

**Direction 110 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board**



1. This is a direction issued pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the Act).
2. Unless stated otherwise, words in this direction are used as they are defined in the Act.
3. In accordance with paragraph 19(3) of Schedule 4 to the Act, the Board has directed that the following alterations to regulatory arrangements be treated as exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4:

*BSB Handbook, Part 2, Section C, Rules rC21 – accepting instructions*

*Proposed changes*

4. Rule rC21 sets out that a barrister may not accept instructions if, in respect of the particular matter, there is a conflict of interest between the barrister's personal interests and the interests of the prospective client (rC21.2) or the interests of the prospective client and one or more of the barrister's former or existing clients (rC21.3). In the latter case the instructions may be accepted if all the clients with an interest in the matter have given their informed consent.
5. Enquiries to the BSB have highlighted that a literal interpretation of the provisions could result in barristers only refusing instructions where there is an actual conflict rather than, as was always intended, and actual or real risk of conflict. The proposed alteration is to clarify this.
6. Rules rC21.2 and rC21.3 have been amended as follows:

rC21        You must not accept instructions to act in a particular matter if:

...

rC21.2     there is a conflict of interest, or real risk of conflict of interest, between your own personal interests and the interests of the prospective *client* in respect of the particular matter; or

rC21.3     there is a conflict of interest, or real risk of conflict of interest, between the prospective *client* and one or more of your former existing *clients* in respect of the particular matter unless all of the *clients* who have an interest in the particular matter give their informed consent to your acting in such circumstances: or ...

*Reason for exemption direction*

7. The amendment is minor and is designed only to ensure that the rules are consistent with the intended policy outcome.
8. A copy of the alteration was submitted to the Board on 8 March 2017.
9. This direction is to be deemed made on and to be effective from 16 March 2017.

**For and on behalf of the Legal Services Board**  
**16 March 2017**