

## PART I - PRELIMINARY

101. The Eighth Edition of the Code was adopted by the Bar Council on 18 September 2004 and came into force on 31<sup>st</sup> October 2004.
102. This Code includes the Annexes.
103. Amendments and additions to this Code may be made by Resolution of the Bar Council which shall be operative upon such date as the Resolution shall appoint or if no such date is appointed on the later of:
- (a) the date of the Resolution; and
  - (b) the date when approval of the amendment or addition, if required, is given under Schedule 4 of the Act.

Amendments and additions will be published from time to time in such manner as the Bar Council may determine.

### General purpose of the Code

104. The general purpose of this Code is to provide the requirements for practice as a barrister and the rules and standards of conduct applicable to barristers which are appropriate in the interests of justice and in particular:
- (a) in relation to self-employed barristers to provide common and enforceable rules and standards which require them:
    - (i) to be completely independent in conduct and in professional standing as sole practitioners;
    - (ii) to act only as consultants instructed by solicitors and other approved persons (save where instructions can be properly dispensed with);
    - (iii) to acknowledge a public obligation based on the paramount need for access to justice to act for any client in cases within their field of practice;

(b) to make appropriate provision for:-

(i) barrister managers, employees and owners of recognised bodies; and

(iv)(ii) employed barristers taking into account the fact that such barristers are employed to provide legal services to or on behalf of their employer.

### Application of the Code

105. A barrister must comply with this Code which (save as otherwise provided) applies to all barristers whenever called to the Bar.

105A. Part IV applies only to self-employed barristers.

105B. Section 1 of Part V applies only to employed barristers.

105C.1 Only Parts I, II III, Section 2 of Part V, rules 606.1, 607, 608, 701(a), 701(b)(i), 704, 705, 708, 708.1 and Parts VIII, IX, X and XI apply to barristers practising as managers or employees of recognised bodies regulated by another approved regulator when doing work of a sort that the body is permitted to do.

105C.2 In so applying, rule 606.1 is to be read as if it referred to a barrister or the recognised body being retained rather than receiving instructions.

106. Subject to the International Practice Rules (reproduced in Annex A) this Code applies to International work and whether a barrister is practising in England and Wales or elsewhere.
107. A registered European lawyer must comply with this Code in the manner provided for by the Registered European Lawyers Rules (reproduced in Annex B).

#### **Waiver of the Code**

108. The Bar Council shall have the power to waive the duty imposed on a barrister to comply with the provisions of this Code in such circumstances and to such extent as the Bar Council may think fit and either conditionally or unconditionally.

## PART II - PRACTISING REQUIREMENTS

### General

201. For the purposes of this Code a barrister practises as a barrister if:

- (a) ~~a barrister practises as a barrister if~~ he supplies legal services and in connection with the supply of such services:
  - (i) he holds himself out or allows himself to be held out as a barrister; or
  - (ii) he exercises a right which he has by reason of being a barrister; or
- (b) he acts as a manager of a recognised body and as such is required by the rules of that body's approved regulator to hold a practising certificate issued by the Bar Standards Board;
- ~~(b)(c)~~ and any reference to the supply of legal services includes an offer to supply such services.

202. Subject to the provisions of this Code a barrister may practise as a barrister provided that:

- (a) he has complied with any applicable training requirements imposed by the ~~Training Consolidated~~ Regulations which were in force at the date of his Call to the Bar;
- (b) he has complied with any applicable requirements of the Continuing Professional Development Regulations (reproduced in Annex C);
- (c) he has a current practising certificate issued by the Bar Council in accordance with the Practising Certificate Regulations (reproduced in Annex D);
- (d) he has provided in writing to the Bar Council details of the current address(es) with telephone number(s) of the chambers or office from which he supplies legal services and ~~(if he is an employed barrister) the name address telephone number and nature of the business of his employer;<sup>1</sup>~~
  - (i) if he is an employed barrister, the name address telephone number and nature of the business of his employer;<sup>1</sup>
  - (ii) if he is a manager or employee or owner of a recognised body the nature of his role and the name, address, email address, telephone number and name of the recognised body and of its approved regulator.

### Rights of audience

203.1 A barrister may exercise any right of audience which he has by reason of being a barrister provided that:

- (a) he is entitled to practise as a barrister in accordance with paragraph 202; and
- (b) if he is of less than three years' standing his principal place of practice is either

<sup>1</sup> paragraph 202(e) removed 11<sup>th</sup> September 2006

- (i) a chambers or annexe of chambers which is also the principal place of practice of a qualified person who is readily available to provide guidance to the barrister; or
- (ii) an office of an organisation of which an employee, partner, manager or director is a qualified person who is readily available to provide guidance to the barrister.

203.2 For the purpose of paragraphs 203.1(b) and 204(c)(i) a barrister shall be treated as being of a particular number of years' standing if he:

- (a) has been entitled to practise and has practised as a barrister (other than as a pupil who has not completed pupillage in accordance with the TrainingConsolidated Regulations) or as a member of another authorised body;
- (b) has made such practice his primary occupation; and
- (c) has been entitled to exercise a right of audience before every Court in relation to all proceedings

for a period (which need not be continuous and need not have been as a member of the same authorised body) of at least that number of years.

203.3 A person shall be a qualified person for the purpose of paragraph 203.1(b) if he:

- (a) has been entitled to practise and has practised as a barrister (other than as a pupil who has not completed pupillage in accordance with the TrainingConsolidated Regulations) or as a member of another authorised body for a period (which need not have been as a member of the same authorised body) of at least six years in the previous eight years;
- (b) for the previous two years
  - (i) has made such practice his primary occupation, and
  - (ii) has been entitled to exercise a right of audience before every Court in relation to all proceedings;
- (c) is not acting as a qualified person in relation to more than two other people; and
- (d) has not been designated by the Bar Council as unsuitable to be a qualified person.

203.4 This paragraph 203 is subject to the transitional provisions at paragraphs 1102 to 1105.

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#### Supply of legal services to the public

204. A practising barrister may supply legal services to the public provided that:

- (a) he complies with the requirements of paragraph 203.1;
- (b) he is covered ~~(and in the case of an employed barrister his employer is covered)~~ by insurance against claims for professional negligence arising out of the supply of his services in such amount and upon such terms as are currently required by the Bar Council; and Standards Board or alternatively (in the case of:
  - (i) an employed barrister; or
  - (ii) a barrister practising as a manager or employee of a recognised body)

his employer or the body, as the case may be, is covered by such insurance in such amount and upon such terms as are required by the approved regulator of the employer or body (or if none, in such amount and on such terms as are currently required by the Bar Standards Board); and

- (c) In the case of legal services supplied pursuant to paragraph 401(a)(iii):
- (i) he is more than three years' standing
  - (ii) he has complied with such training requirements as may be imposed by the Bar Council; and
  - (iii) he has notified the Bar Council that he holds himself out as willing to accept instructions from lay clients.

205. A practising barrister ~~must not may~~ supply legal services to the public ~~through as:-~~

(a) a self-employed barrister;

(b) a manager or on-behalf employee of any other person (including a partnership company or other corporate recognised body) except as, subject to the rules of the approved regulator of that body;

~~205.~~(c) an employed barrister to the extent permitted by paragraph 502.

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206.1<sup>2</sup> A barrister called before 31 July 2000 who is deemed to be practising only by virtue of paragraph 201(a)(i) in England and Wales and who does not and is not required either by the BSB or by any approved regulator to hold a practising certificate under this Code shall not be subject to the rules in this Code applying only to practising barristers provided that:

(a) If he supplies any legal services to any person:-

(i) He provides in writing to the Bar Council details of the current address(es) with telephone number(s) of the office or premises from which he does so, and ~~(if he is employed) the name address telephone number and nature of the business of his employer:-~~

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(1) if he is employed, the name address telephone number and nature of the business of his employer;

(2) if he is an employee or owner or manager of a recognised body, the name address, email address, telephone number and the name of the recognised body and its approved regulator

(ii) Unless he is employed only to offer services to his employer, ~~or to the recognised body of which he is an employee~~ he (or, if he is supplying legal services to clients of his employer, ~~or a recognised body of which he is an employee~~) that employer, ~~or body~~ is currently insured by insurers authorised to conduct such business against any and all claims in respect of civil liability for professional negligence arising out of or in connection with the supply of legal services for at least the first £250,000 of each and every claim, with an excess not exceeding £500.

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<sup>2</sup> Paragraphs 206.1 and 206.2 are effective from 31<sup>st</sup> July 2005

- (b) Before supplying legal services to any person ~~or~~ employer or recognised body, and when first dealing with any third party in the course of supplying legal services, he informs them fully and comprehensibly in writing (a) of his status and the fact that he does not hold a practising certificate under this Code, (b) of the relevant limitations under this Code on the legal services he may undertake, (c) that he is not fully regulated by the Bar ~~Council~~Standards Board, and (d) of the absence of available compensatory powers for any inadequate professional service he may render.

206.2 A barrister whenever called who is deemed to be practising only by virtue of paragraph 201(a)(i) outside England and Wales, who does not and is not required either by the BSB or by any approved regulator to hold a valid practising certificate under this Code and who is not subject to paragraph 4(e) of the International Practice Rules shall not be subject to the rules in this Code applying only to practising barristers provided that he complies with the provisions of paragraph 206.1.

#### Acting in a dual capacity

207. A barrister may practice or be involved with the supply of legal services in more than one capacity only in the following circumstances:

(a) in accordance with rule 806;or

(b) after:-

(i) having notified the BSB in writing of an intention so to do and after supplying the BSB with such information as the BSB requires in relation thereto; and

(ii) having agreed with each employer or recognised body with which the barrister is involved a protocol that enables the barrister to avoid or resolve any conflict of interests or duties arising from practice and/or involvement in those capacities.

208. A barrister who practices or is involved with the supply of legal services in more than one capacity pursuant to paragraph 207(b) above must:-

(a) provide a copy of each protocol required by paragraph 207(b)(ii) to the Bar Standards Board on request; and

(b) maintain (and make available to the Bar Standards Board on request) a record of referrals by the barrister to the employer or recognised body and of instructions received by the barrister from the employer or recognised body.

(c) refuse to accept instructions in any case where so acting gives rise to a potential conflict of interest.

(d) not work in more than one capacity in relation to the same case or issue for the same client at the same time.

(e) disclose (or procure the disclosure by the recognised body of) the interest to the client in writing before the barrister refers a client to the employer or recognised body or before accepting instructions from the employer or recognised body.

209. If a barrister directly or indirectly has an ownership interest in a recognised body and is in practice other than as a manager or employee of that recognised body, the barrister must:-

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- (a) notify the Bar Standards Board in writing of the ownership interest, at or as soon as reasonably practicable after, the time at which that interest is acquired or the barrister starts practising other than as a manager or employee of that recognised body, whichever is the later;
- (b) disclose (or procure the disclosure by the recognised body of) the interest to:-
- (i) any client of the recognised body who instructs the barrister. If the barrister has the ownership interest at the time that instructions are received by him, disclosure to the client must be made prior to the barrister accepting the instructions. If the ownership interest is acquired after instructions have already been accepted, the ownership interest must be communicated at the time of, or as soon as reasonably practicable after, the barrister's acquisition of that interest and the client must be advised of their right to instruct another barrister.
  - (ii) any person that the barrister refers to the recognised body. If the barrister has the ownership interest at the time that the referral is made, disclosure to the client must be made prior to the barrister making the referral. If the ownership interest is acquired after the referral has already been made, the ownership interest must be communicated at the time of, or as soon as reasonably practicable after, the barrister's acquisition of that interest. ~~and the client must be advised of their right to instruct another barrister or firm;~~
- (c) maintain (and make available to the Bar Standards Board on request) a record of referrals by the barrister to the recognised body and of instructions received by the barrister from the recognised body.

## PART III - FUNDAMENTAL PRINCIPLES

### Applicable to all barristers

301. A barrister must have regard to paragraph 104 and must not:
- (a) engage in conduct whether in pursuit of his profession or otherwise which is:
    - (i) dishonest or otherwise discreditable to a barrister;
    - (ii) prejudicial to the administration of justice; or
    - (iii) likely to diminish public confidence in the legal profession or the administration of justice or otherwise bring the legal profession into disrepute;
  - (b) engage directly or indirectly in any occupation if his association with that occupation may adversely affect the reputation of the Bar or in the case of a practising barrister prejudice his ability to attend properly to his practice.

### Applicable to practising barristers

302. A barrister has an overriding duty to the Court to act with independence in the interests of justice: he must assist the Court in the administration of justice and must not deceive or knowingly or recklessly mislead the Court.
303. A barrister:
- (a) must promote and protect fearlessly and by all proper and lawful means the lay client's best interests and do so without regard to his own interests or to any consequences to himself or to any other person (including any colleague, professional client or other intermediary or another barrister); ~~the barrister's employer or any recognised body of which the barrister may be an owner or manager~~;
  - (b) owes his primary duty as between the lay client and any ~~professional client or other intermediary person~~ to the lay client and must not permit ~~the intermediary any other person~~ to limit his discretion as to how the interests of the lay client can best be served;
  - (c) when supplying legal services funded by the Legal Services Commission as part of the Community Legal Service or the Criminal Defence Service owes his primary duty to the lay client subject only to compliance with paragraph 304.
304. A barrister who supplies legal services funded by the Legal Services Commission as part of the Community Legal Service or the Criminal Defence Service must in connection with the supply of such services comply with any duty imposed on him by or under the Access to Justice Act 1999 or any regulations or code in effect under that Act and in particular with the duties set out in Annex E.
- 305.1.<sup>1</sup> A barrister must not in relation to any other person (including a client or another barrister or a pupil or an employee or a student member of an Inn of Court) discriminate<sup>2</sup> directly or

<sup>1</sup> Amended 7<sup>th</sup> December 2007

<sup>2</sup> As defined in Sex Discrimination Act 1975; Race Relations Act 1976; Disability Discrimination Act 2005; Employment Equality (Religion or belief) Regulations 2003; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Age) Regulations 2006.



indirectly because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion or belief.

305.2.<sup>3</sup> A barrister must not in relation to any other person, victimise that person for carrying out a protected act as defined in the relevant legislation<sup>4</sup>.

305.3. Deleted from 1<sup>st</sup> October 2005.

306. A barrister is individually and personally responsible for his own conduct and for his professional work: he must exercise his own personal judgement in all his professional activities.

307. A barrister must not:

- (a) permit his absolute independence integrity and freedom from external pressures to be compromised;
- (b) do anything (for example accept a present) in such circumstances as may lead to any inference that his independence may be compromised;
- (c) compromise his professional standards in order to please his client the Court or a third party, including any mediator<sup>5</sup>;
- (d) give a commission or present or lend any money for any professional purpose to or (save as a remuneration in accordance with the provisions of this Code) accept any money by way of loan or otherwise from any client or any person entitled to instruct him as an intermediary;
- (e) make any payment (other than a payment for advertising or publicity permitted by this Code or in the case of a self-employed barrister remuneration paid to any clerk or other employee or staff of his chambers) to any person for the purpose of procuring professional instructions;

*Provided that nothing in paragraph 307(d) or (e) shall prevent a barrister from paying a reasonable fee or fees required by an alternative dispute resolution body that appoints or recommends persons to provide mediation, arbitration or adjudication services, or from entering into such a reasonable fee-sharing arrangement required by such a body, if the payment or arrangement is of a kind similar to that made by other persons who provide such services through the body.<sup>6 7</sup>*

- (f) ~~receive or handle client money securities or other assets other than by receiving payment of remuneration or (in the case of an employed barrister) where the money or other asset belongs to his employer~~

<sup>3</sup> Amended 7<sup>th</sup> December 2007

<sup>4</sup> As defined in Sex Discrimination Act 1975; Race Relations Act 1976; Disability Discrimination Act 2005; Employment Equality (Religion or belief) Regulations 2003; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Age) Regulations 2006.

<sup>5</sup> Amended 23<sup>rd</sup> March 2005

<sup>6</sup> Effective from 1<sup>st</sup> July 2007

<sup>7</sup> Effective from 1<sup>st</sup> July 2007

**(SEE ALSO THE AMENDMENTS PROPOSED IN "THE STRUCTURE OF SELF-EMPLOYED PRACTICE")**

**PART IV - SELF-EMPLOYED BARRISTERS**

**Instructions**

401 A self-employed barrister whether or not he is acting for a fee:

- (a) may supply legal services only if appointed by the Court or is instructed:
  - (i) by a professional client; or
  - (ii) by a licensed access client, in which case he must comply with the Licensed Access Rules (reproduced in Annex F1); or
  - (iii) subject to paragraph 204(c), by or on behalf of any other lay client, in which case he must comply with the Public Access Rules (reproduced in Annex F2); or
- (b) must not in the course of his practice:
  - (i) undertake the management administration or general conduct of a lay client's affairs;
  - (ii) conduct litigation or inter-partes work (for example the conduct of correspondence with an opposite party, instructing any expert witness or other person on behalf of his lay client or accepting personal liability for the payment of any such person);
  - (iii) investigate or collect evidence for use in any Court;
  - (iv) except as permitted by paragraph 707, or by the Public Access Rules ,take any proof of evidence in any criminal case;
  - (v) attend at a police station without the presence of a solicitor to advise a suspect or interviewee as to the handling and conduct of police interviews.
  - (vi) act as a supervisor for the purposes of section 84(2) of the Immigration and Asylum Act 1999.
- (c) must not supply legal services for reward otherwise than in the course of his practice except as permitted by paragraph 806.<sup>8</sup>

**Insurance**

402.1 Every self-employed barrister (other than a pupil who is covered under his pupil-supervisor's insurance) and a barrister called to the Bar under part IV(E) of the Consolidated Regulations must be entered as a member with BMIF.<sup>9</sup>

402.2 Every barrister entered as a member with BMIF shall:

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<sup>8</sup>Amended 11<sup>th</sup> September 2006

<sup>9</sup>Amended 7<sup>th</sup> December 2007

- (a) pay immediately when due the appropriate insurance premium required by BMIF for the purpose of insurance against claims for professional negligence for such amount and upon such terms as may be approved by the Bar Council from time to time;
- (b) supply immediately upon being requested to do so such information as BMIF may from time to time require pursuant to its Rules.

#### **Administration and conduct of self-employed practice**

403.1 A self-employed barrister must not practise from the office of or in any unincorporated association (including any arrangement which involves sharing the administration of his practice) with any person other than a self-employed barrister or any of the following:

- (a) a registered European lawyer;
- (b) subject to compliance with the Foreign Lawyers (Chambers) Rules (reproduced in Annex H) and with the consent of the Bar Council a foreign lawyer;
- (c) a non-practising barrister
- (d) a person who is:
  - (i) a lawyer from a jurisdiction other than England and Wales;
  - (ii) a retired judge; or
  - (iii) an employed barrister<sup>10</sup>

to the extent that that person is practising as an arbitrator or mediator.<sup>11</sup>

403.2 A self-employed barrister:

- (a) must take all reasonable steps to ensure that:
  - (i) his practice is efficiently and properly administered having regard to the nature of his practice;
  - (ii) proper records are kept;
  - (iii) he complies with the Terms of Work on which Barristers Offer their Services to Solicitors and the Withdrawal of Credit Scheme 1988 as amended and in force from time to time (reproduced in Annex G1) and with any Withdrawal of Credit Direction issued by the Chairman of the Bar pursuant thereto.
- (b) must have ready access to library facilities which are adequate having regard to the nature of his practice;
- (c) must have regard to any relevant guidance issued by the Bar Council including guidance as to:
  - (i) the administration of chambers;
  - (ii) pupillage and further training; and
  - (iii) good equal opportunities practice in chambers in the form of the Equality and Diversity Code<sup>12</sup> for the Bar.

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<sup>10</sup> Amended 6<sup>th</sup> April 2006

<sup>11</sup> Amended 1<sup>st</sup> September 2005

<sup>12</sup> Amended 23<sup>rd</sup> March 2005

- (d) (i) must deal with all complaints made to him promptly, courteously and in a manner which addresses the issues raised; and
- (ii) must have and comply with an effective<sup>13</sup> written complaints procedure, and make copies of the procedure available to a client on request.
- (iii) meet all the requirements set out in Annexe S to the Code<sup>14</sup>

#### **Heads of chambers**

404.1 The obligations in this paragraph apply to the following members of chambers:

- (a) any barrister who is head of chambers;
- (b) any barrister who is responsible in whole or in part for the administration of chambers;
- (c) if there is no one within (a) and (b) above, all the members of the chambers.

404.2 Any person referred to in paragraph 404.1 must take all reasonable steps to ensure that:

- (a) his chambers are administered competently and efficiently and are properly staffed;
- (b) the affairs of his chambers are conducted in a manner which is fair and equitable for all barristers and pupils;
- (c) proper arrangements are made in his chambers for dealing with pupils and pupillage and, in particular,
  - (i) that all pupillage vacancies are advertised in the manner prescribed by the Bar Council;
  - (ii) that such arrangements are made for the funding of pupils by chambers as the Bar Council may by resolution from time to time require;
  - (iii) that in making arrangements for pupillage, regard is had to the pupillage guidelines issued from time to time by the Bar Council and to the Equality and Diversity Code<sup>15</sup> for the Bar;
- (d) <sup>16</sup>Proper arrangements are made in chambers for dealing with equality opportunity issues and in particular,
  - (i) that Chambers appoint at least one Equal Opportunities Officer
  - (ii) that Chambers shall have a written Equal Opportunities Policy made available to all members of Chambers and Staff and to the Bar Council when required, which shall set out the policy adopted by Chambers in relation to each of the Action Areas in the Equality and Diversity Code for the Bar and shall have regard to the recommendations in the Code.
  - (iii) that no barrister shall take pupils until the steps set out in (i) and (ii) above have been complied with.
- (e) all barristers practising from his chambers whether they are members of the chambers or not are entered as members with BMIF and have effected insurance in accordance with paragraph 402 (other than any pupil who is covered under his pupil-master's insurance);

<sup>13</sup>Amended from 1<sup>st</sup> May 2008

<sup>14</sup>Effective from 1<sup>st</sup> May 2008

<sup>15</sup>Amended 23<sup>rd</sup> March 2005

<sup>16</sup>Introduced 1<sup>st</sup> October 2005

- (f) all barristers practising from his chambers comply with paragraph 403.2 (a)(iii);
- (g) all employees and staff in his chambers (i) are competent to carry out their duties, (ii) carry out their duties in a correct and efficient manner, (iii) are made clearly aware of such provisions of this Code as may affect or be relevant to the performance of their duties and (iv) all complaints against them are dealt with in the manner set out in paragraph 403(e) above;
- (h) all registered European lawyers and all foreign lawyers in his chambers comply with this Code to the extent required by the Registered European Lawyers Rules (reproduced in Annex B) and the Foreign Lawyers (Chambers) Rules (reproduced in Annex H);
- (i) fee notes in respect of all work undertaken by all members of chambers and pupils and (unless expressly agreed with the individual) former members and pupils of chambers are sent expeditiously to clients and in the event of non-payment within a reasonable time, pursued efficiently.
- (j) every barrister practising from his chambers has a current practising certificate in accordance with paragraph 202(c) of the Code of Conduct and the Practising Certificate Regulations (reproduced in Annex D).

404.3 In carrying out the obligations referred to in paragraph 404.2 any person referred to in paragraph 404.1 must have regard to any relevant guidance issued by the Bar Council including guidance as to:

- (a) the administration of chambers;
- (b) pupillage and further training; and
- (c) good equal opportunities practice in chambers in the form of the Equality and Diversity Code<sup>17</sup> for the Bar

#### **Fees and remuneration**

405 Subject to paragraph 307 a self-employed barrister may charge for any work undertaken by him (whether or not it involves an appearance in Court) on any basis or by any method he thinks fit provided that such basis or method:

- (a) is permitted by law;
- (b) does not involve the payment of a wage or salary.

406.1 A self-employed barrister who receives fees in respect of work done by another barrister must himself and without delegating the responsibility to anyone else pay forthwith the whole of the fee in respect of that work to that other barrister.

406.2 Subject to paragraph 805 a self-employed barrister who arranges for another barrister to undertake work for him (other than a pupil or a person who has asked to do the work in order to increase his own skill or experience) must himself and without delegating the responsibility to anyone else:

- (a) pay proper financial remuneration for the work done;
- (b) make payment within a reasonable time and in any event within three months after the work has been done unless otherwise agreed in advance with the other ~~barrister~~ person.

<sup>17</sup> Amended 23<sup>rd</sup> March 2005

**Client money securities and other assets**

**407. A self-employed barrister must not receive or handle client money securities or other assets other than by receiving payment of remuneration.**

## PART V - EMPLOYED BARRISTERS

### Section 1: Barristers employed other than by recognised bodies

501. An employed barrister whilst acting in the course of his employment may supply legal services to his employer and to any of the following persons:
- (a) any employee, director or company secretary of the employer in a matter arising out of or relating to that person's employment;
  - (b) where the employer is a public authority (including the Crown or a Government department or agency or a local authority):
    - (i) another public authority on behalf of which the employer has made arrangements under statute or otherwise to supply any legal services or to perform any of that other public authority's functions as agent or otherwise;
    - (ii) in the case of a barrister employed by or in a Government department or agency, any Minister or Officer of the Crown;
  - (c) where the barrister is or is performing the functions of a justices' clerk, the justices whom he serves;
  - (d) where the barrister is employed by a trade association, any individual member of the association.
502. An employed barrister may supply legal services only to the persons referred to in paragraph 501 and must not supply legal services to any other person save that whilst acting in the course of his employment:
- ~~(a) a barrister employed by a solicitor or other authorised litigator or by an incorporated solicitors' practice may supply legal services to any client of his employer;~~
  - (a) [deliberately omitted]
  - (b) a barrister employed by the Legal Services Commission may supply legal services to members of the public;
  - (c) a barrister employed by or at a Legal Advice Centre may supply legal services to clients of the Legal Advice Centre;
  - (d) any employed barrister may supply legal services to members of the public free of charge (to any person).
503. A barrister employed to supply legal services under a contract for services may be treated as an employed barrister for the purpose of this Code provided that the contract is:
- (a) in writing;
  - (b) (subject to any provision for earlier termination on notice) for a determinate period;  
~~and~~
  - ~~(c) the only contract under which the barrister is supplying legal services during that period (unless the Bar Council grants a specific waiver of this requirement);~~
  - (c) [deliberately omitted]; and

(d) not a contract with a recognised body.

504. An employed barrister shall have a right to conduct litigation in relation to every Court and all proceedings before any Court and may exercise that right provided that he complies with the Employed Barristers (Conduct of Litigation) Rules (reproduced in Annex I).

505. An employed barrister must not receive or handle client money securities or other assets other than by receiving payment of remuneration or where the money or other asset belongs to his employer

**Section 2: Barristers employed by and/or managers of recognised bodies**

506. A barrister who is a manager of or employed by a recognised body shall have a right to conduct litigation in relation to every Court and to all proceedings before a Court and may exercise that right provided that the barrister complies with the Employed Barristers (Conduct of Litigation) Rules (reproduced in Annex I) and with the rules of the approved regulatory of the recognised body.

507. A barrister who is employed by a recognised body but is not a manager of that body must not receive or handle client money securities or other assets other than by receiving payment of remuneration or where the money or other asset belongs to that body.



## PART VIII - MISCELLANEOUS

### Pupils

801. A barrister who is a pupil must:

- (a) comply with Part V of the Consolidated Regulations;
- (b) apply himself full time to his pupillage save that a pupil may with the permission of his pupil-supervisor or head of chambers take part time work which does not in their opinion materially interfere with his pupillage;
- (c) ~~preserve the confidentiality of every client's affairs and accordingly to the extent that paragraph 702 applies to him in the same way as it does to his pupil-supervisor and or to every~~any person whom he accompanies to ~~Court~~court or whose papers he sees, preserve the confidentiality of the affairs of that person's client in accordance with paragraph 702.

802. A barrister who is a pupil may supply legal services as a barrister and exercise a right of audience which he has by reason of being a barrister provided that:

- (a) he has completed or been exempted from the non-practising six months of pupillage; and
- (b) he has the permission of his pupil-supervisor or head of chambers;

provided that such a barrister may during the non-practising six months of pupillage with the permission of his pupil-supervisor or head of chambers accept a noting brief.

803.1 So long as he is a pupil a self-employed barrister may not become or hold himself out as a member of chambers or permit his name to appear anywhere as such a member.

803.2 A barrister who is a pupil of an employed barrister or of a barrister who is a manager or employee of a recognised body, or who pursuant to Regulation 46 of the Consolidated Regulations spends any period of external training with ~~an employed~~such a barrister or with a solicitor shall be treated for the purpose of the Code as if he were during that period employed by the ~~employed~~barrister's employer or by the recognised body or by the solicitor's firm, as the case may be.

### Pupil-supervisors

804. A barrister who is a pupil-supervisor must:

- (a) comply with Part V of the Consolidated Regulations;
- (b) take all reasonable steps to provide his pupil with adequate tuition supervision and experience;
- (c) have regard to the pupillage guidelines issued from time to time by the Bar Council and to the Equality Code for the Bar.

805. Except where a pupil is in receipt of an award or remuneration which is paid on terms that it is in lieu of payment for any individual item of work, a barrister must pay any pupil (or in the case of an employed barrister ensure that a pupil is paid) for any work done for him which because of its value to him warrants payment.

### Legal Advice Centres

806. A ~~self-employed barrister or an employed barrister~~<sup>18</sup> may supply legal services at a Legal Advice Centre on a voluntary or part time basis and, if he does so, shall in connection with the supply of those services be treated for the purpose of this Code as if he were employed by the Legal Advice Centre.

807. A barrister who is employed by a Legal Advice Centre:

- (a) must not in any circumstances receive either directly or indirectly any fee or reward for the supply of any legal services to any client of the Legal Advice Centre other than a salary paid by the Legal Advice Centre;
- (b) must ensure that any fees in respect of legal services supplied by him to any client of the Legal Advice Centre accrue and are paid to the Legal Advice Centre;
- (c) must not have any financial interest in the Legal Advice Centre.

#### Dual qualification

808.1 A barrister who is a member of another authorised body and currently entitled to practise as such shall not practise as a barrister.

808.2 A barrister who becomes entitled to practise as a member of another authorised body shall forthwith inform the Bar Council and the Inn(s) of Court of which he is a member in writing of that fact.

808.3 A barrister who:

- (a) has had his name struck off the roll of solicitors or been excluded from membership of an authorised body; or
- (b) has at any time been found guilty of any professional misconduct or is the subject of any continuing disciplinary proceedings in relation to his professional conduct as a member of an authorised body; or
- (c) has at any time been refused a practising certificate as a solicitor or had his practising certificate suspended or made subject to a condition

shall not practise as a barrister until the PCC has considered his case and, if it decides to refer the case to a Disciplinary Tribunal, until the case is finally determined.

808.4<sup>19,20</sup> A barrister who is a member of another authorised body and currently entitled to practise as a member of that body shall not be deemed to be practising as a barrister if he holds himself out as a barrister provided that before supplying legal services to any person or employer, and when first dealing with any third party in the course of supplying legal services, he informs them fully and comprehensibly in writing (a) of his status and the fact that he does not hold a practising certificate under this Code, (b) of the relevant limitations under this Code on the legal services he may undertake, (c) that he is not fully regulated by the Bar Council, and (d) of the absence of available compensatory powers for any inadequate professional services he may render.

#### Foreign lawyers

809A barrister called to the Bar under Part IV (E) of the Consolidated Regulations (temporary membership of the Bar) may not practise as a barrister other than to conduct the case or cases specified in the certificate referred to in Regulation 39. They must either be insured with

<sup>18</sup> Amended 11<sup>th</sup> September 2006

<sup>19</sup> Paragraph 808.4 is effective from 31<sup>st</sup> July 2005

<sup>20</sup> Paragraph 808.4 is effective from 31<sup>st</sup> July 2005

BMIF or covered by insurance against claims for professional negligence arising out of the supply of his services in England and Wales in such amount and upon such terms as are currently required by the Bar Council and have delivered to the Bar Council a copy of the current insurance policy or the current certificate of insurance issued by the insurer.<sup>21</sup>

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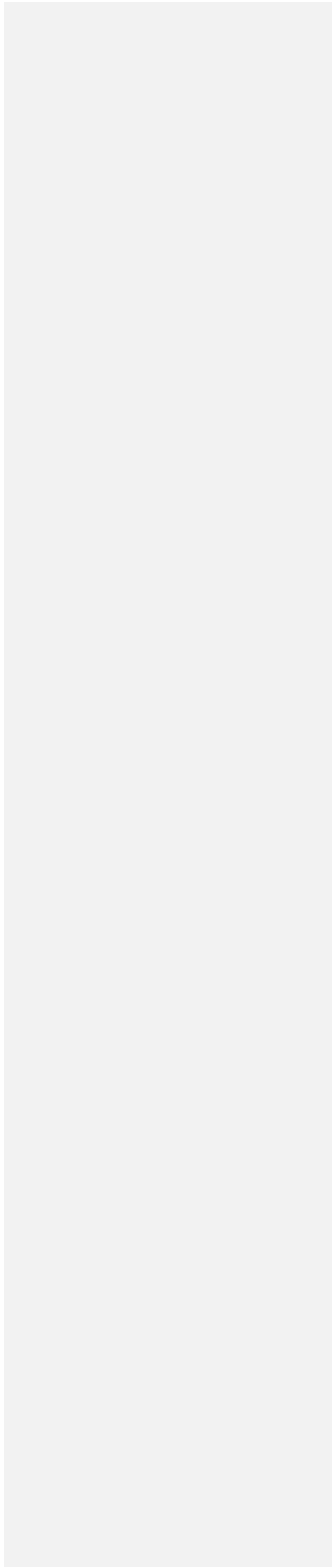
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<sup>21</sup> Amended 7<sup>th</sup> December 2007

## PART IX - COMPLIANCE

- 901.1 Any failure by a barrister to comply with the provisions of paragraph 202 (a) to (d), 203(1)(a), 204(b), 402, 403(b)(c) and (d), 404, 405, 406, 701, 709, 801(a), 804 or 905(a)(i), (d) or (e) of this Code (to the extent that the rule or rules in question apply to him, as to which see paragraphs 105A to 105C above) or with the training requirements imposed by the Consolidated Regulations in force at the date of his Call to the Bar or with the Continuing Professional Development Regulations or the Practising Certificate Regulations shall render him liable to a written warning from the Bar Council and/or the imposition of a fixed financial penalty of £100 (or such other sum as may be prescribed by the Bar Council from time to time) or any financial penalty prescribed by the said Regulations for non-compliance therewith. Liability under this paragraph is strict.
- 901.2 Any failure by a barrister to pay a financial penalty within the time prescribed by the Regulations or stipulated by the Bar Council (or any extension thereof) shall constitute professional misconduct.
- 901.3 In the event that a barrister is given a written warning by the Bar Council, or a financial penalty is imposed upon him for an infringement of the aforementioned provisions of the Code, the barrister shall have a right of appeal to a panel under the provisions of paragraph 23 (3) and (4) of the Disciplinary Rules. The time for bringing such an appeal shall be 28 days from the date upon which the written warning or notice seeking payment of the penalty is deemed to have been received by the Barrister. However, unless the Bar Council agrees or the appeal panel otherwise rules, an appeal shall not operate as a suspension of the requirement to pay the financial penalty or an extension of the time for so doing.
- 901.4 Any failure by a barrister to comply with the provisions of paragraph 202 of the Code shall constitute professional misconduct if the barrister concerned has failed take the necessary action to cure any relevant non-compliance with the preconditions to practise set out therein, or has failed to pay any financial penalty imposed on him within any time limit prescribed by the relevant Regulations or specified by the Bar Council (or any extension thereof).
- 901.5<sup>22</sup> (1) Any serious failure to comply with the provisions of the Code referred to in paragraph 901.1 above shall constitute professional misconduct.
- (2) A failure to comply with those provisions may be a serious failure:
- a. due to the nature of the failure; or
  - b. due to the extent of the failure; or
  - c. because the failure in question is combined with a failure to comply with any other provision of the Code (whether or not that provision is mentioned in paragraph 901.1); or
  - d. if the barrister has previously failed to comply with the same or any other provision of the Code (whether or not that provision is mentioned in paragraph 901.1).
- 901.6 If a barrister is given two or more separate written warnings by the Bar Council in a period of three years for infringement of any of the provisions of the Code referred to in paragraph 901.1, or is subjected to an automatic financial penalty for any failure to comply with any such provision of the Code on two separate occasions within a period of three years, then any further failure by him to comply with the provisions of the Code within a period of two years after the later of the written warnings or financial penalties shall constitute professional misconduct even if that failure, taken by itself, would not otherwise be regarded as professional misconduct.

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<sup>22</sup> Amended 18 March 2008

901.7 Any failure by a barrister to comply with any provision of this Code other than those referred to in paragraph 901.1 above shall constitute professional misconduct.

901.8 It shall be misconduct under this Code for a barrister to be convicted of misconduct under the rules of another approved regulator and the barrister shall be liable to disciplinary action by the Board accordingly.

902. If the declaration made by a barrister on Call to the Bar is found to have been false in any material respect or if the barrister is found to have engaged before Call in conduct which is dishonest or otherwise discreditable to a barrister and which was not, before Call, fairly disclosed in writing to the Benchers of the Inn calling him or if any undertaking given by a barrister on Call to the Bar is breached in any material respect that shall constitute professional misconduct.

903. A barrister is subject to:

- a. the Complaints Rules (reproduced in Annex J);
- b. the Disciplinary Tribunals Regulations (reproduced in Annex K);
- c. the Summary Procedure Rules (reproduced in Annex L);
- d. the Hearings before the Visitors Rules (reproduced in Annex M);
- e. the Interim Suspension Rules (reproduced at Annex N);
- f. the Fitness to Practise Rules (reproduced at Annex O);
- g. the Adjudication Panel and Appeals Rules (reproduced at Annex P) which are concerned with inadequate professional service.

904. Pursuant to the Rules referred to in paragraph 903 a barrister may be directed to provide redress to a lay client for inadequate professional service whether or not such inadequate professional service also constitutes professional misconduct.

905. A barrister must:

- a. if he is practising, or the Bar ~~Standards Board~~Council has reason to believe may be practising, as a barrister:
  - i. respond promptly to any requirement from the Bar ~~Standards Board~~Council for comments on or documents relating to the arrangements made for administering his practice and chambers or office whether or not any complaint has been received or raised arising out of those arrangements;
  - ii. permit the Bar ~~Standards Board~~ Council or any agent appointed by it to inspect forthwith and on request and at any time which is reasonable having regard to the circumstances and the urgency of the matter any premises from which he practises or is believed to practise as a barrister the arrangements made for administering his practice and chambers or office, and any records relating to such practice and to the administration of his chambers or office.
- b. report promptly to the Bar ~~Standards Board~~Council if:

i. he is a manager of a recognised body which is the subject of an intervention by the approved regulator of that body;

ii. he is charged with an indictable<sup>23</sup> offence;

<sup>23</sup> Effective from 20<sup>th</sup> June 2008

~~iii.~~ he is convicted of any relevant criminal offence;

ia. he is charged with a disciplinary offence by another professional body; or

~~iv.~~ he is convicted of a disciplinary offence by another professional body;

- c. report promptly to the Bar Council if;
  - i. bankruptcy proceedings are initiated in respect of or against him;
  - ii. directors disqualification proceedings are initiated against him;
  - iii. a bankruptcy order or directors disqualification order is made against him; or
  - iv. if he enters into an individual voluntary arrangement with his creditors;
- d. where a complaint about a barrister has been made to or by the Bar Council, or where the Bar Council has reasonable grounds for believing that a breach of this Code may have occurred or is about to occur, or where a circumstance referred to in sub-paragraph (b) or (c) above has been reported to the Bar Council, respond promptly to any request from the Bar Council for comments or information on the matter whether it relates to him or to another barrister;
- e. respond promptly to any letter of notification sent to him or attend before any tribunal panel body or person when so required pursuant to the rules referred to in paragraph 903;
- f. comply in due time with any sentence or suspension imposed or direction made or undertaking accepted by a tribunal panel body or person pursuant to the rules referred to in paragraph 903.

provided for the avoidance of doubt that nothing in this paragraph shall require a barrister to disclose or produce any document or information protected by law or in circumstances to which paragraph 702, or the equivalent rule of another approved regulator to which he is subject, applies.

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## PART X - DEFINITIONS

1001. In this Code except where otherwise indicated:

"the Act" means the Courts and Legal Services Act 1990 and where the context permits includes any orders or regulations made pursuant to powers conferred thereby;

"the Act of 1985" means the Administration of Justice Act 1985;

"the Act of 2007" means the Legal Services Act 2007;

"Adjudication Panel" means an adjudication panel constituted under the Adjudication and Appeals Rules (reproduced in Annex P);

"advocacy services" means advocacy services as defined in Section 119 of the Act;

"Appointments Board" means the Board established by the Bar Council to make appointments to the Bar Standards Board and its regulatory committees;<sup>1</sup>

"approved regulator" has the same meaning as in section 20(2) of the Act of 2007;

"authorised body" means any body other than the Bar Council authorised under the Act to grant rights of audience or rights to conduct litigation;

"authorised litigator" means an authorised litigator as defined in Section 119 of the Act;

"bankruptcy order" includes a bankruptcy order made pursuant to the Insolvency Act 1986 and any similar order made in any jurisdiction in the world;

"Bar" means the Bar of England and Wales;

"Bar Council" means The General Council of the Bar as constituted from time to time or a Committee thereof;

"barrister" means an individual who has been called to the Bar by one of the Inns of Court and who has not ceased to be a member of the Bar; and in Parts III (other than paragraph 301), VI, VII and VIII of this Code means a practising barrister;

"Bar Standards Board" means the Board established to exercise and oversee the regulatory functions of the Bar Council;<sup>1</sup>

"BMIF" means Bar Mutual Indemnity Fund Limited;

"brief" means instructions to a barrister to appear as an advocate before a Court;

"Call" means Call to the Bar in accordance with the Consolidated Regulations;

"chambers" means a place at or from which one or more self-employed barristers carry on their practices and also refers where the context so requires to all the barristers (excluding pupils) who for the time being carry on their practices at or from that place;

"client" means lay client or intermediary;

"company" means a company regulated by an approved regulator;

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<sup>1</sup> Amended 1<sup>st</sup> January 2006

"complaint" means an allegation by any person or by the Bar Council of its own motion of professional misconduct or of inadequate professional service and includes a legal aid complaint;

"Complaints Commissioner" means the person appointed as such under Regulation 17A of the Bar Council Constitution.

"the Complaints Committee" means the Complaints Committee of the Bar Standards Board or its successor;

"conditional fee agreement" means a conditional fee agreement as defined in Section 58 of the Act;

"Consolidated Regulations" means the Consolidated Regulations of the Inns of Court;

"Court" includes any court or tribunal or any other person or body whether sitting in public or in private before whom a barrister appears or may appear as an advocate;

"Director" means a director of a company, and includes the director of a recognised body which is a company, and in relation to a societates Europaea includes:

(a) in a two-tier system, a member of the management organ and a member of the supervisory organ; and

(b) in a one-tier system, a member of the administrative organ

"Disciplinary Tribunal" means a disciplinary tribunal constituted under the Disciplinary Tribunals Regulations (reproduced in Annex K);

"employed barrister" means a practising barrister who is employed other than by a recognised body either under a contract of employment or by virtue of an office under the Crown or in the institutions of the European Communities and who supplies legal services as a barrister in the course of his employment;

"employer" means a person by whom an employed barrister is employed as such and any holding subsidiary or associated company corporate body or firm of that person;

"English law" includes international law and the law of the European Communities;

"Establishment Directive" means Directive 98/5/EC of the European Parliament and of the Council of February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

"European lawyer" means a person who is a national of a Member State and who is authorised in any Member State to pursue professional activities under any of the professional titles appearing in article 2(2) of the European Communities (Lawyer's Practice) Order 1999, but who is not any of the following:

(a) a solicitor or barrister of England and Wales or Northern Ireland; or

(b) a solicitor or advocate under the law of Scotland.

"foreign lawyer" means a person (other than a registered European lawyer or a practising barrister of the bar of England and Wales) who is authorised by a competent professional body to practise in a system of law other than English law;

"Hearings before the Visitors" means an appeal hearing constituted under the Hearings before the Visitors Rules 2005 (reproduced in Annex M);



"home professional body" means the body in a Member State which authorises a European lawyer to pursue professional activities under any of the professional titles appearing in article 2(2) of the European Communities (Lawyer's Practice) Order 1999 and, if he is authorised in more than one Member States, it shall mean any such body;

"home professional title" means, in relation to a European lawyer, the professional title or any of the professional titles specified in relation to his home State in article 2(2) of the European Communities (Lawyer's Practice) Order 1999 under which he is authorised in his home State to pursue professional activities;

"home State" means the Member State in which a European lawyer acquired the authorisation to pursue professional activities under his home professional title and, if he is authorised in more than one Member State, it shall mean any such Member State;

"inadequate professional service" means such conduct towards a lay client or performance of professional services for that client which falls significantly short of that which is to be reasonably expected of a barrister in all the circumstances;

"incorporated solicitors' practice" means a body recognised under section 9 of the Act of 1985;

"indictable offence" carries the definition set out in the Serious Organised Crime and Police Act 2005 as defined in Schedule 1 of the Interpretation Act 1978 as "an offence which, if committed by an adult is triable on indictment whether it is exclusively so triable or triable either way";

"Informal Hearing Panel" means an informal hearing panel constituted under paragraph 43 of the Complaints Rules (reproduced in Annex J);

"instructions" means instructions or directions in whatever form (including a brief) given to a practising barrister to supply legal services whether in a contentious or in a non-contentious matter and "instructed" shall have a corresponding meaning;

"Interim Suspension Panel" means a panel constituted under the Interim Suspension Rules (reproduced in Annex N);

"intermediary" means any person by whom a self-employed barrister is instructed on behalf of a lay client and includes a professional client who is not also the lay client;

"International work" shall have the meaning set out in the International Practice Rules (reproduced in Annex A);

"JRC" means the Joint Regulations Committee of the Bar Council or any successor body exercising the same responsibilities by whatever name called;<sup>2</sup>

"lay client" means the person on whose behalf a practising barrister (or where appropriate in the case of an employed barrister his employer) is instructed;

"lay member" means a lay person appointed by the Appointments Board to be a member of the Bar Standards Board or one of its regulatory committees;<sup>2</sup>

"lay representative" means either

- (a) a lay person appointed by the President of the Council of the Inns of Court to serve on Disciplinary Tribunals, Summary Procedure Panels, Informal Hearings Panels Interim Suspension Panels and Appeal Panels therefrom, Adjudication

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<sup>2</sup> Amended 1<sup>st</sup> January 2006

Panels, Adjudication Appeal Panels and Medical Panels and Review Panels therefrom; or

- (b) a lay person appointed by the Lord Chief Justice to serve on Hearings before the Visitors

save that no person may be appointed as a lay representative:

- (i) if they are a member of the [PCCComplaints Committee](#) or of the Bar Council or any of its other Committees; or
- (ii) if they were a member of the [PCCComplaints Committee](#) at any time when the matter which the Tribunal or panel is dealing with was considered by the [PCC-Complaints Committee](#);

"legal aid complaint" shall mean a complaint so described in section 40 of the Act of 1985 as amended by the Access to Justice Act 1999;

"Legal Advice Centre" means a centre operated by a charitable or similar non-commercial organisation at which legal services are habitually provided to members of the public without charge (or for a nominal charge) to the client and:

- (a) which employs or has the services of one or more solicitors pursuant to paragraph 7(a) of the Employed Solicitors' Code 1990 or for whom the Law Society has granted a waiver, or
- (b) which has been and remains designated by the Bar Council as suitable for the employment or attendance of barristers subject to such conditions as may be imposed by the Bar Council in relation to insurance or any other matter whatsoever;

"legal services" includes legal advice representation and drafting or settling any statement of case witness statement affidavit or other legal document but does not include:

- (a) sitting as a judge or arbitrator or acting as a mediator;
- (b) lecturing in or teaching law or writing or editing law books articles or reports;
- (c) examining newspapers, periodicals, books, scripts and other publications for libel, breach of copyright, contempt of court and the like;
- (d) communicating to or in the press or other media;
- (e) exercising the powers of a commissioner for oaths;
- (f) giving advice on legal matters free to a friend or relative or acting as unpaid or honorary legal adviser to any charitable benevolent or philanthropic institution;
- (g) in relation to a barrister who is a non-executive director of a company or a trustee or governor of a charitable benevolent or philanthropic institution or a trustee of any private trust, giving to the other directors trustees or governors the benefit of his learning and experience on matters of general legal principle applicable to the affairs of the company institution or trust;

"Legal Services Commission" means a body established by or under Section 1 or Section 2 of the Access to Justice Act 1999 and includes any body established and maintained by such a body;

"Licensed Access client" means a person or organisation approved as such by the Bar Council in accordance with the Licensed Access Recognition Regulations (reproduced in Annex F);

"litigation services" means litigation services as defined in Section 119 of the Act;

~~—"LLP" means a limited liability partnership formed by being incorporated under the Limited Liability Partnerships Act 2000;~~

~~"Manager" means a barrister who is:~~

~~(a) a partner in a partnership;~~

~~(b) a member of an LLP; or~~

~~(c) a director of a company~~

~~which is a recognised body;~~

"Mediation"<sup>24</sup> mediation is a process whereby the parties to a dispute appoint a neutral person (mediator) to assist them in the resolution of their dispute;

"Medical Panel" means a panel constituted under the Fitness to Practise Rules (reproduced in Annex O);

"Member State" means a state which is a member of the European Communities;

~~"the Monitoring Committee" means the Monitoring Committee of the Bar Standards Board or its successor"~~<sup>4</sup>

"non-practising barrister" means a barrister who is not a practising barrister;

~~"the Professional Conduct and Complaints Committee" or "PCC" means the Professional Conduct and Complaints Committee of the Bar Council or any successor body exercising the same responsibilities by whatever name called;"~~<sup>5</sup>

~~"owner" in relation to a body means a person with any ownership interest in that body;~~

~~"partner" means a person who is or is held out as a partner in an unincorporated firm;~~

~~"partnership" means an unincorporated partnership, and includes any unincorporated firm in which persons are or are held out as partners, but does not include an LLP;~~

"practising barrister" means a barrister who is practising as such within the meaning of paragraph 201;

"the President" means the President of the Council of the Inns of Court;

"professional client" means a solicitor or other professional person by whom a self-employed barrister is instructed that is to say:

- (a) ~~a solicitor~~ solicitor, solicitors' firm, LLP or company, recognised body regulated by the Solicitors Regulation Authority, authorised litigator, Parliamentary agent, patent agent, European Patent Attorney<sup>1</sup>, trade mark agent, Notary or a European lawyer registered with the Law Society of England and Wales;

<sup>24</sup> Amended 23<sup>rd</sup> March 2005

<sup>4</sup> -Amended 1<sup>st</sup> January 2006

<sup>5</sup> -Amended 1<sup>st</sup> January 2006

- (b) a licensed conveyancer in a matter in which the licensed conveyancer is providing conveyancing services;
- (c) an employed barrister or registered European lawyer;
- (d) any practising barrister or registered European lawyer acting on his own behalf;
- (e) a foreign lawyer in a matter which does not involve the barrister supplying advocacy services;
- (f) a Scottish or Northern Irish Solicitor
- (g) the representative of any body (such as a Legal Advice Centre or Pro Bono or Free Representation Unit) which arranges for the supply of legal services to the public without a fee, and which has been and remains designated by the Bar Council (subject to such conditions as may be imposed by the Bar Council in relation to insurance or any other matter whatsoever) as suitable for the instruction of barristers, and which instructs a barrister to supply legal services without a fee;

"professional misconduct" shall bear the meaning given in paragraphs 901 and 902;

~~"the Professional Standards Committee" or "the PSC" means the Professional Standards Committee of the Bar Council or any successor body exercising the same responsibilities by whatever name called;~~<sup>6</sup>

"the public" includes any lay client of a practising barrister (or in the case of an employed barrister of the barrister's employer) other than any of the persons referred to in Paragraph 501;

"public access instructions" means instructions given to a barrister by or on behalf of a lay client pursuant to paragraph 401(a)(iii);

"the Qualifications Committee" means the Qualifications Committee of the Bar Standards Board or its successor;<sup>6</sup>

~~"the Quality Assurance Committee" means the Quality Assurance Committee of the Bar Standards Board or its successor;~~

~~"recognised body" means a partnership, LLP, company or sole principal authorised to provide reserved legal services by an approved regulator other than the Bar Standards Board other than a licensable body as defined in s. 72 of the Act of 2007 but does not include a body which is deemed to be authorised by reason of s. 18(3) of the Act of 2007;~~

"registered European lawyer" means a European lawyer registered as such by the Bar Council and by an Inn pursuant to a direction of the JRC under Regulation 30 of the Consolidated Regulations;

"relevant criminal offence" means any criminal offence committed in any part of the world except:

- (a) an offence committed in the United Kingdom which is a fixed penalty offence for the purposes of the Road Traffic Offenders Act 1988 or any statutory modification or replacement thereof for the time being in force;
- (b) an offence committed in the United Kingdom or abroad which is dealt with by a procedure substantially similar to that applicable to such a fixed penalty offence; and

<sup>6</sup>-Amended 1<sup>st</sup> January 2006

(c) an offence whose main ingredient is the unlawful parking of a motor vehicle;

"right of audience" means a right of audience as defined in Section 119 of the Act;

"right to conduct litigation" means a right to conduct litigation as defined in Section 119 of the Act;

"self-employed barrister" means a practising barrister other than ~~an employed barrister acting in the course of his employment;~~

-(a) a barrister who is a manager or employee of a recognised body; and

(b) an employed barrister acting in the course of his employment;

"solicitor" means a solicitor of the Supreme Court of England and Wales;

"the Standards Committee" means the Standards Committee of the Bar Standards Board or its successor;

"Summary Procedure Panel" means a panel constituted under the Summary Procedure Rules (reproduced in Annex L);

"trade association" means a body of persons (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members or of persons represented by its members, and does not include any association formed primarily for the purpose of securing legal assistance for its members;

any reference to the masculine shall be deemed to include the feminine and any reference to the singular shall include the plural.

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**Formatted:** Normal, Tab stops: Not at 1.27 cm + 2.54 cm + 3.81 cm + 5.08 cm + 6.35 cm + 7.62 cm + 8.89 cm + 10.16 cm + 11.43 cm + 12.7 cm + 13.97 cm + 15.24 cm + 16.51 cm + 17.78 cm + 19.05 cm + 20.32 cm