

**THE BSB HANDBOOK**  
**PART VI - DEFINITIONS**

In this Handbook, the following words and phrases have the meaning set out below:

(1)	a realistic prospect of a finding of professional misconduct being made	means that the PCC considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of a complaint, that it is more likely than not that a finding of professional misconduct will be made;
(2)	a realistic prospect of the disqualification condition being satisfied	means that the PCC considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of a complaint, that it is more likely than not that it shall be determined that the disqualification condition has been satisfied;
(3)	administration of oaths	has the same meaning as set out in paragraph 8 of Schedule 2 to the LSA;
(4)	administrative sanction	means the imposition of an administrative warning, fixed penalty fine or other administrative fine up to the prescribed maximum, or any combination of the above in accordance with Section B of Part V;
(5)	appeal panel	in Section E of Part V, means an appeal panel constituted in accordance with paragraph 6 of that Section E to Part V, to perform the functions set out in paragraphs 24 and 25 of that Section E;
(6)	applicant	in Part III, means an entity which is intending to apply or which has already applied to the <i>Bar Standards Board</i> for authority to practise as a <i>BSB authorised body</i> ;
(7)	application fee	means the amount payable by an <i>applicant</i> to the <i>Bar Standards Board</i> on submission of their application to become a <i>BSB authorised body</i> , such fee to be the amount as determined by the <i>Bar Standards Board</i> from time to time;
(8)	Approved Regulator	has the same meaning as in section 20(2) of the LSA;
(9)	associates	means in relation to an individual, depending on context: <ul style="list-style-type: none"> <li>(a) the spouse or civil partner of that individual;</li> <li>(b) a child or stepchild of that individual (if under 18);</li> <li>(c) the trustee of any settlement under which the individual has a life interest in possession (or, in Scotland, a life interest);</li> <li>(d) an undertaking in respect of which that individual is</li> </ul>

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		<p>a director;</p> <p>(e) an employee of that individual;</p> <p>(f) a partner of that individual;</p> <p>(g) any other person with whom that individual may have an agreement relating to the acquisition, holding or disposal of shares or otherwise the exercise of any voting rights in respect of the applicant or BSB authorised body (as the case may be); or</p> <p>(h) persons with whom the individual is practising in association;</p>
(10)	an association	<p>means where:</p> <p>(a) BSB authorised individuals are practising as a chambers; or</p> <p>(b) BSB authorised persons are sharing premises and/or costs and/or using a common vehicle for obtaining or distributing work with any person other than a BSB regulated person, in a manner which does not require the association to be authorised as an entity under the Legal Services Act 2007;</p>
(11)	authorised body	means BSB authorised bodies and authorised (non-BSB) bodies;
(12)	authorised (non-BSB) body	means a partnership, LLP or company authorised or licensed by another Approved Regulator to undertake reserved legal activities;
(13)	authorised (non-BSB) individual	individuals that are authorised to provide reserved legal activities by another Approved Regulator where such individuals are working as a manager or an employee of a BSB authorised body;
(14)	authorised (non-BSB) person	means an authorised (non-BSB) body or an authorised (non-BSB) individual (as the case may be);
(15)	authorised person	has the meaning set out in section 18(1) of the LSA;
(16)	bankruptcy order	includes a bankruptcy order made pursuant to the Insolvency Act 1986 and any similar order made in any jurisdiction in the world;
(17)	Bar	means the Bar of England and Wales;
(18)	Bar Council	means The General Council of the <i>Bar</i> as constituted from time to time or a committee thereof;
(19)	barrister	means:

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		<p>(a) <i>practising barristers</i>;</p> <p>(b) <i>pupils</i>; and</p> <p>(c) <i>unregistered barristers</i>;</p>
(20)	barrister only entity	means partnerships, LLPs and companies that have been and continue to be authorised to act as a barrister only entity by the <i>Bar Standards Board</i> in accordance with Section E of Part III;
(21)	Bar Standards Board	means the board established to exercise and oversee the regulatory functions of the <i>Bar Council</i> ;
(22)	Bar Training Regulations	means the Bar Training Regulations in Part IV of the Handbook;
(23)	BMIF	means Bar Mutual Indemnity Fund Limited;
(24)	brief	means instructions to a <i>barrister</i> to appear as an advocate before a Court;
(25)	BSB authorised body	means barrister only entities, legal disciplinary practices authorised by the Bar Standards Board and BSB licensed bodies;
(26)	BSB authorised individuals	<p>means all individuals authorised by the <i>Bar Standards Board</i> to carry on activities which are reserved legal activities being:</p> <p>a) <i>practising barristers</i>;</p> <p>b) <i>second six pupils</i>;</p> <p>c) <i>registered European lawyers</i>,</p> <p>including where such practising barristers, pupils or registered European lawyers are an owner, manager or employee of a BSB authorised body;</p>
(27)	BSB authorised persons	means BSB authorised bodies and BSB authorised individuals;
(28)	BSB licensed body	<p>means partnerships, LLPs and companies that have been and continue to be licensed to act as a licensed body by the <i>Bar Standards Board</i> in accordance with Section E of Part III;</p> <p>(Note that this term is used only where it is necessary to distinguish between BSB licensed bodies and other BSB regulated persons. Otherwise, BSB licensed bodies are within the definition of BSB authorised bodies.)</p>
(29)	BSB regulated individuals	means BSB authorised individuals, authorised (non-BSB) individuals employed by BSB authorised bodies and BSB regulated managers;
(30)	BSB regulated managers	means all partners, members or directors of a partnership, limited liability partnership or company respectively where such partnership, limited liability partnership or company is

		a BSB authorised body;
(31)	BSB regulated persons	means, as stated by paragraph 6 of Part I: a) <i>barristers</i> (including, for the avoidance of doubt, <i>unregistered barristers</i> ); b) <i>registered European lawyers</i> ; c) <i>BSB authorised bodies</i> ; d) <i>authorised (non-BSB) individuals</i> ; and e) <i>BSB regulated managers</i> ;
(32)	business	means your Chambers or place of work, including if you are a self employed barrister, any business structure through which you may offer your services as a self employed barrister (including any procurement vehicle which does not itself supply legal services but arranges for barristers to do so), or any BSB authorised body in which you are a manager or employee;
(33)	call	means call to the Bar in accordance with the Bar Training Regulations;
(34)	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;
(35)	client	means, in relation to any legal services provided or to be provided by you, the person to whom or on whose behalf you provide or are to provide those services;
(36)	client money	means any money to which a client is beneficially entitled;
(37)	company	has the same meaning as in section 1 of the Companies Act 2006;
(38)	complaint	means, for the purposes of Part II, a complaint by a client about the standard of service received that is addressed either to the Legal Ombudsman or the chambers or the BSB authorised person and, for the purposes of Part V, an allegation by any person or by the <i>Bar Standards Board</i> of its own motion of professional misconduct or a breach of the rules of this <i>Handbook</i> and includes a legal aid complaint;
(39)	Complaints Rules	means the rules set out at section B of Part V of this Handbook;
(40)	conditional agreement fee	means a conditional fee agreement as defined in Section 58 of the Courts and Legal Services Act 1990;
(41)	conduct litigation or conduct of litigation	has the same meaning as set out in paragraph 4 of Schedule 2 to the LSA;
(42)	conviction	means a criminal conviction for an indictable offence;

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(43)	Council of the Inns of Court	means the Council of the Inns of Court or its successor;
(44)	court	means 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;
(45)	decision period	means: in respect of an application for authorisation or licensing, the period of 6 months; in respect of a standalone application for authorisation to conduct litigation, the period of 3 months; and in respect of an application for approval of a manager, owner, HOLP or HOFA, the period of 1 month, in each case, commencing on the last date on which the Bar Standards Board receives any of the documentation, information or payments required to be submitted with such application;
(46)	defendant	in Section C of Part V means the <i>relevant person</i> who is the subject of the disciplinary charge or charges brought before a Disciplinary Tribunal and/or of a disqualification application made to the Disciplinary Tribunal under the <i>Complaints Rules</i> and in Section E of Part V means the <i>relevant person</i> against whom the Bar Standards Board is considering taking interim action in accordance with Section E of Part V;
(47)	Definitions Section	means Part VI of the Handbook;
(48)	director	means a director of a company, and includes the director of a BSB authorised body or an authorised (non-BSB) body which is a company, and in relation to a <i>societas Europaea</i> includes: a) in a two-tier system, a member of the management organ and a member of the supervisory organ; b) in a one-tier system, a member of the administrative organ;
(49)	Disciplinary Tribunal	means a Tribunal convened pursuant to Regulation 25 of the Disciplinary Tribunal Regulations to consider an allegation of professional misconduct against a BSB regulated person (for which the sanctions may include disqualification, where Part V so provides) and/or to consider an application for disqualification against a relevant person;
(50)	discrimination	has the same meaning as in chapter 2 of the Equality Act 2010;
(51)	disqualification condition	means that, in their capacity as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a BSB authorised person (as the case may be), the

		<p>relevant person has (intentionally or through neglect):</p> <ul style="list-style-type: none"> <li>a) (if a <i>BSB regulated person</i>) breached a relevant duty to which the <i>BSB regulated person</i> is subject under this Handbook or under applicable rules of another Approved Regulator; or</li> <li>b) (if either a <i>BSB regulated person</i> or a <i>non-authorised individual</i> employed by a <i>BSB authorised person</i>) caused, or substantially contributed to, a <i>BSB regulated person</i> breaching a relevant duty to which the <i>BSB regulated person</i> is subject under this Handbook or under applicable rules of another <i>Approved Regulator</i>; and</li> <li>c) in either case, that it is undesirable that the <i>relevant person</i> should engage in the relevant activity in respect of which the disqualification order is made;</li> </ul>
(52)	disqualification order	<p>means an order:</p> <ul style="list-style-type: none"> <li>a) made by the <i>PCC</i> under the Determination by Consent procedure or made by a <i>Disciplinary Tribunal</i> in disposing of a disciplinary charge or disqualification application referred to it by the <i>PCC</i>; and</li> <li>b) made on the basis that the <i>disqualification condition</i> is satisfied in respect of the relevant person who is the subject of the <i>disqualification order</i>; and</li> <li>c) either indefinitely or for a stated period, disqualifying a relevant person from one or more relevant activities and prohibiting any <i>BSB authorised person</i> from appointing them or directly or indirectly employing them in respect of such relevant activities, namely acting as a <i>HOLP</i>, <i>HOFA</i>, manager or employee of a <i>BSB authorised body</i> or as an employee of a <i>BSB authorised individual</i> (as the case may be);</li> </ul>
(53)	disqualify disqualification	or <p>means the power of the <i>Bar Standards Board</i>, pursuant to Section C of Part V, to disqualify a <i>relevant person</i> from performing one or more of the <i>relevant activities</i> where the <i>disqualification condition</i> is satisfied, which power when exercised on an interim basis shall be exercised in accordance with this section E of Part V;</p>
(54)	employed barrister	<p>means:</p> <ul style="list-style-type: none"> <li>a) an employed barrister (authorised non-BSB body); or</li> <li>b) an employed barrister (BSB authorised body); or</li> <li>c) an employed barrister (non authorised body);</li> </ul>
(55)	employed barrister (authorised non-BSB body)	<p>means a practising barrister who is employed by an authorised (non-BSB) body either:</p> <ul style="list-style-type: none"> <li>a) under a contract of employment; or</li> <li>b) under a written contract for services which is for a</li> </ul>

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		determinate period (subject to any provision for earlier termination on notice), who supplies legal services as a barrister in the course of his employment;
(56)	employed barrister (BSB authorised body)	means a practising barrister who is employed by a BSB authorised body either: a) under a contract of employment; or b) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice), who supplies legal services as a barrister in the course of his employment;
(57)	employed barrister (non-authorised body)	means a practising barrister who is employed: a) other than by an authorised body; b) either: (i) under a contract of employment; or (ii) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice); or (iii) by virtue of an office under the Crown or in the institutions of the European Union; and who supplies legal services as a barrister in the course of his employment;
(58)	employees	means: a) non-authorised individuals who are directly and indirectly employed by BSB authorised persons; and b) authorised (non-BSB) individuals who are indirectly employed by BSB authorised persons;
(59)	employer	means persons by whom employed barristers (non-authorised bodies) are employed including any holding subsidiary or associated company, corporate body or firm of that person;
(60)	employment	means direct or <i>indirect employment</i> ;
(61)	Enforcement Policy	means the policy from time to time published by the Bar Standards Board pursuant to paragraph 2.1 of Section A to Part V, in effect as at the date the complaint is made to the BSB or raised by the BSB of its own motion under this Part V;
(62)	Enforcement Rules	means the enforcement rules set out at Part V of this Handbook;
(63)	English law	includes international law and the law of the European Communities;

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(64)	Equality and Diversity Officer	means the individual appointed as such by the chambers or the BSB authorised body (as appropriate), one of whose responsibilities is to ensure compliance with the Equality and Diversity rules set out in Part II of this Handbook;
(65)	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;
(66)	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;
(67)	family responsibilities	includes caring responsibilities for older, young, or disabled dependants or relatives;
(68)	foreign client	means a lay client who has his centre of main interests outside England and Wales, or who reasonably appears as having that characteristic;
(69)	foreign lawyer	is a person who is a member, and entitled to practice as such, of a legal profession regulated within a jurisdiction outside England and Wales and who is not an authorised person for the purposes of the LSA;
(70)	foreign work	means legal services of whatsoever nature relating to: a) court or other legal proceedings taking place or contemplated to take place outside England and Wales; or b) if no court or other legal proceedings are taking place or contemplated, any matter or contemplated matter not subject to the law of England and Wales;
(71)	full practising certificate	means, in accordance with paragraph 16 of Section C of Part III, a practising certificate which entitles a barrister to exercise a <i>right of audience</i> before every <i>court</i> in relation to all proceedings;
(72)	Handbook	means this Handbook;
(73)	harassment	has the same meaning as in section 26 of the Equality Act 2010;
(74)	Hearings before the Visitors	means an appeal hearing constituted under the Hearings before the Visitors Rules 2005;
(75)	HOFA	means a Head of Finance and Administration within the



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		meaning of paragraph 13(2) of Schedule 11 to the LSA;
(76)	HOLP	means a Head of Legal Practice within the meaning of paragraph 11(2) of Schedule 11 to the LSA;
(77)	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 State, it shall mean any such body;
(78)	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;
(79)	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;
(80)	immigration work	means the provision of immigration advice and immigration services, as defined in section 82 of the Immigration and Asylum Act 1999;
(81)	indictable offence	has the same meaning as in Schedule 1 of the Interpretation Act 1978, i.e. "an offence which, if committed by an adult is triable on indictment whether it is exclusively so triable or triable either way";
(82)	indirectly employed	means employment by a non-authorized person that in turn is owned or controlled by one or more BSB authorised persons and indirect employment shall be construed accordingly;
(83)	instructions	means instructions or directions in whatever form (including a brief) given to a practising barrister or a BSB authorised body to supply legal services whether in a contentious or in a non-contentious matter and "instructed" shall have a corresponding meaning;
(84)	interim panel	means an interim panel constituted in accordance with paragraph 4 of Section E to part V, to perform the functions set out in paragraphs 15 to 17 of Section E of Part V;
(85)	intermediary	means any person by whom a self-employed barrister is instructed on behalf of a client and includes a professional client who is not also the client;
(86)	investigating	means, for the purposes of Section E1.2 of Part II, considering the reasons for disparities in data such as: <ul style="list-style-type: none"> <li>• Under or overrepresentation of particular groups</li> </ul>

		<p>e.g. men, women, different ethnic groups or disabled people</p> <ul style="list-style-type: none"> <li>• Absence of particular groups e.g. men, women, different ethnic groups or disabled people</li> <li>• Success rates of particular groups</li> <li>• Over or under allocation of unassigned work to particular groups.</li> </ul>
(87)	Justices' clerk	means a serving Justices' clerk or assistant Justices' clerk, appointed under the Courts Act 2003;
(88)	lay member	means a lay person appointed to be a member of the Bar Standards Board or one of its regulatory committees;
(89)	lay representative	<p>means either</p> <p>a) a lay person appointed by the President of the Council of the Inns of Court to serve on Disciplinary Tribunals, Interim Suspension Panels and Appeal Panels therefrom, and Medical Panels and Review Panels therefrom; or</p> <p>b) a lay person appointed by the Lord Chief Justice to serve on Hearings before the Visitors;</p>
(90)	legal activities	<p>means an activity which is a reserved legal activity and any other activity which consists of one or both of the following:</p> <p>a) the provision of legal advice or assistance in connection with the application of the law or with any form of resolution of legal disputes;</p> <p>b) the provision of representation in connection with any matter concerning the application of the law or any form of resolution of legal disputes,</p> <p>and includes, for the purposes of this Handbook, activities or a judicial or quasi-judicial nature (including acting as a mediator and other forms of alternative dispute resolution) and legal academic work such as lecturing. (Note that <i>legal services</i> are more narrowly defined.);</p>
(91)	legal aid complaint	has the same meaning as in section 40 of the Administration of Justice Act 1985;
(92)	legal Advice Centre	<p>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:</p> <p>a) which employs or has the services of one or more solicitors conducting work pursuant to rule 4.16 of the Practice Framework Rules of the SRA Handbook, or</p> <p>b) which has been and remains designated by the Bar Standards Board as suitable for the employment or attendance of barristers subject to such conditions as</p>

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		may be imposed by the Bar Standards Board in relation to insurance or any other matter whatsoever;
(93)	legal disciplinary practice	means partnerships, LLPs and companies that have been and continue to be authorised to act as a legal disciplinary practice by the Bar Standards Board in accordance with Section E of Part III or by another Approved Regulator;
(94)	Legal Ombudsman	the Legal Ombudsman of England and Wales, set up by the Office for Legal Complaints, under the LSA, to consider and resolve complaints made about lawyers by consumers of legal services;
(95)	legal services	<p>includes legal advice representation and drafting or settling any statement of case witness statement affidavit or other legal document but does not include:</p> <ul style="list-style-type: none"> <li>a) sitting as a judge or arbitrator or acting as a mediator;</li> <li>b) lecturing in or teaching law or writing or editing law books articles or reports;</li> <li>c) examining newspapers, periodicals, books, scripts and other publications for libel, breach of copyright, contempt of court and the like;</li> <li>d) communicating to or in the press or other media;</li> <li>e) 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;</li> <li>f) 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;</li> </ul> <p>(Note that <i>legal activities</i> are more broadly defined.)</p>
(96)	Legal Services Board or LSB	means the independent body established under the LSA to be the over-arching regulator for the legal profession as a whole;
(97)	licensed access client	means a person or organisation approved as such by the Bar Standards Board in accordance with the Licensed Access Recognition Regulations.
(98)	licensed access rules	means the rules on Licensed Access set out in E2.2 of Part II of this Handbook;
(99)	licensable body	<p>a partnership, LLP or company that has a non-authorised individual:</p> <p>either holding an ownership interest in that partnership, LLP or company (either through ownership of shares</p>

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		<p>and/or voting rights) whether or not that ownership interest is a material interest; or</p> <p>as a manager of that body;</p> <p>(Note that the definition of licensable body contained within section 72 of the LSA also deals with indirect interests arising where one of the owners or interest holders in the partnership, LLP or company is a corporate entity. However, as such an arrangement would not meet the eligibility requirements set out in Part III, this definition does not include such situations.)</p>
(100)	licensed body	a licensable body which has been granted a licence by the Bar Standards Board or other licensing authority to undertake reserved legal activities;
(101)	licensing authority	means an approved regulator which has been granted by the LSB a power to license licensable bodies to undertake reserved legal activities;
(102)	limited practising certificate	in accordance with paragraph 18 of Section C of Part III, a limited practising certificate authorises a barrister to exercise any right of audience that they had on 30 July 2000 as a result of them being a barrister;
(103)	LLP	means a limited liability partnership formed by being incorporated under the Limited Liability Partnerships Act 2000;
(104)	LSA	means the Legal Services Act 2007;
(105)	manager	<p>means:</p> <ul style="list-style-type: none"> <li>a) a partner in a partnership;</li> <li>b) a member of an LLP; or</li> <li>c) a director of a company;</li> </ul>
(106)	material interest	has the same meaning as in paragraph 3 of Schedule 13 to the LSA;
(107)	mediation	means the process whereby the parties to a dispute appoint a neutral person (mediator) to assist them in the resolution of their dispute;
(108)	Medical Panel	means a panel constituted under the Fitness to Practise Rules;
(109)	member	means a member of a limited liability partnership as determined by section 4 of the Limited Liability Partnership Act 2000;
(110)	Member State	means a state which is a member of the European Union;
(111)	minor criminal offence	<p>includes:</p> <ul style="list-style-type: none"> <li>a) an offence committed in the United Kingdom which is a fixed-penalty offence under the Road Traffic Offenders Act 1988;</li> </ul>

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		<p>b) an offence committed in the United Kingdom or abroad which is dealt with by a procedure substantially similar to that for such a fixed-penalty offence;</p> <p>c) an offence whose main ingredient is the unlawful parking of a motor vehicle.</p>
(112)	non-authorised body	any body that is not an authorised body;
(113)	non-authorised individual	means any individual who is not a BSB authorised individual or an authorised (non-BSB) individual but who is directly or indirectly employed by a Chambers, barrister only entity, legal disciplinary practice and/or a licensed body;
(114)	non-authorised person	means: <p>d) non-authorised bodies; and</p> <p>e) non-authorised individuals;</p>
(115)	non-reserved activities	means any activities other than reserved legal activities;
(116)	notarial activities	has the same meaning as set out in paragraph 7 of Schedule 2 to the LSA;
(117)	owner	means: <p>a) in relation to a BSB authorised body that is a company or an LLP (or an applicant to become such a body), any person who holds a material interest in that company or LLP;</p> <p>b) in relation to a <i>BSB authorised body</i> that is a partnership (or an applicant to become such a body), any <i>partner</i> of that partnership who holds a material interest in that partnership;</p>
(118)	Parental Leave	means leave taken by the main carer of a child preceding or following birth or adoption. This could be the mother, father or adoptive parent of either sex;
(119)	partner	means a person who is or is held out as a partner in an unincorporated firm.
(120)	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;
(121)	PCC	means the Professional Conduct Committee and its successors in title from time to time;
(122)	practising address	means an address from which the services which consist of or include the carrying on of <i>reserved legal activities</i> are being provided;
(123)	practising barrister	<i>barristers</i> who hold a <i>practising certificate</i> in accordance with Section C of Part III;
(124)	practising certificate	means a <i>full practising certificate</i> , a <i>provisional practising</i>

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		<i>certificate, a limited practising certificate, or an European lawyer's practising certificate or a temporary practising certificate issued by the Bar Council;</i>
(125)	practising certificate fee	means the amount payable for a <i>practising certificate</i> each year, such amount to be calculated by reference to the Schedule of Practising Certificate Fees issued by the Bar Council from time to time, together with the provisions of Section C of Part III;
(126)	practising certificate year	means the period from 1 April in any calendar year to 31 March in the next calendar year;
(127)	the President	means the President of the Council of the Inns of Court;
(128)	probate activities	has the same meaning as set out in paragraph 6 of Schedule 2 to the LSA;
(129)	professional client	means a solicitor or other professional person by whom a BSB authorised person may be instructed - that is to say: <ul style="list-style-type: none"> <li>a) a person authorised by the SRA to provide reserved legal activities;</li> <li>b) a person authorised to conduct litigation;</li> <li>c) a Parliamentary agent, a patent agent, a European Patent Attorney, a trade mark agent, a Notary or a European lawyer registered with the Law Society of England and Wales;</li> <li>d) a licensed conveyancer in a matter in which the licensed conveyancer is providing conveyancing services;</li> <li>e) an employed barrister or registered European lawyer;</li> <li>f) any practising barrister or registered European lawyer acting on his own behalf;</li> <li>g) a foreign lawyer;</li> <li>h) a Scottish or Northern Irish Solicitor; or</li> <li>i) 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 Standards Board (subject to such conditions as may be imposed by the Bar Council or Bar Standards Board 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;</li> </ul>
(130)	professional misconduct	means an alleged breach of this Handbook by a <i>BSB regulated person</i> which the PCC does not either dismiss or consider appropriate for disposal by way of <i>administrative sanctions</i> , pursuant to Section B of Part V;

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(131)	professional principles	means: a) that BSB regulated persons act with independence and integrity; b) that BSB regulated persons maintain proper standards of work; c) that BSB regulated persons act in the best interests of their clients; d) that BSB regulated persons comply with their duty to the court to act with independence in the interests of justice; and e) that the affairs of clients are kept confidential,
(132)	provisional practising certificate	has the meaning given to it in paragraph 17 of Section B of the Authorisation and Licensing Rules;
(133)	the public	includes but is not limited to any client of: a) a practising barrister; or; b) a BSB authorised body; or c) a Legal Advice Centre; or d) in the case of an employed barrister (non-authorised body), of the barrister's employer other than any of the persons listed in rules 34.2 to 34.6 of B7 of Part II of this Handbook; or e) in the case of a manager or employee of an authorised (non-BSB) body, of that authorised (non-BSB) body;
(134)	public access instructions	means instructions given to a barrister by or on behalf of a public access client, in accordance with the Section E2.1 of Part II;
(135)	Pupil	means an individual who is undertaking either the first non-practising six months of pupillage or the second practising six months of pupillage, or a part thereof and who is registered with the Bar Standards Board as a pupil;
(136)	Pupil supervisor	an individual, qualified barrister who has been approved as a pupil supervisor by his or her Inn of Court, and in accordance with the Bar Training Regulations;
(137)	Qualifications Committee	means the Qualifications Committee of the Bar Standards Board or its successor;
(138)	Qualification Regulations	means the rules on qualification set out at Part IV of this Handbook;
	the Quality Assurance Committee	means the Quality Assurance Committee of the Bar Standards Board or its successor
(139)	registered European lawyer	means a European lawyer registered as such by the Bar Council and by an Inn in accordance with Section D of Part II;

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(140)	Registered lawyer's certificate European practising	means, in accordance with paragraph 21 of Section C of Part III, a practising certificate which entitles a registered European lawyer to carry on the same reserved legal activities as a full practising certificate issued to a barrister, save that:  a) 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; and  b) a registered European lawyer is not authorised to prepare for remuneration any instrument creating or transferring an interest in land 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;
(141)	referral basis	means where a professional client instructs a BSB authorised individual to provide legal services on behalf of one of that professional client's own clients;
(142)	regular review	means, for the purposes of Section E of Part II, as often as is necessary in order to ensure effective monitoring and review takes place.  In respect of data on pupils it is likely to be considered reasonable that "regularly" should mean annually. In respect of managers of a BSB authorised body or tenants, it is likely to be considered reasonable that "regularly" should mean every three years unless the numbers change to such a degree as to make more frequent monitoring appropriate.
(143)	regulatory objectives	a) protecting and promoting the public interest; b) supporting the constitutional principles of the rule of law; c) improving access to justice; d) protecting and promoting the interests of consumers; e) promoting competition in the provision of the services; f) encouraging an independent, strong, diverse and effective legal profession; g) increasing public understanding of the citizen's legal rights and duties; and h) promoting and maintaining adherence to the professional principles;
(144)	relevant activity	means acting as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a BSB



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		authorised individual (as the case may be);
(145)	relevant persons	means: a) persons who were <i>BSB regulated persons</i> at the time of the conduct complained of (including, for the purposes of Part V of the Handbook only, persons who would have fallen within the definition of <i>BSB regulated persons</i> but for the fact that, at the time of the conduct complained of, they had their authorisation or licence suspended or revoked, or were subject to a sentence of suspension or disbarment, or were subject to a disqualification order (as the case may be) that has subsequently been overturned on appeal); and b) non-authorised persons who are directly or <i>indirectly employed</i> by a <i>BSB authorised person</i> or who were so employed at the time of the conduct complained of;
(146)	remedial action	any action aimed at removing or reducing the disadvantage experienced by particular relevant groups. Remedial action cannot, however, include positive discrimination in favour of members of relevant groups;
(147)	reserved instrument activities	has the same meaning as set out in paragraph 5 of Schedule 2 to the LSA;
(148)	reserved legal activity	means: a) the exercise of a right of audience; b) the conduct of litigation; c) reserved instrument activities; d) probate activities; e) notarial activities; and f) the administration of oaths;
(149)	review panel	In Section E of Part V, means a review panel constituted in accordance with paragraph 5 of that Section E to Part V, to perform the functions set out in paragraphs 19 and 20 of that Section E;
(150)	right of audience	has the same meaning as set out in paragraph 3 of Schedule 2 to the LSA;
(151)	right to conduct litigation	refer to conduct of litigation above;
(152)	Scope of Practice, Authorisation and Licensing Rules	means the rules set out at Part III of this Handbook;
(153)	selection panel	any panel formally tasked with the final decision on recruitment or selection or promotion (as the case may be) of pupils, assessed mini-pupils, tenants, clerks, or staff, or, in the context of a BSB authorised body, any panel

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		formally tasked with the final decision on recruitment or selection or promotion (as the case may be) of pupils, assessed mini-pupils, managers or employees of that BSB authorised body;
(154)	self-employed barrister	means a practising barrister who is self-employed;
(155)	solicitor	means a solicitor of the Supreme Court of England and Wales;
(156)	specified amount	means the amount payable to a pupil in their non-practising period or their practising period (as appropriate), such amount being specified by the Bar Standards Board from time to time;
(157)	the standard directions	mean the standard directions set out at Annex 7 to Section C of Part V (as such Annex may be amended or updated by the <i>Bar Standards Board</i> from time to time);
(158)	suitability criteria	means: <ul style="list-style-type: none"> <li>a) in respect of a HOLP, the criteria set out at paragraphs 24 and 25 of Section E of Part III;</li> <li>b) in respect of a HOFA, the criteria set out at paragraphs 26 and 27 of Section E of Part III;</li> <li>c) in respect of owners, the criteria set out at paragraph 28 of Section E of Part III; and</li> <li>d) in respect of managers, the criteria set out at paragraph 29 of Section E of Part III;</li> </ul>
(159)	suspended or suspension	means to suspend the practising certificate, licence or authorisation of a <i>BSB authorised person</i> , either generally or in respect of any separate authorisation that person may have to <i>conduct litigation</i> or to carry out public access work (and which includes, in the case of a barrister, the fact that he is suspended from practice and from the rights and privileges as a member of his Inn) which power when exercised on an interim basis shall be exercised in accordance with Section E of Part V.
(160)	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;
(161)	training	means, for the purposes of section E1.2 of Part II, any course of study covering all the following areas: <ul style="list-style-type: none"> <li>• Fair and effective selection &amp; avoiding unconscious methods of discrimination</li> <li>• Attraction and advertising</li> <li>• Application processes</li> <li>• Shortlisting skills</li> </ul>

		<ul style="list-style-type: none"> <li>• Interviewing skills</li> <li>• Assessment and making a selection decision</li> <li>• Monitoring and evaluation</li> </ul> <p>Training may be undertaken in any of the following ways:</p> <ul style="list-style-type: none"> <li>• Classroom sessions.</li> <li>• Online sessions</li> <li>• Private study of relevant materials such as the BSB Recruitment Toolkit for chambers. (<i>Depending on Board decision on this issue</i>).</li> <li>• Completion of CPD covering fair recruitment and selection processes;</li> </ul>
(162)	unregistered barrister	an individual who does not hold a practising certificate but who has been called to the Bar by one of the Inns and has not ceased to be a member of the Bar;
(163)	victimisation	has the same meaning as in section 27 of the Equality Act 2010.