

## PRACTISING CERTIFICATE RULES

### The Practising Certificate Year

1. In these rules, “practising certificate year” refers to the period from 1 April in any calendar year to 31 March in the next calendar year.

### Eligibility for Practising Certificates

2. You are eligible for a practising certificate if:

2.1 you are a barrister or a registered European lawyer and you are not currently suspended from practice and have not been disbarred;

2.2 you meet the requirements of rulesub-paragraph 3.1, 3.2, 3.3 or 3.4 below; and

2.3 if you are a barrister and 5 or more years have elapsed since either:

(a) you last held a practising certificate; or within the last 5 years either: (i) you have held a practising certificate; or (ii) you have satisfactorily completed (or have been exempted from the requirement to complete) either the non-practising period of 6 months of pupillage or 12 months of pupillage; or

(b) you satisfactorily completed (or were exempted from the requirement to complete) either the non-practising period of 6 months of pupillage or 12 months of pupillage

~~(b) you have complied with such training requirements as may be imposed by the Bar Standards Board. if not, you have complied with such training requirements as may be imposed by the Bar Standards Board.~~

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3. You are eligible for:

3.1 a full practising certificate if either:

(a) you have satisfactorily completed 12 months pupillage; or

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(b) you ~~(or have been exempted from the requirement to complete)~~ 12 months of pupillage; or

(c) on 30 July 2000, you were entitled to exercise full rights of audience by reason of being a barrister; or

(d) you were called to the Bar before 1 January 2002 and you complied with sub-paragraphs 1102(a) and (b) of the 8<sup>th</sup> Edition of this Code before 31 March 2012;

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3.13.2 a provisional practising certificate if you have satisfactorily completed (or have been exempted from the requirement to complete) the non-practising period of 6 months of pupillage and at the time when you apply for a practising certificate you are registered as a pupil;

3.3 a limited practising certificate if:

(a) you have not completed (or been exempted from the requirement to complete) 12 months of pupillage; but

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(b) you were called to the Bar before 1 January 2002; or

3.23.4 a registered European lawyer's practising certificate if you are a registered European lawyer.

#### **Applications for Practising Certificates**

4. You may apply for a practising certificate by:

4.1 completing the application form supplied by the Bar Council (acting by the Bar Standards Board) and submitting it to the Bar Council (acting by the Bar Standards Board); and

4.2 submitting such information in support of the application as may be prescribed by the Bar Council (acting by the Bar Standards Board); and

4.24.3 paying (or undertaking to pay in a manner determined by the Bar Council) the appropriate practising certificate fee in the amount determined in accordance with rule [97] below (subject to any reduction pursuant to rule [86] below).

before the practising certificate is issued.

5. An application will only have been made once the Bar Council (acting by the Bar Standards Board) has received the application form in full, together with all the information required in support of the application and confirmation from you in the form of a declaration that the information contained within, or submitted in support of, the application is full and accurate.
6. On receipt of the application, the Bar Council (acting by the Bar Standards Board) may require, from you or a third party, such additional information, documents or references as it considers appropriate to the consideration of your application.
- 5.7. You are personally responsible for the contents of your application and any information submitted to the Bar Council (acting by the Bar Standards Board) by you or on your behalf and you must not submit (or cause or permit to be submitted on your behalf) information to the Bar Council (acting by the Bar Standards Board) which you do not believe is full and accurate information.
- 6.8. When applying for the renewal of a practising certificate, you may, by completing the form supplied for that purpose by the Bar Council, apply to the Bar Council for a reduction in the practising certificate fee payable by you if your gross fee income or salary is less than such amount as the Bar Council may decide from time to time.

### **Practising Certificate Fees**

- 7.9. The practising certificate fee shall be the amount or amounts prescribed in the Schedule of Practising Certificate Fees issued by the Bar Council from time to time, and any reference in these Rules to the “appropriate practising certificate fee” or the “practising certificate fee payable by you” shall refer to the amount payable by you pursuant to that Schedule, having regard, inter alia, to:
- 7.19.1 the different annual practising certificate fees which may be prescribed by the Bar Council for different categories of barristers, e.g. for Queen’s Counsel and junior counsel, for barristers of different levels of seniority, and/or for barristers practising in different capacities (i.e. self-employed barristers, employed barristers, managers or employees of recognised bodies or barristers practising with dual capacity);

~~7.29.2~~ any reductions in the annual practising certificate fees which may be permitted by the Bar Council in the case of practising certificates which are valid for only part of a practising certificate year;

~~7.39.3~~ any discounts from the practising certificate fee which may be permitted by the Bar Council in the event of payment by specified methods;

~~7.49.4~~ any reduction in or rebate from the practising certificate fee which may be permitted by the Bar Council on the grounds of low income, change of category or otherwise; and

~~7.59.5~~ any surcharge or surcharges to the practising certificate fee which may be prescribed by the Bar Council in the event of application for renewal of a practising certificate being made after the end of the practising certificate year.

~~8.10.~~ If you have given an undertaking to pay the practising certificate fee, you must comply with that undertaking in accordance with its terms.

#### **Issue of Practising Certificates**

~~9.11.~~ The Bar Council (acting by the Bar Standards Board) shall not issue a practising certificate to a barrister or a registered European lawyer:

~~9.11.1~~ who is not eligible for a practising certificate, or for a practising certificate of the relevant type;

~~9.211.2~~ who has not applied for a practising certificate; or

~~11.3~~ who has not paid (or undertaken to pay in a manner determined by the Bar Council) the appropriate practising certificate fee; ~~or-~~

~~9.311.4~~ who is not insured against claims for professional negligence as provided for in paragraph 204(b) of the Code of Conduct and, if and insofar as applicable, paragraph 6 of the International Practice Rules or paragraph 4(2) of the Registered European Lawyers Rules.

~~10.12.~~ The Bar Council (acting by the Bar Standards Board) may refuse to issue a practising certificate, or may revoke a practising certificate, if it is satisfied that the information submitted in support of the application for the practising certificate is incomplete.

~~inaccurate or incapable of verification, or that the~~ barrister or registered European lawyer:

~~12.1 has not provided complete or accurate information in his application form;~~

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~~12.212.1~~ \_\_\_\_\_ is not insured against claims for professional negligence as ~~provided for in paragraph 204(b) of the Code of Conduct and, if and insofar as applicable, paragraph 6 of the International Practice Rules or paragraph 4(2) of the Registered European Lawyer Rules; required by rule 14 of the Practising Rules;~~

~~12.312.2~~ \_\_\_\_\_ in the case of a barrister who is insured by the Bar Mutual Indemnity Fund, has failed to pay any insurance premium when due;

~~12.412.3~~ \_\_\_\_\_ has failed and continues to fail to pay a practising certificate fee when due;

~~12.512.4~~ \_\_\_\_\_ has not complied with any of the requirements of the Continuing Professional Development Regulations applicable to him; or

~~12.612.5~~ \_\_\_\_\_ would be, or is, practising in breach of the provisions of paragraphs ~~203, 204, 205, 401, 501, 502 or 503 of the Code of Conduct. 12-22, 24, 26, 30-34 or 37-39 of the Practising Rules.~~

~~11.13.~~ When the Bar Council (acting by the Bar Standards Board) issues a practising certificate, it: shall:

~~11.113.1~~ \_\_\_\_\_ ~~inform the barrister or registered European lawyer of that fact; shall publish that fact, the name and practising address of the member and the other details specified in rule 12 below in the register on the Bar Standards Board's website; and~~

~~11.213.2~~ \_\_\_\_\_ ~~publish that fact, the name and address of the barrister or registered European lawyer and the other details specified in rule 142 below in the register on the Bar Standards Board's website shall send a copy of the practising certificate to the barrister or registered European lawyer.~~

~~12.14.~~ A practising certificate shall state:

~~12.114.1~~ \_\_\_\_\_ the name of the barrister or registered European lawyer;

~~42.214.2~~ the period for which the practising certificate is valid;

~~42.314.3~~ the reserved legal activities which the barrister or registered European lawyer to whom it is issued is thereby authorised to carry on;

~~42.414.4~~ the capacity (or capacities) in which the barrister or registered European lawyer practises; and

~~42.514.5~~ whether the barrister or registered European lawyer is registered with the Bar Council as a Public Access practitioner.

~~43.15.~~ A practising certificate may be valid for a practising certificate year or part thereof and for one month after the end of the practising certificate year.

~~44.16.~~ A full practising certificate shall authorise a barrister to exercise a right of audience before every court in relation to all proceedings.

~~45.17.~~ A provisional practising certificate shall authorise a barrister to exercise a right of audience before every court in relation to all proceedings.

~~46.18.~~ A limited practising certificate shall not authorise a barrister to exercise a right of audience, save that it shall authorise a barrister to exercise any right of audience which he had by reason of being a barrister and was entitled to exercise on 30 July 2000.:-

~~16.1~~ — ~~it shall authorise a barrister to exercise any right of audience which he had by reason of being a barrister and was entitled to exercise on 31 July 2000; and~~

~~16.2~~ — ~~it shall authorise a barrister called to the Bar before 1 January 2002 to exercise such right of audience (if any) as he was entitled to exercise on [day before implementation date] pursuant to paragraph 1102 of the 8<sup>th</sup> Edition of the Code of Conduct of the Bar of England and Wales.~~

~~47.19.~~ A practising certificate issued to an employed barrister or to a barrister who is a manager or an employee of a recognised body (or to a registered European lawyer who is employed or who is a manager or an employee of a recognised body) shall authorise the barrister (or the registered European lawyer) to conduct litigation in relation to every court and all proceedings if the barrister:

~~17.119.1~~ has spent a period of at least twelve weeks working under the supervision of a qualified person (as defined in rule 3 of the Employed Barristers (Conduct of Litigation Rules)~~4 of the Practising Rules~~); or

~~17.219.2~~ has been exempted from this requirement by the Bar Standards Board on the grounds of his relevant experience.

~~18.20.~~ Every practising certificate issued to a barrister shall authorise the barrister to carry on:

~~18.120.1~~ reserved instrument activities;

~~18.220.2~~ probate activities; and

~~18.320.3~~ the administration of oaths.

~~19.21.~~ A registered European lawyer's practising certificate shall authorise a registered European lawyer to carry on the same reserved activities as a full practising certificate issued to a barrister, save that:

~~19.121.1~~ A registered European lawyer is only authorised to exercise a right of audience or a right to conduct litigation if he acts in conjunction with a solicitor or barrister who is entitled to practise before the court, tribunal or public authority concerned and who could lawfully exercise that right.

~~19.221.2~~ Unless he has a home professional title obtained in Denmark, the Republic of Ireland, Finland, Sweden, Iceland, Liechtenstein, Norway, the Czech Republic, Cyprus, Hungary or Slovakia, a registered European lawyer is not authorised to prepare for remuneration any instrument creating or transferring an interest in land.

#### **Amendment and Revocation of Practising Certificates**

~~20.22.~~ You must inform the Bar Council (acting by the Bar Standards Board)~~the Bar Standards Board~~ as soon as reasonably practicable, and in any event within 28 days if any of the information submitted ~~contained~~ in support of your practising certificate application form:

~~20.122.1~~ was incomplete or in accurate~~correct~~ when the application form was submitted; or

20.222.2 changes before the expiry of your practising certificate.

21.23. If you change the capacity in which you practise before the expiry of your practising certificate (e.g. if you change from being an employed barrister or a manager or employee of a recognised body to a self-employed barrister, or vice versa, or if you commence or cease practice in a dual capacity), you must within 14 days of demand by the Bar Council pay to the Bar Council the amount (if any) by which the practising certificate fee which would apply to you in your current status exceeds the practising certificate which you have already paid (or undertaken to pay) to the Bar Council.

22.24. The Bar Council (acting by the Bar Standards Board) may amend a practising certificate if it is satisfied that any of the information contained in the relevant application form was ~~inaccurate~~ ~~correct~~ or incomplete or has changed, but may not amend a practising certificate without first:

22.24.1 giving written notice to the barrister or registered European lawyer of the grounds on which the practising certificate may be amended; and

22.24.2 giving the barrister or registered European lawyer a reasonable opportunity to make representations.

23.25. The Bar Council (acting by the Bar Standards Board) shall endorse a practising certificate to reflect any qualification restriction or condition imposed on the barrister by the Bar Council (acting by the Bar Standards Board) or by a Disciplinary Tribunal, Informal Panel, Interim Suspension Panel or Fitness to Practise Panel.

24.26. The Bar Council (acting by the Bar Standards Board):

26.1 shall revoke a practising certificate:

(a) if the barrister or registered European lawyer is ~~disbarred~~ or suspended from practice as a barrister or registered European lawyer;

24.4 (b) ~~if the barrister has notified the Bar Council or the Bar Standards Board that he no longer wishes to have a practising certificate;~~  
~~and;~~ ~~and~~

24.226.2 may revoke a practising certificate:

(a) in the circumstances set out in rule ~~12~~~~40~~ above; or

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- (b) if the barrister or registered European lawyer has given an undertaking to pay the practising certificate fee and fails to comply with that undertaking in accordance with its terms;

but in either case only after:

- (i) giving written notice to the barrister or registered European lawyer of the grounds on which the practising certificate may be revoked; and
- (ii) giving the barrister or registered European lawyer a reasonable opportunity to make representations.

### Applications for Review

25-27. If you contend that the Bar Council (acting by the Bar Standards Board) has:

25-127.1 \_\_\_\_\_ wrongly failed or refused to issue or amend a practising certificate; or

25-227.2 \_\_\_\_\_ wrongly amended or revoked a practising certificate, pursuant to these Rules

then you may lodge an application for review with the Qualifications Committee of the Bar Standards Board using the form supplied for that purpose by the Bar Standards Board. For the avoidance of doubt, this paragraph does not apply to any amendment or revocation of a practising certificate made by order of Medical or Review Panel, a Disciplinary Tribunal or the Visitors to the Inns of Court.

26-28. The Bar Council (acting by the Bar Standards Board) may issue a temporary practising certificate to a barrister who has lodged an application for review.

27-29. If the Qualifications Committee finds that the Bar Council (acting by the Bar Standards Board) has wrongly failed or refused to issue a practising certificate, then the Bar Council (acting by the Bar Standards Board) shall issue such practising certificate as ought to have been issued.

28-30. If the Qualifications Committee finds that the Bar Council (acting by the Bar Standards Board) has wrongly failed or refused to amend a practising certificate, then the Bar Council (acting by the Bar Standards Board) shall make such amendment to the practising certificate as ought to have been made.

~~29.31.~~ If the Qualifications Committee finds that the Bar Council (acting by the Bar Standards Board) has wrongly amended a practising certificate, then the Bar Council (acting by the Bar Standards Board) shall cancel the amendment.

~~30.32.~~ If the Qualifications Committee finds that the Bar Council (acting by the Bar Standards Board) has wrongly revoked a practising certificate, then the Bar Council (acting by the Bar Standards Board) shall re-issue the practising certificate.

**Interpretation**

~~31. Paragraph 7 of the Introduction to this Code shall not apply to these Practising Certificate Rules.~~

Annex 1

