

CONTINUING PROFESSIONAL DEVELOPMENT REGULATIONS

1. These Regulations apply to all practising barristers.
2. These Regulations shall have effect from such date as the Bar Council determines.
3. For the purposes of these Regulations, "Continuing Professional Development" means any education and study which is relevant to maintaining and developing a barrister's professional knowledge, skills, ethics or abilities.
4. For the purposes of those Regulations the Mandatory Continuing Professional Developments Requirements are those set out in paragraph 5.
5. The Mandatory Continuing Professional Development Requirements are as follows:
 - a. All Barristers who have completed pupillage, shall complete a minimum of 12 hours of continuing professional development in the 12 month period commencing on the 1st day of December of each year of practice following completion of pupillage
 - b. All Barristers called to the Bar of Northern Ireland after September 1st 2004, shall complete within the first 12 months from the date of their call:
 - (i) A Northern Ireland Bar Advocacy Training Course; and
 - (ii) A Northern Ireland Bar Ethics Course.
6. The Bar Council may by resolution specify the nature, content and format of courses and other activities which may be undertaken by Barristers, or any category, thereof, in order to satisfy the mandatory CPD requirements.
7. The Bar Council may by resolution vary the minimum number of hours of CPD which must be completed in order to satisfy any of the mandatory CPD requirements.
8. Every Barrister shall keep a record of the CPD undertaken to comply with these Regulations and shall produce that record to the Bar Council on demand.
9. Any Barrister who fails to comply with any of the mandatory CPD requirements, or who fails to furnish a record of their CPD to the Bar Council upon demand may be referred to the Professional Conduct Committee for breach of the Code of Conduct.

WAIVERS

10. The Bar Council shall have the power in relation to any Barrister to waive any or all of the mandatory CPD requirements in whole or in part, and to revoke such a waiver and to extend the time which the barrister must complete any of the said mandatory requirements.

11. Any application by a Barrister to the Bar Council for a waiver of any of the mandatory CPD requirements or to extend the time within which to complete any of the said mandatory requirements must be made in writing, setting out all of the mitigating circumstances relied upon and supported by all relevant documentary evidence.

**MANDATORY CONTINUING PROFESSIONAL
DEVELOPMENT REQUIREMENTS
GUIDANCE NOTES**

Practitioners required to undertake CPD

From 1st December 2004 the CPD Scheme will apply to all practising barristers.

The CPD requirement

The Mandatory Continuing Professional Development Requirements are as follows:

- (a) All Barristers who have completed pupillage, shall complete a minimum of 12 hours of continuing professional development in the 12 month period commencing on the 1st day of December of each year of practise following completion of pupillage
- (b) All Barristers called to the Bar of Northern Ireland after September 1st 2004. shall, shall complete within the first 12 months from the date of their call:
 - (i) A Northern Ireland Bar Advocacy Training Course; and
 - (ii) A Northern Ireland Bar Ethics Course.

The CPD Practice Year

A CPD practice year is a period of 12 months ending on 30th November each year in independent practice as a barrister save that the year ending 30th November 2005 shall be deemed to commence on the 1st January 2004.

Carrying over excess CPD hours from one CPD practice year to another

Practitioners will be permitted to carry over a maximum of 4 CPD hours accumulated in excess of the requirement in one CPD practice year to the next immediately succeeding CPD practice year only.

**Ways in which the CPD requirement
may be met**

- 1.1 Individual training needs vary and the CPD scheme has been designed to reflect this by offering flexibility in the training activities which qualify for CPD points. To meet the points requirement barristers are free to choose activities relevant to their individual needs.
- 1.2 There are various methods of satisfying the CPD requirement other than simply attendance at traditional lecture-based courses. The methods and amount of CPD credit available for each type of training activity are set out in the Guidelines below.

Guidelines for compliance with continuing professional development requirements issued under the Continuing Professional Development Regulations

2. Preamble

Members have a general responsibility to keep up to date with developments in the law and practice relating to their work. Over and above that general professional responsibility there are compulsory requirements for continuing professional development (CPD) which are set out in the Continuing Professional Development Regulations. Details of how these requirements may be satisfied are set out below.

The Bar Council recognises certain activities as constituting formal continuing professional development. The Council encourages members to undertake a wide range of activities and to regard formal acquisition of the prescribed 12 CPD hours of continuing professional development each CPD practice year as only a minimum requirement.

3. Criteria for accreditation of CPD activities

To obtain the maximum advantage from CPD, activities shall:

- (a) be relevant to the immediate or long term needs of practising barristers
- (b) be of significant intellectual or practice content; and
- (c) deal primarily with matters related to the practice of law

Approval should be obtained from the Bar Council as to the suitability for accreditation of other activities. In such cases, the Council may request that a specific application for accreditation of such activity be made.

Except for applications made under Guidelines 10, 11, 14 and 15 and in certain cases Guideline 6, all applications for CPD accreditation must be made prospectively. It is not possible to accredit CPD hours after any course has taken place. Please refer to page 13 of these guidelines.

A list of courses, lectures or conferences which members of the Bar may attend or deliver for CPD purposes, together with the number of CPD hours allocated to them will be included in the Bar Library News and on the Bar Library website at www.barlibrary.com. That list is not exhaustive and it is open to members of the Bar to attend other courses, lectures or conferences for CPD purposes provided that they or the course provider obtain the prior approval of the Bar Council. Please refer to section 3.5 of these guidelines.

Accredited course providers for courses, lectures or conferences other than those delivered under the aegis of the Bar Council include:

- The Bar of Northern Ireland and its internal associations
- The Law Society of Northern Ireland
- The General Council of the Bar of England and Wales.

- The Law Society of England and Wales
- The Faculty of Advocates of Scotland
- The Law Society of Scotland
- The Bar Council of Ireland
- The Law Society of Ireland
- Any Professional body of lawyers comparable to those set out at (a) to (f) above that is established in a member state of the European Union
- SLS Legal Publications
- The Judicial Studies Board for Northern Ireland
- Any professional body or other organisation that is approved by the Bar Council for CPD purposes, a list of which will be included in the Bar Library Current Awareness Bulletin and on the Bar Library website at www.barlibrary.com

4. Course standards and requirements

Courses shall meet the following standards and requirements:

“A course” means an education programme, seminar, workshop, lecture, conference, in-house group discussion, distance learning course, face-to-face training session held as part of a distance learning course (e.g. Summer schools, revision sessions), computer-based course and course presented by means of videotape, motion picture, audiotape, simultaneous broadcast or such other system or device;

Course leaders and lecturers must have the necessary practical and/or academic skills to conduct the course effectively. Experienced lawyers or other professionals must contribute to the development and/or teaching of the course;

The method of presentation used must be appropriate to meet the aims and objectives of the course and, wherever possible and appropriate, should be varied and include participatory elements in order to encourage learning;

Before or at the course, each participant must be provided with written course materials of a quality and quantity which indicate that adequate time has been devoted to the preparation of the course and that it will be of value to the participants in the course of their practice;

The course must be presented in a suitable setting conducive to a good educational experience. The course must be scheduled at a time and location so as to be free from interruption from telephone calls and other administrative matters;

The level of the course, the number of CPD hours accredited to the course and whether the course is substantially a repeat of a previous course must be noted in all promotional material;

All courses must be evaluated by the participants attending the course in a manner which is approved by the Bar Council;

Subject to paragraph 4.9 and except where provided to the contrary in these Guidelines, courses should be credited with the number of hours corresponding to the number of hours of tuition scheduled, excluding tea, coffee, lunch and other breaks. Only full or half hours may be credited to any course. Points should be rounded down to the nearest half hour for courses which are not scheduled to last for an exact number of half or whole hours; and

For the development of practical skills, courses requiring delegates' active participation, for example through workshops, will be more effective than more traditional lecture based courses.

- Where at least 1/3 of the tuition time is spent in such small group work, practitioners may add 25% to the actual time of the course. For example, a 4 hour workshop comprising 2 hours of small group work qualifies for an additional CPD hour giving a total of 5 CPD hours.
- No specific application to the Bar Council by the barrister or the provider of the course is required.

4.10 Subject to paragraph 4.11, a course must be of at least one hour in duration. Courses of only one hour must have no more than 10 minutes devoted to questions from the audience.

4.11 A course of 30 minutes or more but less than 60 minutes is eligible for ½ hour CPD accreditation provided that for any course with a lecture format, at least 80% of the course must be devoted to the lecture presentation.

4.12 A participant at a course referred to in sub-paragraph (a) hereof may claim ½ hour CPD provided that she/he attends the entire course. No lateness is permitted.

4.13 Participation in, or attendance at a course, means attendance at the complete course, or a designated segment of the course which is discrete from the rest of the course and has been accredited on a segmented basis.

5. Course presented by videotape, motion picture etc.

Up to 12 hours of the annual CPD requirement may be fulfilled by undertaking courses presented by means of videotape, motion picture, audiotape, simultaneous broadcast or other such systems and devices.

During course referred to in paragraph 5.1, there must be an opportunity for participants to ask questions of the course instructor(s) and to engage in discussion. If the course instructor(s) is not available, either in person or via telephone, then a qualified commentator must be available to offer comments, answer questions and lead discussion.

6. Computer-based courses.

Subject to paragraphs 6.2 and 6.3, up to 12 hours of the annual CPD requirement may be fulfilled by undertaking computer-based learning courses accredited by the Bar Council.

The course provider must demonstrate to the satisfaction of the Bar Council that procedures are in place, acceptable to the Council, which verify that the practitioner has completed the computer-based course in full and has done so with a demonstrable and satisfactory degree of comprehension.

In order for a practitioner to obtain CPD hours for a course referred to in this handbook, the course provider must, in addition to the usual accreditation requirements, provide the following for inspection by the Council:

- A copy of the course material;
- Access to the course on-line in order that the Council can monitor the course;
- Evidence of the verification procedures referred to in paragraph 6.2;
- Access to the provider's on-line record verifying that a participant has satisfied the requirements set out in paragraph 6.2; and
- Details of the technical support services available to participants

7. Distance Learning Courses

“Distance learning course” means a course delivered by correspondence, audio cassettes, video cassettes, television broadcasts or inter-active videos.

Up to 12 CPD hours of the annual requirement may be fulfilled by undertaking distance learning courses approved by the Bar Council where the course involves an examination or a written assignment assessed by the course provider or leads to a qualification approved by the Council.

8. Law courses

“Law course” means a course approved by the Bar Council which leads to a qualification recognised by the Council.

Up to 12 hours of the annual CPD requirement may be fulfilled by undertaking a law course on a part-time basis, such as, a master's degree, post-graduate diploma or specialised bachelor degree.

Barristers must apply to the Bar Council for accreditation of any law course and must provide such materials and information in support of the application as required by the Bar Council.

The Bar Council may publish a list of approved courses which will be reviewed from time to time. Any course may be removed from the approved list following such a review.

CPD hours under this paragraph may be counted in each CPD practice year during which the course is undertaken, provided that in each CPD practice year the barrister complies with the course attendance requirements, attends lectures and/or tutorials totalling in duration not less than the number of CPD hours being claimed and provides evidence of such attendance as and if required by the Bar Council.

9. Preparation and presentation of approved training courses

Up to 6 CPD hours of the annual CPD requirement may be undertaken by preparation or presentation of oral or written material forming part of the formal instruction within a course, lecture or conference, organised by a provider that is accredited by the Bar Council for CPD purposes.

Up to 6 CPD hours of the annual CPD requirement may be undertaken by preparation or presentation of oral or written material forming part of the formal instruction within the Northern Ireland Bar Advocacy Training Course, the Northern Ireland Bar Ethics Course, or the Northern Ireland Bar Advocacy Training Trainers Course.

Where a member of the Bar remains in attendance for the whole of the course in which he/she is involved in preparing or presenting a part for which a CPD credit may be allocated under paragraphs 9.1 or 9.2, that member may be allocated the full number of CPD points available to participants attending that course.

The repeat delivery of any course, lecture or conference in the same CPD year shall not count for any CPD hours.

10. Teaching of approved courses

10.1 Up to 6 CPD hours of the annual CPD requirement may be undertaken by teaching an undergraduate or graduate law course or teaching a course at the Institute of Professional Legal Studies, or such other courses as may be approved by the Bar Council.

11. Writing articles, books

11.1 Up to 6 CPD hours of the annual CPD requirement may be undertaken by writing law books, or articles in legal journals or such other journals as may be approved by the Bar Council.

11.2 Subject to paragraph 11.3, any CPD hours claimed under paragraph 11.1 must be claimed in the CPD practice year in which the article or law book is published.

11.3 The Bar Council may in its discretion allow CPD hours to be claimed in the CPD practice year in which the article or law book was written, and prior to publication, provided that the Council is satisfied that there is sufficient written evidence that during that CPD practice year the publisher had approved that the article or law book be published in the next succeeding CPD practice year.

11.4 The legal or other journal, which may be in electronic format, must be approved by the Bar Council.

11.5 The book or article should be on area of substantive law or practice and procedure.

11.6 Subject to paragraph 11.7, 1 CPD hour may be allocated for every 1000 words published or such lesser number of words published as may be approved by the Council.

11.7 In the case of substantial revisions or updates of previous publications, the number of CPD hours to be allocated shall be determined by the Bar Council.

12. Private or group study

12.1 Private or group study shall count for a maximum, in any twelve month period of:

- 3 hours for those in practice for 15 years or less
- 6 hours for those in practice for 20 years or less
- 9 hours for those in practice for 30 years or less
- 12 hours for those in practice for more than 30 years

13. Participation in Bar Committees

Up to 4 CPD hours of the annual CPD requirement may be fulfilled by participation in the work of the Bar Council; and

.Subject to the approval of the Bar Council, participation in the work of:

- The committees of the Bar Council; and
- Such committees or associations as are approved (from time to time) by the Bar Council

which deal with issues of substantial significance in the practice of law.

14. Work as an external examiner

Subject to approval by the Bar Council, up to 4 CPD hours of the annual CPD requirement may be fulfilled by undertaking work as an external examiner for the Institute of Professional Legal Studies, including work in preparing questions for such an examination.

Contemporaneous records in relation to the work undertaken must be retained as evidence in support of the CPD allowance claimed.

15. Double counting

There shall be no double counting of CPD hours in respect of activities specified in these guidelines.

16. Revocation or amendment of CPD hours accreditation

The Bar Council has a discretion to revoke or amend any determination or approval of CPD accreditation allocated in respect of an activity under these guidelines.

Where the Bar Council's approval is required, applications for CPD accreditation should be made in writing and sent to the CPD Administrator at the Bar Library.

17. Mandatory CPD Training Record

The Bar Council does not keep records of individual practitioners' attendance at courses. All practitioners subject to the CPD scheme are required to maintain their own record of their training activities in the approved form.

Each member of the Bar will receive an annual CPD record card upon which he or she shall enter the relevant details of all CPD activities undertaken. Members of the Bar have a duty to ensure that the details entered on their CPD card are both legible and accurate.

All members of the Bar who were called on or prior to 1st September 2004 shall submit their first CPD record to the Bar Council by 30th November 2005 and thereafter by 30th November of each successive year.

The Bar Council shall monitor compliance with the mandatory CPD requirements and may audit the CPD records of any members of the Bar at any time. Members of the Bar have a duty to maintain copies of all vouching CPD documentation for 1 year from the end of the 12 month period to which they relate. A member of the Bar may be asked to produce evidence that he or she has complied with the mandatory CPD requirements.

18. Proof of attendance at CPD events

Each member of the Bar is required to sign the registration document at any course, lecture or conference that he or she attends for the purposes of CPD hours.

Each member of the Bar who delivers a course, lecture or conference for the purposes of the CPD hours is required to maintain suitable proof of delivery.

All course providers who seek accreditation from the Bar Council for their CPD events are required to maintain a record of participants and to provide written confirmation of attendance to participants for their CPD record cards.

FREQUENTLY ASKED QUESTIONS

1. Who is required to undertake continuing professional development?

All Barristers called to the Bar of Northern Ireland who wish to practice or continue to practice in this jurisdiction.

2. How many CPD hours do I have to obtain?

You have to undertake a minimum of 12 CPD hours in a 12 month period, which is known as the CPD year.

3. If I undertake more than the required amount of CPD in one practice year, can I carry over the surplus and count that towards my requirement for the following year?

Yes. In the initial 'start-up' period of the CPD scheme, you will be able to use both the preceding year (2004 – 2005) of the CPD scheme and the first year of the scheme (2005 – 2006) to make up the 12 CPD hours required for the first year of the scheme. Thereafter you will be able to carry over to the immediately following CPD practice year a maximum of 4 CPD hours accumulated in excess of the required 12 CPD hours.

4. When does the CPD year start and end?

The CPD year commences on the 1st December each year. The first year of the scheme ends on the 30th November 2005 and is deemed to commence on the 1st January 2004.

5. Am I required to attend any compulsory courses?

You will only have to attend compulsory courses if you are in your first 12 months of call. If you are in that position then there are 2 compulsory courses that have to be completed within 12 months of the date on which you were called: (i) the 'Northern Ireland Bar Advocacy Training Course', and (ii) the 'Northern Ireland Bar Ethics Course'.

6. Which activities qualify for CPD hours?

CPD means any education and study which is relevant to maintaining and developing a Barrister's professional knowledge, skill, ethics or abilities. You can obtain the minimum 12 CPD hours by participating in:

- (1) Courses accredited by the Bar Council
- (2) Preparation and presentation of a Bar Council approved course
- (3) Teaching a Bar Council approved course
- (4) Writing law books or articles in legal journals or in other Bar Council approved journals
- (5) Private or group study
- (6) Participation in Bar Committees
- (7) Work as an external examiner for the Institute of Professional Legal Studies

However you should not rely on being able to satisfy your requirement for CPD hours by participating in only one of those activities, since some of them carry maximum CPD hours. For example there is a maximum of 6 CPD hours that may be claimed by preparing and presenting a Bar Council approved course. The Bar Council Professional Development Guidelines (“the Guidelines”) provides details of the number of CPD hours that can be claimed for each activity.

7. Where can I find information about accredited courses?

The Guidelines include a list of organisations whose courses have automatic accreditation. In addition an updated list of accredited courses, lectures or conferences is posted on the Bar Library website and included in Bar Library News. Furthermore any Barrister can apply to the Bar Council for accreditation for a specific course.

8. Does the Bar Council recommend seminars run by specific organisers?

No, it only provides information on accredited courses, seminars and lectures. Your continuing professional development is your responsibility and the CPD scheme gives you the flexibility to acquire your minimum CPD hours from whatever accredited courses or activities that best suit the development of your own practice.

9. Do I have to submit documentary evidence of courses attended when returning my completed record card?

No. However, you are required to sign the registration document at any seminar, course, lecture or conference attended for which CPD hours are to be claimed and you should ensure that there is a record of your attendance. Many course providers will keep records of attendance but you should not rely on it as the onus is on you to satisfy the Bar Council regarding attendance at any activity for which you claim CPD hours.

10. What CPD records do I have to maintain?

You will receive an annual CPD record card on which you should enter the details of all your CPD activities and the CPD hours that you claim. You must hand that record card in at the end of the CPD year as it constitutes your confirmation to the Bar Council that you have satisfied your CPD obligation. In addition to the CPD record card you have a duty to maintain ‘vouching CPD documentation’ for the details on the card for 1 year from the end of the CPD year to which they relate. You should be aware that the Bar Council does have the right to audit your CPD records at any time.

11. How will I satisfy the Bar Council regarding my compliance with the private study requirement?

You should keep written records of any time spent by you in private study for submission to the Bar Council if and when required.

12. What should I do if I am unable to comply with the CPD requirements?

The Bar Council has the power to waive any CPD requirement and to extend the time within which the CPD requirement has to be satisfied. Therefore if you are having difficulty in complying with your CPD requirements you may apply to the Bar Council for a waiver or extension of time as the case may be. It is a matter for the discretion of the Bar Council, which is unlikely to be exercised lightly. You should apply in writing and set out all the circumstances giving rise to your application and attach any supporting documentation.

13. What happens if I cease to practice for a while and then want to return?

As above, the Bar Council has the power to waive any CPD requirement. So if you cease practice for a period of time (for example due to illness, injury, maternity leave or whilst in employment or practicing abroad) then you can apply in writing to the Bar Council, supported by documentary evidence, for a waiver of the full 12 CPD hours or for whatever relief from the CPD requirements you need.

14. Where can I find out more about the CPD requirements?

The actual requirements are set out in the Continuing Professional Development Regulations and further detail is provided in the Regulations. However, if you do have a query that you cannot answer from either of those sources then you can refer it to either the Chair or Vice-chair of the Continuing Development Committee.

15. Will I face any sanction if I fail to comply with the CPD requirements?

If you fail to comply with any of the CPD requirements (for example fail to provide your annual CPD record card or fail to undertake the 12 CPD hours) and you do not obtain a waiver from the Bar Council, then you may be referred to the Professional Conduct Committee for a breach of the Code of Conduct.

