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BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

# Regulatory Update

Monthly update from the Bar Standards Board

April 2017

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## Use of the BSB logo and images

We would like to remind barristers, chambers or entities that we do not allow use of the BSB logo for web, promotional, or marketing material.

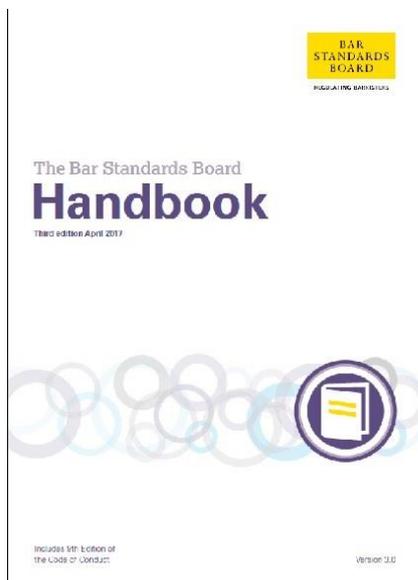
However, members of the Bar and/or chambers are permitted to use the text "Regulated by the Bar Standards Board".

## Third edition of the BSB Handbook launched

We published the third edition of the BSB Handbook on 3 April. The new edition includes rules relating to Alternative Business Structures (ABSs). It is available to [download from our website](#). Details of all changes made are also [available on our website](#).

If you are linking to the BSB Handbook please link to: <https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/the-handbook-publication/> to ensure you are accessing the latest version.

Please note that the Handbook app is currently unavailable due to a technical problem. We are doing everything we can to ensure it is up and running as soon as possible. In the meantime, please refer to the PDF version of the Handbook.



### HMRC issues guidance about tax avoidance schemes

HM Revenue and Customs (HMRC) have asked us to inform our regulated community about issues relating to tax avoidance schemes.

We encourage all barristers to read their [serial tax avoiders factsheet](#) and their additional [serial tax avoiders' overview and guidance](#), for more information.

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## Blog: Monthly message from our Chair Sir Andrew Burns KCMG

Last month, we announced our decision about **the Future of Bar Training** following our recent consultation. I should like to thank personally everyone who responded.

As always our starting point was the public interest. But throughout this process we have listened very carefully to your views and I am sorry if we ever gave the impression that we were not. Seven of our fifteen Board members are themselves practising barristers. We paid close attention to what we heard from the profession, providers, judiciary and members of the public. The views of your various representative bodies as well as of individual members of the Bar more widely were vital to us in reaching our decision.

We have decided to authorise a strictly limited number of future training routes for prospective students to qualify as barristers and we agreed with those who argued that authorising too many routes would not be wise. One of those routes is likely to be the one suggested by the Council of the Inns of Court/Bar Council which

### BSB Handbook Explained: guidance for unregistered barristers

Have you been called to the Bar but do not hold a current practising certificate? If so, you are an unregistered barrister and will find it useful to refer to the [guidance for unregistered barristers](#) on our website.

The guidance covers the restriction on "holding out" as a barrister if you are supplying legal services

attracted such strong support in the consultation. The next step in the process is to produce a detailed Authorisation Framework which will enable us to assess future formal proposals for training against our criteria of:

- flexibility (encouraging, for example, the options of part time study, distance learning and integration with paid work);
- accessibility (offering support to students from under-represented groups);
- affordability (improving the value for money of the present system); and
- sustaining high standards (so that consumers can be certain that every barrister who begins practice has met the requirements of the [Professional Statement](#)).

Again we will want to involve all our stakeholders in the preparation of that Framework and we hope to arrange a seminar soon to talk about the way forward. Thank you again for all your valuable input so far. We hope that you will continue to contribute to our discussions. Now that we have decided on the way forward, we want to see reform of Bar training as soon as possible.

You will recall that when we wrote to you about this topic on 24 March to inform you of our decision, we also published a [Policy Statement](#) setting out our vision in more detail. Please do read this document because it provides more information about the next steps in bringing about this much-needed reform.

Separately from Bar training, the last few weeks have also seen us begin to license [Alternative Business Structures](#) (ABSs). This development should encourage further innovation in the provision of legal services. As the regulator for advocacy-based services, we hope that any barristers considering teaming-up with non-lawyers to form an ABS will consider us as the natural choice for authorisation. Please do get in touch with our team to discuss your plans. They will be happy to assist you.

Finally for this month, I would like to draw your attention to the article in this edition of Regulatory Update about our [Business Plan for 2017-18](#). The Plan sets out our regulatory priorities for the year ahead.

but do not have a practising certificate, and the rules and duties which apply to you as an unregistered barrister when you are supplying legal services. The guidance also covers the information to be given by unregistered barristers to employers, clients or prospective clients.

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## Alternative Business Structures authorisation goes live

This month we began licensing Alternative Business Structures (ABSs).

We have been regulating lawyer-only owned entities since 2015, but for the first time, we are now able to license legal services businesses which are owned jointly by lawyers and non-lawyers.

Anyone considering setting up a BSB-regulated entity or ABS should visit [our website for more information](#).

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## Launch of 2017/18 Business Plan

Last month we published our [2017-18 Business Plan](#) setting out the key areas of work we plan to do in the new financial year.

As this is the second annual plan to be published as part of our current three-year strategy, the focus within the plan is on continuing with the work already started. Priorities for 2017-18 include:

- responding with the other legal regulators to the recent market study by the Competition and Markets Authority into the supply of legal services in England and Wales;
- beginning to implement Future Bar Training reforms;
- continuing to implement recommendations to improve the experiences of young people who are the subject of proceedings in the Youth Courts, and the standards of advocacy that they receive; and
- carrying out further modernisation of the disciplinary system for barristers, including consulting on changing the standard of proof used in disciplinary tribunals.

Over the last twelve months, we have made good progress against each of the strategic themes that we identified as part of our three-year strategy. But we recognise that further work is needed in 2017-18 and that what we need to do is becoming ever more complex. Despite this, thanks to even greater efficiency in our operations, we are pleased to confirm that our expenditure for the year ahead is budgeted to be the same as last year.

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## Schemes allowing barristers to receive instructions without solicitors are working well, our latest review finds

Last month we published the results of [a review into the Public and Licensed Access schemes](#) which allow members of the public and other lay clients to instruct barristers directly without first instructing a solicitor or other professional client.

Our review concluded that both schemes are operating well, and are an important way for the public to access legal services.

The review also found that most Public Access barristers are providing a valuable service to their clients. However, it identified three issues that we should address to improve the Public Access scheme:

1. There are barriers that are making some consumers unable or unwilling to access a Public Access provider;
2. Barristers and clerks may not have enough support or may be inadequately prepared to manage Public Access work; and
3. Some Public Access barristers may be providing a poor client service.

We have agreed to implement all of the recommendations made as a result of the review. These include:

- reviewing how effective the training for Public Access barristers is;
- amending the Rules and Guidance for both schemes; and
- reviewing and revising the documentation given to the public when accessing barristers via the schemes.



### **Barristers' Register**

Please ensure that you have informed us of your correct primary practice address in accordance with rS69 of our Handbook. If your practice address changes, you must inform our Records Department within 28 days.

## Feedback

If you have any thoughts about how we can improve the Regulatory Update or what content you would like to read, please email [contactus@barstandardsboard.org.uk](mailto:contactus@barstandardsboard.org.uk).



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