

**LITIGATION PRACTISING CERTIFICATE EXTENSION**

**APPLICATION FORM**

**GUIDANCE ON COMPLETING THE APPLICATION FORM**

1. This form should be completed with reference to the criteria and guidelines available on the BSB website.
2. You [the applicant] must take personal responsibility that this checklist is completed fully and accurately. (This does not prevent you from seeking assistance from, for example, practice managers or other Chambers employees.)
3. You should provide details of a qualified person who is able to provide you with guidance on the conduct of litigation if you are:

* A self-employed barrister under three years’ standing;
* A barrister employed by an *Authorised Body*, less than three years’ standing;
* A barrister employed by a *Non-Authorised body,* less than one year’s standing

1. Outcomes: the outcomes which you will need to satisfy in order to be considered for authorisation to conduct litigation are highlighted in bold text. Underneath the outcomes are details explaining what the BSB would ordinarily expect there to be included in the relevant documented system, policy or procedure. In completing the form you should indicate with a tick whether the item under each outcome is met and provide a reference to the relevant evidence where appropriate. It is your personal responsibility to ensure that the arrangements in your place of practice are sufficient to meet the outcomes listed.
2. If your practice’s systems, policies or procedures derogate from the list of items under each outcome, you should indicate this and provide an explanation of how the outcome is otherwise met.
3. ‘Document reference’ column: if there is a relevant document reference, please record it here, for example ‘Chambers Management Policy’.

**Personal Details**

|  |  |
| --- | --- |
| Name: | Surname: |
| Title: (e.g. Mr/Ms) | |
| Address: | |
| Telephone no. | |
| Email address: | |
| Inn: | Date of Call: |
| Date of Issue of Full Qualification Certificate/Completion of Pupillage: | |

**Practising Status**

*Please indicate with a tick or a cross your practising status (both current and proposed if different). If you are in dual practice, please indicate both/all categories that apply.*

|  |  |  |
| --- | --- | --- |
|  | Current Status | Proposed Status |
| Unregistered barrister |  |  |
| Pupil |  |  |
| Self-employed barrister |  |  |
| Barrister employed by an Authorised Body |  |  |
| Barrister employed by an Unauthorised Body |  |  |

If you have previously been authorised to conduct litigation under the Employed Barristers (Conduct of Litigation) Rules[[1]](#footnote-1), please tick this box 

1. **Outcome – availability of guidance**

*Inexperienced barristers can readily obtain guidance when first doing litigation*

You should complete this section by providing details of a qualified person[[2]](#footnote-2) who is able to provide you with guidance on the conduct of litigation if you are:

* A self-employed barrister under three years’ standing[[3]](#footnote-3); or
* A barrister employed by an *Authorised Body*, less than three years’ standing; or
* A barrister employed by a *Non-Authorised body,* less than one year’s’ standing

|  |
| --- |
| Name and contact details of qualified person: |
| Address from which that person practises: |
| Date on which the qualified person was authorised to conduct litigation: |
| Has the named person agreed to act as a qualified person and confirmed that s/he will be readily available to provide guidance?  Yes/No (delete as applicable) |

1. **Outcome – dealing with clients**

*Barristers who conduct litigation have the skills needed to deal directly with lay clients, including vulnerable clients, and are aware of the risks and record keeping requirements*

You should complete this section if you are a self-employed barrister who has completed or been granted a waiver from the public access training:

|  |
| --- |
| Please provide details of the Public Access course you have undertaken, including dates attended: |
| Alternatively, please provide details of any waiver granted, including date and terms: |
| If you completed or were granted a waiver from the Public Access course before October 2013, please give details of whether you attended or have been granted a waiver from the required “top-up training”. |

1. **Outcome – knowledge and training in litigation**

*Barristers authorised to conduct litigation have adequate knowledge of civil and/or criminal litigation procedures to enable them to conduct litigation competently*

Applicants must demonstrate that they have such knowledge and that it is up-to-date. This can be demonstrated in the following ways:

|  |
| --- |
| Have you completed a vocational component Bar Course or equivalent (such as the LPC) within the last three years?  Yes/No (if yes, please provide details) |

|  |
| --- |
| Have you undertaken litigation within the last three years by virtue of authorisation by another Approved Regulator or under statute?  Yes/No (if yes, please provide details of the authorisation and confirm that your practice has included litigation within the three year period) |

|  |
| --- |
| Have you completed additional training course in litigation within the last three years, either:   1. By attending formal courses covering litigation?   Yes/No (if yes, please provide details of course attended, and when, below) |
|  |
| 1. By undertaking any other form of relevant learning? (please provide details of the activities that you undertook) |

|  |
| --- |
| Please describe any experience of the conduct of litigation under the supervision of a person authorised to do so, within the last three years: |

**Prior knowledge and experience sufficient to enable you to conduct litigation:**

|  |
| --- |
| Please describe how you have acquired the necessary knowledge and skills and over what period of time. |

**Intended areas of practice**

If you are granted a litigation extension to your practising certificate you will be authorised to conduct litigation in all areas of practice. As with other services you provide, you must ensure that you are able to meet Outcome oC10 in the Handbook (‘clients receive a competent standard of work and service’). As for all public access work, you must also consider whether it would be in the client’s interests to employ a solicitor or other Authorised Person; for example, because the litigation in question would benefit from more experience or resources than you have.

|  |
| --- |
| Please indicate the areas of practice in which you intend to conduct litigation: |
| Please describe the nature of the litigation you intend to undertake and estimate the percentage of your practice you expect this to represent: |

1. **Outcome – litigation is competently managed**

*Requirement: there are appropriate administrative and management procedures in place and all persons involved in the conduct of litigation are familiar with them.*

Has the BSB already authorised an individual at your place of practice to conduct litigation?

Yes/No/Don’t know (*delete as appropriate)*

If “Yes”, please give details

|  |
| --- |
|  |

If “No” or “Don’t Know”:

Have you satisfied yourself that appropriate procedures are in place in your practice, that you are personally familiar with them and that anyone else who has a role in the litigation for which you are responsible has been trained in them?

Yes/No

1. **Outcome – clients receive a timely and consistent service**

Please place a tick next to each item, under all subheadings, or explain how these requirements are otherwise complied with. In addition, if applicable, please provide a document reference for each

|  |  |  |
| --- | --- | --- |
| Your practice has a documented procedure for diary management. This should include: |  | Document Reference |
| 1. Meeting key deadlines and dates, including those set by the court for the submission of documents |  |  |
| 1. Procedures for the giving, monitoring and discharging of undertakings |  |  |

1. **Outcome – clients receive a service when they need it**

|  |  |  |
| --- | --- | --- |
| Your practice has procedures for dealing with absences from practice. This should include: |  | Document Reference |
| 1. Details of delegated responsibility to check and provide timely responses to all correspondence received |  |  |
| 1. Procedures for keeping clients and other parties involved in the litigation updated of any developments |  |  |
| 1. Procedures for maintaining any necessary, or emergency, contact with absent staff |  |  |
| 1. Procedures for obtaining cover for the practice, such as hiring a locum if necessary |  |  |

1. **Outcome – all litigation cases are managed effectively**

|  |  |  |
| --- | --- | --- |
| Your practice has case management and recording systems. This should normally include: |  | Document Reference |
| 1. Litigation strategy for a matter on the matter file and a detailed plan where appropriate |  |  |
| 1. Identifying and dealing with conflicts of interest |  |  |
| 1. Issuing and acknowledging proceedings |  |  |
| 1. Track allocation (for civil litigation) and case management |  |  |
| 1. Disclosure |  |  |
| 1. Processes to check files for inactivity |  |  |
| 1. Use of appropriate software and databases |  |  |

1. **Outcome – all matters relating to litigation cases are recorded fully and accurately**

|  |  |  |
| --- | --- | --- |
| Your practice has in place appropriate filing systems. This should normally include: |  | Document Reference |
| 1. Listing of open and closed matters, identifying all matters for a single client and linked files where relevant |  |  |
| 1. Identifying and obtaining any documents related to the matter |  |  |
| 1. Arrangements for securely storing files |  |  |
| 1. Arrangements for archiving/destroying |  |  |

1. **Outcome - support staff are adequately trained and supervised**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| |  |  |  | | --- | --- | --- | | Your practice has arrangements in place to train junior staff involved in the conduct of litigation and to supervise their work |  | Document Reference | |  |  |  | |

1. **Outcome – all barristers undertaking the conduct of litigation have appropriate insurance**

*Requirement:*

* *If you are a self-employed barrister, your insurance cover must include litigation*
* *If you are employed by a Non-Authorised body, you should review your insurance position*
* *If you are employed by an Authorised body, you will be covered by that body’s insurance*

|  |
| --- |
| Please describe your insurance arrangements here: |

1. **I confirm that:**

* I have read the application criteria and guidelines;
* The information I have given is true and correct to the best of my knowledge; and
* I have read the Bar Council’s Privacy Statement[[4]](#endnote-1) and understand how my data will be handled.

|  |  |
| --- | --- |
| Signed | Date |

**PLEASE RETURN THE COMPLETED APPLICATION FORM WITH ACCOMPANYING DOCUMENTATION AND CONFIRMATION OF PAYMENT OF THE APPLICATION FEE TO:**

[authorisations@barstandardsboard.org.uk](mailto:authorisations@barstandardsboard.org.uk)

Please see [our website](https://www.barstandardsboard.org.uk/training-qualification/barrister-training-waivers-and-exemptions.html) for up-to-date fees information.

**The fee is non-refundable.**

1. Annexe I of the 8th Edition of the Code of Conduct [↑](#footnote-ref-1)
2. Please see Rule S22.3 of the Bar Standards Board Handbook for the relevant definition of a “qualified person” in the context of the conduct of litigation - <https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html> [↑](#footnote-ref-2)
3. A barrister’s “years’ standing” is the period of time for which he/she has practised as either a solicitor or a barrister and has been entitled to exercise a right of audience before every court and in all proceedings. [↑](#footnote-ref-3)
4. See <https://www.barstandardsboard.org.uk/privacy-statement.html> [↑](#endnote-ref-1)