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BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Regulatory Update

Monthly update from the Bar Standards Board

September 2017

In this edition....

- [Blog: Monthly message from our Chair Sir Andrew Burns KCMG](#)
- [New Guidance on Conducting Litigation](#)
- [New financial sanctions reporting obligations](#)
- [Dissolution of our Qualifications Committee](#)
- [Last chance to comment by 15 September on proposed Handbook rule changes](#)
- [Please respond by 26 September to our consultation on rule changes for the Licensed and Public Access schemes](#)
- [BSB Handbook Explained – Dual Capacity Practice](#)
- [Have we got correct details of your primary practice address?](#)

Last chance to comment by 15 September on proposed Handbook rule changes

We are currently conducting a [consultation seeking views on a number of proposed rule changes to the BSB Handbook](#). These changes would require barristers to provide us with additional information when completing the Authorisation to Practise process from 2018.

At the BSB, we aim to take a risk and evidence-based, proportionate, approach to regulation. We also

Blog: Monthly message from our Chair Sir Andrew Burns KCMG



Over the next few weeks, we are going to be issuing two very important consultations. With this in mind, I thought it would be helpful to give you a flavour of what we will be considering here in my blog.

The first will be a policy consultation on **transparency standards at the Bar**. The Competition and Market Authority (CMA) has recommended that we and the other legal service regulators should introduce new price and service disclosure requirements, and we believe that this will be in the interest of consumers provided it is done in the right way. So we want to consult you about how you can be more transparent with consumers about your services, your fees and the rights of redress which you offer to consumers.

The second of our consultations will seek views on the policy principles that will inform our revision of the qualification rules for new barristers, which will be published next year. In particular, it will ask:

- to what extent we should prescribe the role of the Inns of Court in the training and qualification of barristers; and
- what rules and regulations we should require regarding the arrangements and administration of the work-based learning component of training.
- The Board and I are open-minded about the best way forward. We recognise the historic and supportive role played by the Inns and by many pupil supervisors in helping prepare barristers for the “real world” of practice and this is why we are seeking views on these important elements of training for the Bar.

[Read more on our website.](#)

New Guidance on Conducting Litigation

work hard to minimise regulatory costs. So, we are asking for this information because:...
[Read more on our website.](#)

Please respond by 26 September to our consultation on rule changes for the Licensed and Public Access schemes

Following the Report mentioned above, in June, we published [a consultation](#) on potential changes to the rules governing the Public and Licensed Access schemes for barristers.

These schemes allow members of the public and other lay clients to instruct barristers directly without first instructing a solicitor or other intermediary. Our consultation follows our [recent review](#) of the Public and Licensed Access schemes. The review found that although both schemes are working well and provide a valuable service, improvements to the rules governing the schemes could result in a better service for clients and deliver greater access to justice for the wider public.

The [Public and Licensed Access Review Report](#), published in March, recommended that we publish new guidance on conducting litigation. We have now published this guidance and it [is available on our website](#).

The conduct of litigation is a reserved legal activity under the Legal Services Act 2007. Barristers do not have the right to conduct litigation unless they are authorised by us to do so, or are otherwise entitled to conduct litigation by virtue of other legislation. [Read more on the website](#).

Our consultation proposes a number of options including: [Read more on our website](#).

Dissolution of our Qualifications Committee

New financial sanctions reporting obligations

As of 8 August 2017, independent legal professionals are now required to report information that could undermine UK financial sanctions to the [Office of Financial Sanctions Implementation](#) (OFSI). Please note that failure to do so is a criminal offence. To help you understand and comply with the reporting requirements please read the OFSI's guidance about financial sanctions and information on monetary penalties [on their website](#).

To stay up-to-date on financial sanctions, subscribe to [OFSI's e-alert](#).

We receive a large number of applications for authorisation under, and waivers from provisions of, the BSB Handbook. These include applications from transferring qualified lawyers, applications for a reduction in pupillage, applications for authorisation to conduct litigation and applications for licensed access. Historically, most of these applications have been considered by our Qualifications Committee and its panels, although the Committee has been gradually delegating its first-instance decision-making powers to staff over the last couple of years.

[Read more on our website](#).

BSB Handbook Explained – Dual Capacity Practice

Are you a barrister who practises in a dual capacity, eg as a self-employed barrister in chambers and an employed barrister in a law firm?

Rule S18 of the BSB Handbook states that if you practise in a dual capacity, you must obtain an amended practising certificate from the Records Office of the Bar Council.

You must also agree a protocol with each of your employers which enables you to avoid, or resolve, any conflict of interests or duties arising from your dual capacity practice.

Have we got correct details of your primary practice address?

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 us](#).



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