

Direction 130 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board (BSB)

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 Legal Services Board (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 amendments to reflect the statutory powers provided for under Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018.

Proposed amendments

4. There are four main amendments carried into force by the proposal to reflect the powers conferred by the 2018 Order.
5. Rules C64.2, S126, S127 and S127A will be amended to allow for the First Tier Tribunal to be used as the relevant appellate body for authorisation and licensing decisions made by the BSB. Further a new definition will be inserted for 'First Tier Tribunal'.
6. Rules C70, S101 and Regulations E268, E352, E353 and E354 will be amended to allow for the BSB to have intervention powers for barristers and entities that are not licensed bodies, which match its intervention powers for licensed bodies.
7. Rules C64.4, C64.4 and C94 will be amended to allow for the BSB to require authorised persons to provide information and documents in order that it can assess compliance with BSB rules.
8. Rules C89 and C91 will be amended to allow for the BSB to require persons it regulates to consider a list of disqualified persons before engaging an individual to carry out relevant activities and to seek the permission of the BSB before engaging a disqualified person. Further the definition of 'relevant activity' will be amended.

Reason for exemption direction

9. The amendments to the BSB Handbook carry into force the statutory powers granted by the Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2018. These are changes that have been consulted on by the LSB and approved by the Lord Chancellor on the recommendation of the Legal Services Board.
10. A copy of the alteration was submitted to the Board on 11 October 2018.
11. This direction is to be deemed made on and to be effective from 29 October 2018.

For and on behalf of the Legal Services Board
29 October 2018