BSB accreditation event</td>
<td>Liaison to take place between the BSB Education &amp; Training Department and the prospective Provider to determine schedule of events and date by which documentation is due</td>
</tr>
<tr>
<td>Approximately two to four months before the accreditation event</td>
<td>The Education &amp; Training Department will appoint and contact accreditation panel members, who will be appropriately briefed. Arrangements for venue, refreshments, accommodation etc. will be made.</td>
</tr>
<tr>
<td>At least two months before the accreditation event</td>
<td>An internal scrutiny (at the Provider) should preferably take place; a report should be produced, with a response from the team as appropriate.</td>
</tr>
<tr>
<td>Two weeks before the accreditation event</td>
<td>Sufficient copies of the accreditation documents should be made for all participants of the accreditation event, for circulation with event programme to the panel [NB. If documents are not received 14 days before the event, it will be postponed/cancelled.]</td>
</tr>
<tr>
<td>Within one month after the event</td>
<td>Unconfirmed report sent to the panel for agreement</td>
</tr>
<tr>
<td>Within two months after the event</td>
<td>Report sent to BTT Director designate for response and checking for factual accuracy</td>
</tr>
<tr>
<td>By a set/agreed deadline (normally about two months)</td>
<td>The team provides written response to any conditions/recommendations. The response will be circulated and the panel and comments invited. Approval may be confirmed or a supplementary response (and further visit) sought.</td>
</tr>
<tr>
<td>Once conditions are satisfactorily met</td>
<td>Letter of confirmation of approval is sent out together with contract (with confirmed report)</td>
</tr>
<tr>
<td>As soon as possible after final approval</td>
<td>Signed contract must be supplied to the Education &amp; Training Department</td>
</tr>
</tbody>
</table>

**Guidance on Monitoring and Review**

The operation of the BTT (and supporting advocacy course) must be subject to internal monitoring on an annual basis. Provider(s) will also be required to allow free access to training and assessment of the BTT for inspection and review purposes by the Bar Standards Board’s Education & Training Department, review/visiting panels and External Examiners. The Annual Monitoring process by Provider(s) must be based on rigorous self-critical analysis of the previous year’s performance, to be carried out following the completion of the academic year. Consideration should be given to individual units, as well as the delivery of the BTT as a whole. Pass and progression rates of candidates, and feedback from candidates, employers and other stakeholders should also be taken into account. An Annual Reflective Review (ARR) must be drawn up, including an action plan to address areas in need of improvement. ARRs must be carefully considered and discussed according to Providers’ internal systems in time for submission to the BSB by 30 November of each academic year.
In addition to the internal annual monitoring process, the BSB reserves the right to make the BTT subject to monitoring/review by the BSB. This may take the form of a monitoring visit or a triggered visit where a cause for concern has been identified. Reviews are used to ensure that provision is up to date, fit for purpose and well resourced – and to consider the cumulative effect of the internal annual monitoring process over a period of time. The monitoring process (i.e. visit) if and when undertaken will be based on the provision of a self-critical analysis, with accompanying documentation, to be considered and discussed at an event with a monitoring panel involving both internal and external assessors and subject specialists. Arrangements will be made in consultation with the BTT Provider.
Appendix A  Provisional timetable for the BTT in 2015

First Sitting (April 2015)

20 February 2015  Deadline for submission of entry form for those requiring visas
27 February 2015  Deadline for submission of entry form for those not requiring visas
10-12 April 2015  Compulsory training for Paper 8 (Advocacy)

Part A

27 April 2015  Paper 1  Public Law (Constitutional, Administrative Law, Human Rights)
27 April 2015  Paper 2  Law of the EU
28 April 2015  Paper 3  Criminal Law
28 April 2015  Paper 4  Obligations (Contract, Restitution and Tort)
29 April 2015  Paper 5  Property/Land Law
29 April 2015  Paper 6  Equity and the Law of Trusts
30 April 2015  Paper 7  English Legal System

Part B

24-26 April 2015  Paper 8  Advocacy
22 April 2015  Paper 9  Civil Litigation, Evidence and Remedies
21 April 2015  Paper 10  Criminal Litigation, Evidence and Sentencing
23 April 2015  Paper 11  Professional Ethics

Details of the Training course and the precise timings of examinations will be notified one month before the relevant sittings. For either sitting, candidates must submit to the Provider:

- A completed application form
- The appropriate fee for the Test and, if applicable, for the Advocacy training course
- Letter of approval/verification of sections required from the BSB Qualifications Committee

Applications can only be accepted in hard copy at present. Information about the relevant Call dates should be sought from the Inn of which the candidate is a member. Candidates cannot undertake their second six (practising pupillage) until they have been called and issued with a practising certificate.
Appendix B  Fees

Fees for individual sections/papers (where not all are required to be taken)

<table>
<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Price (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Compulsory Advocacy Training Course</td>
<td>10-12 April 2015</td>
<td>895</td>
</tr>
</tbody>
</table>

BPP offer the following training courses to help prepare you for the Litigation and Professional Ethics examinations:

| Professional Ethics                          | 14 April 2015      | 275       |
| Criminal Litigation, Evidence and Sentencing | 15 April 2015      | 275       |
| Civil Litigation, Evidence and Remedies      | 16 April 2015      | 275       |

Assessments

| B i  | Criminal Litigation, Evidence and Sentencing | 21 April 2015 | 300     |
| B ii | Civil Litigation, Evidence and Remedies      | 22 April 2015 | 300     |
| B iii| Professional Ethics                          | 23 April 2015 | 200     |
| B iv | Advocacy (all 3 assessments)                 | 24-26 April 2015 | 525 |
|      | Any part thereof                            |              |         |
|      | a) Examination in Chief                      | 24 April 2015 | 175     |
|      | b) Cross Examination                         | 25 April 2015 | 175     |
|      | c) Application                               | 26 April 2015 | 175     |
| C i  | Public Law (Constitutional, Administrative and Human Rights Law) | 27 April 2015 | 200     |
| C ii | Law of the EU                                | 27 April 2015 | 200     |
| C iii| Criminal Law                                 | 28 April 2015 | 200     |
| C iv | Obligations (Contract, Restitution and Tort)  | 28 April 2015 | 200     |
| C v  | Property/Land                                | 29 April 2015 | 200     |
| C vi | Equity and the Law of Trusts                 | 29 April 2015 | 200     |
| C vii| English Legal System                         | 30 April 2015 | 200     |
Appendix C - Useful contacts and addresses

Bar Standards Board
289-293 High Holborn, London, WC1V 7HZ
(0207 611 1444)
Chair of the BSB
Sir Andrew Burns KCMG
Director of the BSB
Dr Vanessa Davies
Chair, Education and Training Committee
Professor Andrew Sanders
Head of Education and Training
Dr Simon Thornton-Wood
Manager, Qualification Regulations
Joanne Dixon (jdixon@barstandardsboard.org.uk)
Training Regulations Officer
Pauline Smith (psmith@barstandardsboard.org.uk)
Publication of BTT results
BTT@barstandardsboard.org.uk

BTT Provider
BTT Director
Paul Wetton (paulwetton@bpp.com)
Academic Guidance
Paul Wetton (paulwetton@bpp.com)
Admissions
BTT@bpp.com
General queries
BTT@bpp.com

Inns of Court
Lincoln’s Inn
Middle Temple
Gray’s Inn
Inner Temple
www.lincolnsinn.org.uk
www.middletemple.org.uk
www.graysinn.org.uk
www.innertemple.org.uk

Specialist Bar Associations and others
Administrative Law Bar Association
www.adminlaw.org.uk
Association of Women Barristers
www.womenbarristers.co.uk
Bar Association for Commerce, Finance & Industry
www.bacfi.org
Bar Association for Local Government & Public Service
www.balgps.org.uk
Bar European Group
www.bareuropeangroup.org.uk
Bar Lesbian and Gay Group
www.blagg.org
BMIF
Telephone: 020 7621 0405
Chancery Bar Association
www.chba.org.uk
Commercial Bar Association
www.combar.com
Criminal Bar Association
www.criminalbar.com
Employment Law Bar Association
www.elba.org.uk
Family Law Bar Association
www.flba.co.uk
Free Representation Unit (FRU)
www.freerepresentationunit.org.uk
Intellectual Property Bar Association
www.ipba.co.uk
Law Centres Federation
www.lawcentres.org.uk
London Common Law & Commercial Bar Association
www.lclcbba.com
Midland Chancery & Commercial Bar Association
see www.barcouncil.org.uk
Northern Chancery Bar Association
www.nchba.co.uk
Northern Circuit Commercial Bar Association
www.nccba.org.uk
Parliamentary Bar Mess
see www.barcouncil.org.uk
Personal Injuries Bar Association
www.piba.org.uk
Planning & Environmental Bar Association
www.peba.info
Professional Negligence Bar Association
www.pnba.co.uk
Property Bar Association
www.propertybar.org.uk
Revenue Bar Association
www.revenue-bar.org
Society of Asian Lawyers
www.societyofasianlawyers.com
Society of Black Lawyers
www.blacklawyer.org
Technology and Construction Bar Association
www.tecbar.org
Western Chancery & Commercial Bar Association
see www.barcouncil.org.uk