

Effective from 23 May 2018

Reference	Previous Provision in the 3rd Edition (v3.2) of the BSB Handbook	New Provision in the 3 rd Edition (v3.3) of the BSB Handbook (New Text in Bold)
r6.3c	<p>the rest of Part 3 and Part 4 set out the requirements which must be met by a person before they may undertake a specific role within those regulated by the Bar Standards Board. If a person fails to meet those requirements, they will not be permitted to undertake that role by the Bar Standards Board. Where requirements are continuing and a BSB regulated person fails to meet such requirements which are relevant to that BSB regulated person, the Bar Standards Board may take steps in accordance with Part 3 or Part 5 to have that BSB regulated person prevented from continuing within that role.</p>	<p>the rest of Part 3 and Part 4 set out the requirements which must be met by a person before they may undertake a specific role within those regulated by the Bar Standards Board. If a person fails to meet those requirements, they will not be permitted to undertake that role by the Bar Standards Board. Where requirements are continuing and a BSB regulated person or unregistered barrister fails to meet such requirements which are relevant to that BSB regulated person or unregistered barrister, the Bar Standards Board may take steps in accordance with Part 3 or Part 5 to have that BSB regulated person or unregistered barrister prevented from continuing within that role.</p>
rE13	<p>If a complaint is made by or on behalf of a client of a BSB regulated person (excluding for the purposes of this rE13 only, unregistered barristers) against that BSB regulated person (or, in the case of a BSB entity, such a complaint is made against any individual working as an employee or manager of such BSB entity), the PCC must refer such complaint without further consideration to the Legal Ombudsman, or will signpost the complainant to the Legal Ombudsman and must in the case of a referral notify the complainant of the referral, unless it is clear on the face of the complaint that the matter falls outside the jurisdiction of the Legal Ombudsman.</p>	<p>If a complaint is made by or on behalf of a client of a BSB regulated person (excluding for the purposes of this rE13 only, unregistered barristers) against that BSB regulated person (or, in the case of a BSB entity, such a complaint is made against any individual working as an employee or manager of such BSB entity), the PCC must refer such complaint without further consideration to the Legal Ombudsman, or will signpost the complainant to the Legal Ombudsman and must in the case of a referral notify the complainant of the referral, unless it is clear on the face of the complaint that the matter falls outside the jurisdiction of the Legal Ombudsman.</p>

rE30	Where the PCC decides that the complaint does not relate to an applicable person or that it relates to a non-authorized person in circumstances where the nature of the complaint is unlikely to satisfy the disqualification condition, it must dismiss the complaint.	Where the PCC decides that the complaint does not relate to an applicable person or that it relates to a non-authorized person (other than an unregistered barrister, a manager of a BSB entity or a registered European lawyer who does not have a current practising certificate) who is an employee of a BSB authorised person in circumstances where the nature of the complaint is unlikely to satisfy the disqualification condition, it must dismiss the complaint.
rE33	If a complaint is not dismissed by the PCC after its initial consideration, it must be investigated and dealt with in the manner set out in Section 5.A3 below and the complainant and barrister must be informed, in writing, that such an investigation is to take place.	If a complaint is not dismissed by the PCC after its initial consideration, it must be investigated and dealt with in the manner set out in Section 5.A3 below and the complainant and barrister applicable person must be informed, in writing, that such an investigation is to take place.
rE39	For the avoidance of doubt, where the applicable person is a non-authorized individual the PCC may not impose an administrative sanction or make a referral to a Disciplinary Tribunal on charges of professional misconduct. The PCC may only decide to dismiss the complaint or make an application to the Disciplinary Tribunal that the non-authorized individual be subject to a disqualification order.	For the avoidance of doubt, where the applicable person is a non-authorized individual (other than an unregistered barrister, a manager of a BSB entity or a registered European lawyer who does not have a current practising certificate) who at the time of the alleged conduct was an employee of a BSB authorised person the PCC may not impose an administrative sanction or make a referral to a Disciplinary Tribunal on charges of professional misconduct. The PCC may only decide to dismiss the complaint or make an application to the Disciplinary Tribunal that such person the non-authorized individual be subject to a disqualification order.
rE41	Where the PCC is minded to refer the matter to a Disciplinary Tribunal for determination it may, in appropriate cases and with the consent of the defendant, instead direct that the complaint be	Where the PCC is minded to refer the matter to a Disciplinary Tribunal for determination it may, in appropriate cases and with the consent of the applicable person defendant , instead direct that

	subject to the determination by consent procedure (under Section 5.A5 below).	the complaint be subject to the determination by consent procedure (under Section 5.A54 below).
rE52	<p>The maximum level of a fine which can be imposed by the PCC under rE51 is:</p> <p>.1 £1,000 (one thousand pounds) where the fine is to be imposed on a BSB regulated individual; and</p> <p>.2 £1,500 (one thousand and five hundred pounds) where the fine is to be imposed on a BSB entity</p>	<p>The maximum level of a fine which can be imposed by the PCC under rE51 is:</p> <p>.1 £1,000 (one thousand pounds) where the fine is to be imposed on an applicable person who is an BSB regulated individual; and</p> <p>.2 £1,500 (one thousand and five hundred pounds) where the fine is to be imposed on an applicable person who is a BSB entity</p>
rE60.1.a	<p>The PCC:</p> <p>.1 shall direct that a five-person panel is to be constituted if the PCC considers that:</p> <p>.a the BSB authorised individual would be likely to be disbarred or suspended from practice for more than twelve months; or</p>	<p>The PCC:</p> <p>.1 shall direct that a five-person panel is to be constituted if the PCC considers that:</p> <p>.a the applicable personBSB authorised individual would be likely to be disbarred or suspended from practice for more than twelve months; or</p>
rE93.7	subject to rE94, in response to a request from the selection panel or a member of its secretariat in respect of an application by a barrister for silk; or from any body responsible for the appointment of judges in respect of an application for judicial appointment; or from some other body or the authorised individual for a certificate of good standing in respect of a barrister; or from one of	subject to rE94, in response to a request from the selection panel or a member of its secretariat in respect of an application by a barrister for silk; or from any body responsible for the appointment of judges in respect of an application for judicial appointment; or from some other body or the authorised individual for a certificate of good standing in respect of a barrister; or from one of the

	the Inns of Court in respect of an application from a barrister to become a pupil supervisor; or	Inns of Court in respect of an application from a barrister to become a pupil supervisor; or
rE207.2	in the case of a respondent who is an applicable person in respect of whom the Disciplinary Tribunal finds the disqualification condition to be established, the Disciplinary Tribunal may make a Disqualification Order if the Disciplinary Tribunal considers that the making of such a Disqualification Order is a proportionate sanction and is in the public interest (there being no other available sanction in respect of an applicable person who is a non-authorized individual directly or indirectly employed by a BSB authorized person).	in the case of a respondent who is an applicable person in respect of whom the Disciplinary Tribunal finds the disqualification condition to be established, the Disciplinary Tribunal may make a Disqualification Order if the Disciplinary Tribunal considers that the making of such a Disqualification Order is a proportionate sanction and is in the public interest (there being no other available sanction in respect of an applicable person who is a non-authorized individual (other than an unregistered barrister, manager of a BSB entity or a registered European lawyer who does not have a current practising certificate) directly or indirectly employed by a BSB authorized person).
rE236.1	In cases where one or more charges of professional misconduct have been proved, and/or a disqualification order has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules: .1 by the respondent against conviction and/or sanction;	In cases where one or more charges of professional misconduct have been proved, and/or a disqualification order has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules: .1 by the respondent against conviction finding and/or sanction;
rE242	Where the finding and/or sanction of the Disciplinary Tribunal is that the BSB authorized person should be subject to an immediate suspension and/or immediate imposition of conditions in accordance with rE226 the actions of the Bar Council/Bar Standards Board must not be deferred even if the BSB regulated person has given notice of appeal to the High Court against the finding and/or sanction of the Disciplinary Tribunal on the charges of professional misconduct.	Where the finding and/or sanction of the Disciplinary Tribunal is that the BSB regulated authorized person should be subject to an immediate suspension and/or immediate imposition of conditions in accordance with rE226 the actions of the Bar Council/Bar Standards Board must not be deferred even if the BSB regulated person has given notice of appeal to the High Court against the finding and/or sanction of the Disciplinary Tribunal on the charges of professional misconduct.

rE301	Any term defined in Definitions Section of the Handbook shall carry the same meaning in these Regulations. For the purpose of the Fitness to Practise Regulations, "Individual" means any 'BSB authorised individual '.	Any term defined in Definitions Section of the Handbook shall carry the same meaning in these Regulations. For the purpose of Section D4 of these Regulations alone the Fitness to Practise Regulations , "Individual" includes anyone who was a means any ' BSB authorised individual' at the time of any decisions taken by a Fitness to Practise Panel.
rE2.10 rE26 rE37.5 rE42 rE44 rE50 rE54 rE55 rE61 rE63 rE78 rE84 rE85 rE87 rE89 rE95 rE241	N/A	'BSB regulated person' and 'BSB regulated individual' been changed to 'applicable person'
Throughout the Handbook	N/A	'defendant' has been changed to 'respondent'
Definition of 'Disciplinary Tribunal'	means a Tribunal convened pursuant to E132 of the Disciplinary Tribunal Regulations 2017 to consider an allegation of professional misconduct against BSB regulated person or unregistered barrister (for which the sanctions may include disqualification, where Part 5 so provides) and/or to consider an application for disqualification against an applicable person	means a Tribunal convened pursuant to E132 of the Disciplinary Tribunal Regulations 2017 to consider an allegation of professional misconduct against an applicable person BSB regulated person or unregistered barrister (for which the sanctions may include disqualification, where Part 5 so provides) and/or to consider an application for disqualification against an applicable person

Definition of 'BTAS'	N/A new definition	The Bar Tribunals and Adjudication Service ('BTAS') is a body contracted by the Bar Standards Board to administer and appoint hearing panels in line with the provisions of Part 5 of the BSB Handbook.
Definition of 'respondent'	N/A new definition	Means the applicable person who is the subject of: a decision to refer a matter to a Disciplinary Tribunal or Determination by Consent procedure in part 5.A; a disciplinary charge or charges brought before a Disciplinary Tribunal and/or a disqualification application made to the Disciplinary Tribunal in part 5.B; or against whom the Bar Standards Board is considering taking interim action in accordance with section 5.C.
Definition of 'Tribunal Appointments Body'	N/A new definition	The "Tribunal Appointments Body" is a body appointed by the Council of the Inns of Court which considers the applications of those people who wish to be members of hearing panels, and certifies that those they select to the panels are fit and properly qualified to conduct the business for which they have been selected.

Effective from 1 February 2018

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC64.4	N/A – rC64.4 is a new provision	You must....

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
		.4 register within 28 days if you undertake work in the Youth Court if you did not register when applying for a practising certificate.
rC120	<p>Before accepting any public access instructions from or on behalf of a public access client, you must:</p> <ul style="list-style-type: none"> .1 be properly qualified by having been issued with a full practising certificate, by having satisfactorily completed the appropriate public access training, and by registering with the Bar Council as a public access practitioner; .2 if a you were already registered with the Bar Council to undertake public access work on October 4 2013 then you must undertake any additional training required by the Bar Standards Board within 24 months of that date or cease to undertake public access work; .3 take such steps as are reasonably necessary to ascertain whether it would be in the best interests of the client or in the interests of justice for the public access client to instruct a solicitor or other professional client; and .4 take such steps as are reasonably necessary to ensure that the client is able to make an informed decision about whether to apply for legal aid or whether to proceed with public access. 	<p>Before accepting any <i>public access instructions</i> from or on behalf of a <i>public access client</i>, you must:</p> <ul style="list-style-type: none"> .1 be properly qualified by having been issued with a full <i>practising certificate</i>, by having satisfactorily completed the appropriate public access training, and by registering with the <i>Bar Council (acting by the Bar Standards Board)</i> as a public access practitioner; .2 Removed from 1 February 2018; .3 take such steps as are reasonably necessary to ascertain whether it would be in the best interests of the <i>client</i> or in the interests of justice for <i>the</i> public access client to instruct a <i>solicitor</i> or other <i>professional client</i>; and .4 take such steps as are reasonably necessary to ensure that the <i>client</i> is able to make an informed decision about whether to apply for legal aid or whether to proceed with public access.

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC121	<p>As a <i>barrister</i> with less than three <i>years' standing</i> who has completed the necessary training, you must:</p> <ul style="list-style-type: none"> .1 Have a <i>barrister</i> who is a qualified person within Rule S22 and has registered with the <i>Bar Council</i> as a public access practitioner readily available to provide guidance to you; .2 Maintain a log of public access cases you have dealt with, including any issues or problems which have arisen; .3 Seek appropriate feedback from you public access <i>clients</i> on the service provided; .4 Make this log available, on request, to the <i>Bar Standards Board</i> for review. 	<p>As a <i>barrister</i> with less than three <i>years' standing</i> who has completed the necessary training, you must have a <i>barrister</i> who is a qualified person within Rule S22 and has registered with the <i>Bar Council</i> (acting by the <i>Bar Standards Board</i>) as a public access practitioner readily available to provide guidance to you.;</p> <ul style="list-style-type: none"> .2 Maintain a log of public access cases you have dealt with, including any issues or problems which have arisen; .3 Seek appropriate feedback from you public access <i>clients</i> on the service provided; .4 Make this log available, on request, to the <i>Bar Standards Board</i> for review.
rC122	<p>You may not accept direct <i>instructions</i> from or on behalf of a public access <i>client</i> in or in connection with any matter of proceedings in which, in all the circumstances, it would be in the best interests of the public access <i>client</i> or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i>.</p>	<p>You may not accept direct <i>instructions</i> from or on behalf of a public access <i>client</i> in or in connection with any matter of proceedings in which if, in all the circumstances, it would be in the best interests of the public access <i>client</i> or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i>.</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC123	<p>In any case where you are not prohibited from accepting <i>instructions</i>, you must at all times consider the developing circumstances of the case, and whether at any stage it is in the best interests of the public access <i>client</i> or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i>. If, after accepting direct <i>instructions</i> from a public access <i>client</i> you form the view that circumstances are such that it would be in the best interests of the public access <i>client</i>, or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i> you must:</p>	<p>In any case where you are not prohibited from accepting <i>instructions</i>, you must at all times consider the developing circumstances of the case, and whether at any stage it is in the best interests of the public access <i>client</i> or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i>. If, after accepting direct <i>instructions</i> from a public access <i>client</i> you form the view that circumstances are such that it would be in the best interests of the public access <i>client</i>, or in the interests of justice for the public access <i>client</i> to instruct a <i>solicitor</i> or other <i>professional client</i> you must:</p>
rC125.1-.4	<p>Having accepted <i>public access instructions</i>, you must forthwith notify your public access <i>client</i> in writing, and in clear and readily understandable terms, of:</p> <ul style="list-style-type: none"> .1 the work which you have agreed to perform; .2 the fact that in performing your work you will be subject to the requirements of Parts 2 and 3 of this <i>Handbook</i> and, in particular, Rules rC25 and rC26; .3 unless authorised to <i>conduct litigation</i> by the <i>Bar Standards</i> 	<p>Having accepted <i>public access instructions</i>, you must forthwith notify your public access <i>client</i> in writing, and in clear and readily understandable terms, of:</p> <ul style="list-style-type: none"> .1 the work which you have agreed to perform; .2 the fact that in performing your work you will be subject to the requirements of Parts 2 and 3 of this <i>Handbook</i> and, in particular, Rules rC25 and rC26; .3 unless authorised to <i>conduct litigation</i> by the <i>Bar Standards Board</i>,

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
	<p><i>Board</i>, the fact that you cannot be expected to perform the functions of a <i>solicitor</i> or other authorised litigator and in particular to fulfil limitation obligations, disclosure obligations and other obligations arising out of or related to the <i>conduct of litigation</i>;</p> <p>.4 the fact that you are self-employed, are not a <i>member</i> of a firm and do not take on any arranging role;</p>	<p>the fact that you cannot be expected to perform the functions of a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation and in particular to fulfil limitation obligations, disclosure obligations and other obligations arising out of or related to the <i>conduct of litigation</i>;</p> <p>.4 the fact that you are self-employed, are not a member of a firm and do not take on any arranging role; are not employed by a regulated entity and (subject to Rule S26) do not undertake the management, administration or general conduct of a client's affairs;</p>
rC130	Having accepted <i>public access instructions</i> , you may undertake correspondence where it is ancillary to permitted work, and in accordance with the guidance published by the <i>Bar Standards Board</i> .	Removed from 1 February 2018
rC131	Save where otherwise agreed: <p>.1 you shall be entitled to copy all documents received from your lay <i>client</i>, and to retain such copies permanently;</p> <p>.2 you shall return all documents received from your lay <i>client</i> on</p>	Save where otherwise agreed: <p>.1 you shall be entitled to copy all documents received from your lay <i>client</i>, and to retain such copies permanently;</p> <p>.2 you shall return all documents received from your lay <i>client</i> on</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
	<p>demand, whether or not you have been paid for any work done for the <i>lay client</i>;</p> <p>.3 you shall not be required to deliver to your <i>lay client</i> any documents drafted by yourself in advance of receiving payment from the <i>lay client</i> for all work done for that <i>client</i> and</p> <p>.4 having accepted <i>public access instructions</i> in any civil matter, you may take a proof of evidence from your <i>client</i> in that matter.</p>	<p>demand, whether or not you have been paid for any work done for the <i>lay client</i>, and</p> <p>.3 you shall not be required to deliver to your <i>lay client</i> any documents drafted by yourself in advance of receiving payment from the <i>lay client</i> for all work done for that <i>client</i> and</p> <p>.4 Removed from 1 February 2018.</p>
rC134	<p>You are only entitled to accept <i>instructions</i> from a <i>licensed access client</i> if at the time of giving <i>instructions</i> the <i>licensed access client</i>:</p> <p>.1 is identified; and</p> <p>.2 sends you a copy of the Licence issued by the <i>Bar Standards Board</i></p>	<p>You are only entitled to accept <i>instructions</i> from a <i>licensed access client</i> if at the time of giving <i>instructions</i> the <i>licensed access client</i>:</p> <p>.1 is identified; and</p> <p>.2 sends you a copy of the you ensure that the <i>licensed access client</i> holds a valid Licence issued by the <i>Bar Standards Board</i> (either by requiring the <i>licensed access client</i> to send you a copy of the Licence, or referring to the list of <i>licensed access clients</i> published on the <i>Bar Standards Board</i> website).</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC135	<p>A <i>barrister</i> must not accept any <i>instructions</i> from a <i>licensed access client</i>.</p> <p>.1 unless you and your <i>chambers</i> are able to provide the services required of you by that <i>licensed access client</i>,</p> <p>.2 if you consider it in the interests of the lay <i>client</i> or the interests of justice that a <i>solicitor</i> or other authorised litigator or some other appropriate <i>intermediary</i> (as the case may be) be instructed either together with you or in your place.</p>	<p>A <i>barrister</i> must not accept any <i>instructions</i> from a <i>licensed access client</i>.</p> <p>.1 unless you and your chambers are able to provide the services required of you by that <i>licensed access client</i>,</p> <p>.2 if you consider it in the interests of the lay <i>client</i> or the interests of justice that a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation or some other appropriate <i>intermediary</i> (as the case may be) be instructed either together with you or in your place.</p>
rC136	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i> otherwise than on the terms of the Licensed Access Terms of Work, you:</p> <p>.1 must first agree in writing the terms upon which you have agreed to do the work and the basis upon which you are to be paid;</p> <p>.2 must keep a copy of the agreement in writing with the <i>licensed access client</i> setting out the terms upon which you have agreed to do the work and the basis upon which you are to be paid.</p>	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i> otherwise than on the terms of the Licensed Access Terms of Work, you:</p> <p>.1 must first agree in writing the terms upon which you have agreed to do the work and the basis upon which you are to be paid;</p> <p>.2 must keep a copy of the agreement in writing with the <i>licensed access client</i> setting out the terms upon which you have agreed to do the work and the basis upon which you are to be</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
		<p>paid. If you agree standard terms with a <i>licensed access client</i>, you must keep a copy of the agreement in writing with the <i>licensed access client</i> setting out the terms upon which you have agreed and the basis upon which you are to be paid.</p>
rC137	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must promptly send the <i>licensed access client</i>:</p> <p>.1 a statement in writing that the <i>instructions</i> have been accepted (as the case may be)</p> <p>(1) on the standard terms previously agreed in writing with that <i>licensed access client</i> or</p> <p>(2) on the terms of the Licensed Access Terms of Work (and thereafter if requested a copy of the Licensed Access Terms of Work); or</p> <p>.2 if you have accepted <i>instructions</i> otherwise than on such standard terms or on the terms of the Licensed Access Terms of Work, a copy of the agreement in writing with the <i>licensed access client</i></p>	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must promptly send the <i>licensed access client</i>:</p> <p>.1 a statement in writing that the <i>instructions</i> have been accepted (as the case may be) (1) on the standard terms previously agreed in writing with that <i>licensed access client</i> or (2) on the terms of the Licensed Access Terms of Work (and thereafter if requested a copy of the Licensed Access Terms of Work); or</p> <p>.2 if you have accepted <i>instructions</i> otherwise than on such standard terms or on the terms of the Licensed Access Terms of Work, a copy of the agreement in writing with the <i>licensed access client</i> setting out the terms upon which you have</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
	<p>setting out the terms upon which you have agreed to do the work and the basis upon which you are to be paid;</p> <p>.3 unless you have accepted <i>instructions</i> on the terms of the Licensed Access Terms of Work or on terms which incorporate the following particulars must at the same time advise the <i>licensed access client</i> in writing of:</p> <p>.a the effect of rC21 as it relevantly applies in the circumstances;</p> <p>.b unless authorised by the <i>Bar Standards Board to conduct litigation</i>, the fact that you cannot be expected to perform the functions of a <i>solicitor</i> or other authorised litigator and in particular to fulfil limitation obligations disclosure obligations and other obligations arising out of or related to the <i>conduct of litigation</i>; and</p> <p>.c the fact that circumstances may require the <i>client</i> to</p>	<p>agreed to do the work and the basis upon which you are to be paid; and</p> <p>.3 unless you have accepted <i>instructions</i> on the terms of the Licensed Access Terms of Work or on standard terms which incorporate the following particulars must at the same time advise the <i>licensed access client</i> in writing of:</p> <p>.a the effect of rC21 as it relevantly applies in the circumstances;</p> <p>.b unless authorised by the <i>Bar Standards Board to conduct litigation</i>, the fact that you cannot be expected to perform the functions of a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation and in particular to fulfil limitation obligations disclosure obligations and other obligations arising out of or related to the <i>conduct of litigation</i>; and</p> <p>.c the fact that circumstances may require the <i>client</i> to retain a <i>solicitor</i> or other</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
	<p>retain a <i>solicitor</i> or other authorised litigator at short notice and possibly during the case.</p>	<p>authorised litigator other person who is authorised to conduct litigation at short notice and possibly during the case.</p>
rC138	<p>If at any stage you, being instructed by a <i>licensed access client</i>, consider it in the interests of the lay <i>client</i> or the interests of justice that a <i>solicitor</i> or other authorised litigator or some other appropriate <i>intermediary</i> (as the case may be) be instructed either together with you or in your place:</p> <p>.1 you must forthwith advise the <i>licensed access client</i> in writing to instruct a <i>solicitor</i> or other authorised litigator or other appropriate <i>intermediary</i> (as the case may be); and</p> <p>.2 unless a <i>solicitor</i> or other authorised litigator or other appropriate <i>intermediary</i> (as the case may be) is instructed as soon as reasonably practicable thereafter you must cease to act and must return any <i>instructions</i>.</p>	<p>If at any stage you, being instructed by a <i>licensed access client</i>, consider it in the interests of the lay <i>client</i> or the interests of justice that a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation or some other appropriate <i>intermediary</i> (as the case may be) be instructed either together with you or in your place:</p> <p>.1 you must forthwith advise the <i>licensed access client</i> in writing to instruct a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation or other appropriate <i>intermediary</i> (as the case may be); and</p> <p>.2 unless a <i>solicitor</i> or other authorised litigator other person who is authorised to conduct litigation or other appropriate <i>intermediary</i> (as the case may be) is instructed as soon as reasonably practicable thereafter you must cease to act and must return any <i>instructions</i>.</p>

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC139	<p>If at any stage you, being instructed by a <i>licensed access client</i>, consider that there are substantial grounds for believing that the <i>licensed access client</i> has in some significant respect failed to comply either with the terms of the Licence granted by the <i>Bar Standards Board</i> or (where applicable) with the terms of the Licensed Access Terms of Work you must forthwith report the facts to the <i>Bar Standards Board</i>.</p>	<p>If at any stage you, being instructed by a <i>licensed access client</i>, consider that there are substantial grounds for believing that the <i>licensed access client</i> has in some significant respect failed to comply either with the terms of the Licence granted by the <i>Bar Standards Board</i> or (where applicable) with the terms of the Licensed Access Terms of Work you must forthwith report the facts to the <i>Bar Standards Board</i>.</p>
rC140	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must keep a case record (whether on card or computer) which sets out:</p> <ul style="list-style-type: none"> .1 the date of receipt of the <i>instructions</i>, the name of the <i>licensed access client</i>, the name of the case, and any requirements of the <i>licensed access client</i> as to time limits; .2 the date on which the <i>instructions</i> were accepted; .3 the dates of subsequent <i>instructions</i>, of the despatch of advices and other written work, of conferences and of telephone conversations; .4 when agreed, the fee. 	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must keep a case record (whether on card or computer) which sets out:</p> <ul style="list-style-type: none"> .1 the date of receipt of the <i>instructions</i>, the name of the <i>licensed access client</i>, the name of the case, and any requirements of the <i>licensed access client</i> as to time limits; .2 the date on which the <i>instructions</i> were accepted; .3 the dates of subsequent <i>instructions</i>, of the despatch of advices and other written work, of conferences and of telephone conversations; and .4 when agreed, the fee.

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
rC141	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must either yourself retain or take reasonable steps to ensure that the <i>licensed access client</i> will retain for six years after the date of the last item of work done:</p> <ul style="list-style-type: none"> .1 copies of <i>instructions</i> (including supplemental <i>instructions</i>); .2 copies of all advices given and documents drafted or approved; .3 a list of all documents enclosed with any <i>instructions</i>; <p>notes of all conferences and of all advice given on the telephone.</p>	<p>Having accepted <i>instructions</i> from a <i>licensed access client</i>, you must either yourself retain or take reasonable steps to ensure that the <i>licensed access client</i> will retain for six seven years after the date of the last item of work done:</p> <ul style="list-style-type: none"> .1 copies of <i>instructions</i> (including supplemental <i>instructions</i>); .2 copies of all advices given and documents drafted or approved; .3 a list of all documents enclosed with any <i>instructions</i>; and <p>notes of all conferences and of all advice given on the telephone.</p>
rS59	<p>The Bar Council (acting by the Bar Standards Board) may refuse to issue a practising certificate or to grant a litigation extension, or may revoke a practising certificate or a litigation extension in accordance with Section 3.C5, if it is satisfied that the information submitted in support of the application for the practising certificate or litigation extension (as the case may be) is (or was when submitted) incomplete, inaccurate or incapable of verification, or that the relevant barrister or registered European lawyer:</p> <ul style="list-style-type: none"> .1 does not hold adequate insurance in accordance with Rule C76; 	<p>The Bar Council (acting by the Bar Standards Board) may refuse to issue a practising certificate or to grant a litigation extension, or may revoke a practising certificate or a litigation extension in accordance with Section 3.C5, if it is satisfied that the information submitted in support of the application for the practising certificate or litigation extension (as the case may be) is (or was when submitted) incomplete, inaccurate or incapable of verification, or that the relevant barrister or registered European lawyer:</p> <ul style="list-style-type: none"> .1 does not hold adequate insurance in accordance with Rule C76;

Reference	Previous Provision in the 3rd Edition (v3.1) of the BSB Handbook	New Provision in the 3 rd Edition (v3.2) of the BSB Handbook (New Text in Bold)
	<p>.2 has failed and continues to fail to pay the appropriate practising certificate fee or litigation extension fee when due;</p> <p>.3 would be, or is, practising in breach of the provisions of Section 3.B; or</p> <p>.4 has not complied with any of the requirements of the Continuing Professional Development Regulations applicable to them.</p>	<p>.2 has failed and continues to fail to pay the appropriate practising certificate fee or litigation extension fee when due;</p> <p>.3 would be, or is, practising in breach of the provisions of Section 3.B; or</p> <p>.4 has not complied with any of the requirements of the Continuing Professional Development Regulations applicable to them;</p> <p>.5 has not declared information on type and area of practice in a form determined by the BSB;</p> <p>.6 has not made the declarations required by the BSB in relation to Youth Court work;</p> <p>.7 has not made the declarations required by the BSB in relation to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;</p> <p>.8 has not provided the BSB with a unique email address.</p>

<u>Effective from 1 November 2017</u>		
Reference	Previous Provision in the 3rd Edition (version 3.0) of the BSB Handbook	New Provision in the 3rd Edition (version 3.1) of the BSB Handbook (main changes in bold)
r114.1	<p>Where:</p> <p>.1 a matter is being dealt with under Annexe J (The Complaints Rules 2011), Annexe K (The Disciplinary Tribunals Regulations (2009) (Reissued 1 February 2012)), Annexe M (Hearings before the Visitors Rules), Annexe N (Interim Suspension Rules) or Annexe O (Fitness to Practise Rules) as at 6 January 2014; or</p>	<p>Where:</p> <p>.1 a matter is being dealt with under The Disciplinary Tribunal Regulations 2014 as at 1 November 2017; or Annex J (The Complaints Rules 2011), Annex K (The Disciplinary Tribunals Regulations (2009) (Reissued 1 February 2012)), Annex M (Hearings before the Visitors Rules), Annex N (Interim Suspension Rules) or Annex O (Fitness to Practise Rules) as at 6 January 2014; or</p>
rC68.3	<p>You are not under a duty to report serious misconduct by others if:</p> <p>.3 the events which led to you becoming aware of that other person's serious misconduct are subject to their legal professional privilege.</p>	<p>You are not under a duty to report serious misconduct by others if:</p> <p>.3 the events information or documents which led to you becoming aware of that other person's serious misconduct are subject to their legal professional privilege.</p>

<p>rC110.3.k.i - .iii & .vi</p>	<p>You must take reasonable steps to ensure that in relation to your chambers or BSB entity:</p> <p>.3 the following requirements are complied with:</p> <p>.k <i>chambers</i> has a <i>parental leave</i> policy which, in the case of a <i>chambers</i>, must cover as a minimum:</p> <p>.i the right of a member of <i>chambers</i> to return to <i>chambers</i> after a specified period (which must be at least one year) of <i>parental</i> or adoption leave;</p> <p>.iv where any element of rent is paid on a flat rate basis, the <i>chambers</i>' policy must as a minimum provide that <i>chambers</i> will offer members taking a period of <i>parental leave</i>, or <i>leave following adoption</i>, a minimum of 6 months free of chambers' rent;</p>	<p>You must take reasonable steps to ensure that in relation to your chambers or BSB entity:</p> <p>.3 the following requirements are complied with:</p> <p>.k <i>chambers</i> has a <i>parental leave</i> policy which, in the case of a chambers, must cover as a minimum:</p> <p>.i the right of a member of <i>chambers</i> to take <i>parental leave</i>;</p> <p>.ii the right of a member of <i>chambers</i> to return to <i>chambers</i> after a specified period, or number of separate periods, (which must be at least one year) of <i>parental</i> or adoption <i>leave</i>, provided the total leave taken does not exceed a specified maximum duration (which must be at least one year);</p> <p>.iii a provision that enables <i>parental leave</i> to be taken flexibly and allows the member of <i>chambers</i> to maintain their practice while on <i>parental leave</i>, including the ability to carry out fee earning work while on <i>parental leave</i> without giving up other <i>parental leave</i> rights;</p> <p>.vi where any element of rent is paid on a flat rate basis, the <i>chambers</i>' policy must as a minimum provide that <i>chambers</i> will offer members taking a period of <i>parental leave</i>, or leave following adoption, or leave following adoption, a minimum of 6 months free of chambers' rent;</p>
-------------------------------------	---	--

gC148	N/A – new provision	<p>a) Rule rC110.3.k applies to all members of chambers, irrespective of whether their partner or spouse takes parental leave</p> <p>b) A flexible policy might include for example: keeping in touch (KIT) days; returns to practice in between periods of parental leave; or allowing a carer to practise part time.</p> <p>c) Any periods of leave/return should be arranged between chambers and members taking parental leave in a way that is mutually convenient.</p>
rC144.1.e – .f	<p>If you are an <i>unregistered barrister</i> and you supply <i>legal services</i> (other than as provided for in Rule C145) to any inexperienced <i>client</i> then, before supplying such services:</p> <p>.1 you must explain to the <i>client</i> that:</p> <p>.e they have the right to make a <i>complaint</i>, how they can complain, to whom, of any time limits for making a <i>complaint</i> but that they have no right to complain to the <i>Legal Ombudsman</i> about the services you supply;</p>	<p>If you are an <i>unregistered barrister</i> and you supply <i>legal services</i> (other than as provided for in Rule C145) to any inexperienced <i>client</i> then, before supplying such services:</p> <p>.1 you must explain to the <i>client</i> that:</p> <p>.e they have the right to make a <i>complaint</i>, how they can complain, to whom, of any time limits for making a <i>complaint</i> but that they have no right to complain to the <i>Legal Ombudsman</i> about the services you supply; and</p> <p>.f in respect of any legal advice you provide, there is a substantial risk that they will not be able to rely on legal advice privilege.</p>
rS21	<p>If you are an <i>employed barrister (non-authorised body)</i> and you are only providing <i>legal services</i>, exercising a <i>right of audience</i> or conducting litigation for those <i>persons</i> listed at Rule S39.1 to S39.6, then the place of <i>practice</i> from which you perform such duties is only required to be an</p>	<p>If you are an <i>employed barrister (non-authorised body)</i> and you are only providing legal services, exercising a <i>right of audience</i> or conducting litigation for those <i>persons</i> listed at Rule S39.1 to S39.6, then the place of <i>practice</i> from which you perform such duties is only required to be an office</p>

	office of an organisation of which an <i>employee, partner, manager</i> or <i>director</i> is a relevant qualified <i>person</i> who is readily available to provide guidance to you if you are of less than one year's standing.	of an organisation of which an <i>employee, partner, manager</i> or <i>director</i> is a relevant qualified <i>person</i> who is readily available to provide guidance to you if you are of less than one year's standing.
rE59	<p>In all other cases, in deciding whether to direct the constitution of a three-person or a five-person panel, the <i>PCC</i> shall consider the sanction which it considers is likely to be imposed on the <i>applicable person</i> if the charge or application is proved, having regard to:</p> <p>.1 any applicable sentencing policy and guidelines issued by the <i>Bar Standards Board</i> and/or the <i>Council of the Inns of Court</i> from time to time; and</p> <p>.2 the previous disciplinary record of the <i>applicable person</i>; and</p> <p>.3 any deferred sentence which would be activated if the <i>applicable person</i> were to be found guilty of the charges alleged.</p>	<p>In all other cases, in deciding whether to direct the constitution of a three-person or a five-person panel, the <i>PCC</i> shall consider the sanction which it considers is likely to be imposed on the <i>applicable person</i> if the charge or application is proved, having regard to:</p> <p>.1 any applicable sentencing policy and guidelines issued by the <i>Bar Standards Board</i> and/or the <i>Council of the Inns of Court</i> from time to time; and</p> <p>.2 the previous disciplinary record of the <i>applicable person</i>; and</p> <p>.3 any deferred sentence which would be activated if the <i>applicable person</i> were to be found guilty of the charges alleged.</p>
rE66A	N/A – new provision	Where a Disciplinary Tribunal directs that matter(s) be referred to the Professional Conduct Committee under rE209 to consider whether an administrative sanction should be imposed, the PCC shall consider the matter in accordance with rE50-55 or dismiss the complaint in accordance with rE37.1/37.2.
rE69.2.e	<p>The <i>PCC</i> may make the <i>complaint</i> subject to the <i>determination by consent procedure</i> only if:</p> <p>.2 the <i>PCC</i> considers that:</p>	<p>The <i>PCC</i> may make the <i>complaint</i> subject to the <i>determination by consent procedure</i> only if:</p> <p>.2 the <i>PCC</i> considers that:</p>

	<p>.e the potential <i>professional misconduct or disqualification condition</i>, if proved, combined with:</p> <p>.i the <i>applicable person's</i> previous disciplinary history; and</p> <p>.ii any deferred sentences which would be activated if the breach or breaches were proved, do not appear to be such as to warrant a period of <i>suspension or disbarment</i>, the withdrawal of an <i>authorisation or licence</i> (as appropriate) or the imposition of a <i>disqualification order</i> (or equivalent by another <i>Approved Regulator</i>).</p>	<p>.e the potential <i>professional misconduct or disqualification condition</i>, if proved, combined with the <i>applicable person's previous</i> disciplinary history; and .ii any deferred sentences which would be activated if the breach or breaches were proved, do not appear to be such as to warrant a period of <i>suspension or disbarment</i>, the withdrawal of an <i>authorisation or licence</i> (as appropriate) or the imposition of a <i>disqualification order</i> (or equivalent by another <i>Approved Regulator</i>).</p>
rE79	Where a sanction imposed by the <i>PCC</i> includes a fine, that element of the sentence may be directed by the <i>PCC</i> to have deferred effect. A sentence may be deferred for a period which is no less than six months and no more than two years long (the " <i>period of deferral</i> ").	Removed from 1 November 2017
Part 5B The Disciplinary Tribunals Regulations	The Disciplinary Tribunal Regulations 2014 have been substantially revised and updated. Details of all the changes, and the new Disciplinary Tribunal Regulations 2017, are set out in our rule change application to the LSB, which is published on the LSB website: www.legalservicesboard.org.uk	
Part 5C The Hearings before <i>the Visitors</i> Rules	The Hearings before <i>the Visitors</i> Rules have been deleted.	Removed from 1 November 2017
Definition of <i>answer</i>	in Part 5, means any document served in accordance with Regulation E240	Removed from 1 November 2017
Definition of <i>BSB Representative</i>	means a <i>person</i> or <i>persons</i> appointed by the <i>Bar Standards Board</i> in accordance with Regulation	Removed from 1 November 2017

	E103 following a referral of a matter by the <i>PCC</i> to a <i>Disciplinary Tribunal</i>	
Definition of <i>defendant</i>	in Section 5.B means the <i>applicable person</i> who is the subject of the disciplinary charge or charges brought before a <i>Disciplinary Tribunal</i> and/or of a disqualification application made to the <i>Disciplinary Tribunal</i> under the <i>Complaints Regulations</i> and in Section 5.D means the <i>applicable person</i> against whom the <i>Bar Standards Board</i> is considering taking interim action in accordance with Section 5.D	Removed from 1 November 2017
Definition of <i>Hearings before the Visitors</i>	means an appeal hearing constituted under Section 3.V	Removed from 1 November 2017
Definition of <i>Judge</i>	N/A – new provision	<p>for the purposes of rE140 and rE141, a Judge includes:</p> <p>a) a puisne judge of the High Court;</p> <p>b) a judge of the Court of Appeal;</p> <p>c) a Circuit judge;</p> <p>d) a Recorder who has been authorised to sit as a judge of the High Court under section 9(1) of the Supreme Court Act 1981;</p> <p>e) a deputy judge of the High Court appointed under section 9(4) of the Supreme Court Act 1981; and</p> <p>f) a person who has been a judge of the Court of Appeal, or a puisne judge of the High Court, or a Circuit Judge, provided that they remain permitted by virtue of section 9 of the Supreme Court Act 1981 to be requested to act as a judge</p>

		of the High Court, or is eligible for appointment as a deputy Circuit judge under section 24 of the Courts Act 1971.
Definition of <i>lay representative</i>	means a <i>lay person</i> appointed by the Lord Chief Justice to serve on <i>Hearings before the Visitors</i> .	Removed from 1 November 2017
Definition of <i>parental leave</i>	means leave taken by the main carer of a child preceding or following birth or adoption. This could be a mother, father, or adoptive parent of either sex	means leave from practice taken by a the main carer of a child preceding or following birth or adoption. This could be a mother, father, or adoptive parent of either sex, and includes the married, civil, or de facto partner of a biological or adoptive parent.
Definition of <i>period of deferral</i>	has the meaning set out in Regulation E79	A sentence imposed prior to 1 November 2017 that was deferred for a period no less than six months and no more than two years long. has the meaning set out in Regulation E79
Definition of <i>petition</i>	in Part 5 means the petition of appeal served pursuant to Rule E236.1	Removed from 1 November 2017
Definition of <i>respondent</i>	in Part 5 means the <i>person</i> with an interest in upholding a <i>relevant decision</i> , being: (a) in the case of an appeal by the <i>BSB</i> against a decision of a <i>Disciplinary Tribunal</i> , the defendant; (b) in all other cases, the <i>BSB</i> ;	Removed from 1 November 2017
Definition of <i>suspended or suspension</i>	means to suspend the <i>practising certificate</i> , licence or authorisation of a <i>BSB authorised person</i> , either generally or in respect of any separate authorisation that <i>person</i> may have to <i>conduct litigation</i> or to carry out public access work (and which includes, in the case of a <i>barrister</i> suspended by order of a <i>Disciplinary Tribunal</i> , the fact that they are suspended from <i>practice</i> and from the rights and privileges as a member of their <i>Inn</i>) which power when exercised on an interim basis, shall be exercised in accordance with Section 5.D and when exercised	means to suspend the <i>practising certificate</i> , licence or authorisation of a <i>BSB authorised person</i> , either generally or in respect of any separate authorisation that <i>person</i> may have to <i>conduct litigation</i> or to carry out public access work (and which includes, in the case of a <i>barrister</i> suspended by order of a <i>Disciplinary Tribunal</i>, the fact that they are suspended from <i>practice</i> and from the rights and privileges as a member of their <i>Inn</i>) which power when exercised on an interim basis, shall be exercised in accordance with Section 5.D and when exercised in fitness to practise proceedings shall be exercised in accordance with Section 5.E.

	in fitness to practise proceedings shall be exercised in accordance with Section 5.E.	
Definition of <i>the Visitors</i>	means, in respect of appeals made before 7 January 2014, the panel nominated to hear an appeal pursuant to Rule E244.1 or, in the case of an appeal within Rule E244.3 to E244.5 the single judge nominated to hear the appeal	Removed from 1 November 2017

Effective from 3 April 2017

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
Definition of 'applicable person'	N/A – new provision	Means <i>persons who were unregistered barristers or BSB regulated persons</i> at the time of the conduct complained of (including, for the purposes of Part 5 of the Handbook only, <i>persons</i> 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 <i>suspended</i> or revoked, or were subject to a sentence of <i>suspension</i> or disbarment, or were subject to a disqualification order (as the case may be) that has subsequently been overturned on appeal).
Definition of 'applicant body'	in Part 3, means a <i>BSB legal services body</i> which makes an application to the <i>Bar Standards Board</i> for authorisation in accordance with the <i>Scope of Practice, Authorisation and Licensing Rules</i> in Part 3;	in Part 3, means a licensable body , or a <i>BSB authorised body</i> which makes an application to the <i>Bar Standards Board</i> for authorisation in accordance with the <i>Scope of Practice, Authorisation and Licensing Rules</i> in Part 3;
Definition of 'associates'	N/A – new provision	has the meaning given in paragraph 5 to Schedule 13 of the LSA namely: (i)"associate", in relation to a person ("A") and: (a) a shareholding in a body ("S"); or (b) an entitlement to exercise or control the exercise of voting power in a body ("V");

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>means a person listed in sub-paragraph (ii).</p> <p>(ii)The persons are:</p> <p>(a)the spouse or civil partner of A;</p> <p>(b)a child or stepchild of A (if under 18);</p> <p>(c)the trustee of any settlement under which A has a life interest in possession (in Scotland a life interest);</p> <p>(d)an undertaking of which A is a director;</p> <p>(e)an employee of A;</p> <p>(f)a partner of A (except, where S or V is a partnership in which A is a partner, another partner in S or V);</p> <p>(g) if A is an undertaking:</p> <p>(I) a director of A;</p> <p>(II) a subsidiary undertaking of A; or</p> <p>(III) a director or employee of such a subsidiary undertaking;</p> <p>(h) if A has with any other person an agreement or arrangement with respect to the acquisition, holding or disposal of shares or</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>other interests in S or V (whether or not they are interests within the meaning of section 72(3) of the LSA), that other person; or</p> <p>(i) if A has with any other person an agreement or arrangement under which they undertake to act together in exercising their voting power in relation to S or V, that person.</p>
Definition of 'authorised body'	means BSB authorised bodies and authorised (non-BSB) bodies	Removed from 3 April 2017.
Definition of 'BSB authorised body'	<p>means a body authorised by the Bar Standards Board in accordance with Section E.3</p> <p>"BSB authorised bodies" shall be construed accordingly.</p>	means a body (corporate or unincorporated) which is authorised by the BSB to carry on reserved legal activities and is not a licensable body
Definition of 'BSB entity'	N/A – new provision	means BSB authorised body and BSB licensed body
Definition of 'BSB legal services Body'	<p>means a body authorised by the Bar Standards Board in accordance with Section 3.E</p> <p>"BSB legal services bodies" shall be construed accordingly</p>	Removed from 3 April 2017.
Definition of 'BSB licensed body'	N/A – new provision	means a licensed body that has been licensed by the BSB
Definition of '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	means a manager of a BSB entity

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
<p>Definition of</p> <p>'BSB regulated persons'</p> <p>(Changed to avoid confusion with definition under the Legal Services Act 2007)</p>	<p>means, as stated by Rule 17:</p> <p>a) barristers (including, for the avoidance of doubt, unregistered barristers);</p> <p>b) registered European lawyers;</p> <p>c) BSB authorised bodies;</p> <p>d) authorised (non-BSB) individuals; and</p> <p>e) BSB regulated managers</p> <p>and any of the above whose authorisation is currently suspended</p> <p>NB: This definition is not the same as the equivalent term in the Legal Services Act 2007</p>	<p>Includes to the extent described in the application sections of the Handbook:</p> <p>a) Practising barristers</p> <p>b) registered European lawyers;</p> <p>c) BSB entities; and</p> <p>d) Any employees or managers of the above</p>
<p>Definition of</p> <p>'Disciplinary Tribunal'</p>	<p>means a Tribunal convened pursuant to E130 of the Disciplinary Tribunal Regulations 2014 to consider an allegation of professional misconduct against a BSB regulated person (for which the sanctions may include disqualification, where Part 5 so provides) and/or to consider an application for disqualification against a relevant person</p>	<p>means a Tribunal convened pursuant to E130 of the Disciplinary Tribunal Regulations 2014 to consider an allegation of professional misconduct against a BSB regulated person or unregistered barrister (for which the sanctions may include disqualification, where Part 5 so provides) and/or to consider an application for disqualification against an applicable person</p>
<p>Definition of</p> <p>'disqualification condition'</p>	<p>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 relevant person has (intentionally or through neglect):</p>	<p>means that an applicable person (intentionally or through neglect):</p> <p>a) breached a relevant duty to which the person is subject</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>a) (if a BSB regulated person) breached a relevant duty to which the BSB regulated person is subject under this handbook or under applicable rules of another approved regulator; or</p> <p>b) (if either a BSB regulated person or a non-authorised individual employed by a BSB authorised person) caused, or substantially contributed to, a BSB regulated person breaching a relevant duty to which the BSB regulated person is subject under this handbook or under applicable rules of another approved regulator; and</p> <p>c) in either case, that it is undesirable that the relevant person should engage in the relevant activity in respect of which the disqualification order is made</p> <p>NB: this definition is not the same as the equivalent term in the Legal Services Act 2007</p>	<p>b) caused, or substantially contributed to, a BSB regulated person breaching a duty under this Handbook; and</p> <p>c) in either case, that the BSB is of the view that it is undesirable that the applicable person should engage in one or more of the relevant activities.</p>
<p>Definition of 'disqualification order'</p>	<p>means an order:</p> <p>a) made by a Disciplinary Tribunal in disposing of a disciplinary charge or disqualification application referred to it by the PCC; and</p> <p>b) made on the basis that the disqualification condition is satisfied in respect of the relevant person who is the subject of the disqualification order; and</p>	<p>means an order:</p> <p>a) made by a Disciplinary Tribunal in disposing of a disciplinary charge or disqualification application referred to it by the PCC; and</p> <p>b) made on the basis that the disqualification condition is satisfied in respect of the applicable person who is the subject of the disqualification order; and</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	c) either indefinitely or for a stated period, disqualifying a relevant person from one or more relevant activities and prohibiting any BSB authorised person from appointing them or directly or indirectly employing them in respect of such relevant activities, namely acting as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a BSB authorised individual (as the case may be)	c) either indefinitely or for a stated period, disqualifying an applicable person from one or more relevant activities and prohibiting any BSB authorised person from appointing them or directly or indirectly employing them in respect of such relevant activities, namely acting as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a BSB authorised individual (as the case may be);
Definition of 'employees'	means authorised and non-authorised individuals who are directly and indirectly employed by the BSB authorised persons	Removed from 3 April 2017.
Definition of 'employment'	means direct or indirect employment	Removed from 3 April 2017.
Definition of "European Qualifications Regulations"	(91) European Qualifications Regulations means the European Communities (Recognition of Professional Qualifications) Regulations 2007	(91) European Qualifications Regulations means the European Union (Recognition of Professional Qualifications) Regulations 2015
Definition of 'HOFA'	means an individual who has been designated as a Head of Finance and Administration by a BSB Authorised Body (as required by section E1 of Part 3 of the Handbook) and approved by the BSB in accordance with section E of Part 3; NB: This definition is not the same as the equivalent term in the Legal Services Act 2007	In relation to a BSB authorised body: has the meaning set out in the Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2016 In relation to a BSB licensed body: means an individual who meets the requirements set out in paragraph 13 of Schedule 11 to the LSA and has been approved as a Head of Finance and Administration by the BSB in accordance with section E of Part 3;

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
Definition of 'HOLP'	means an individual who has been designated as a Head of Legal Practice by a BSB Authorised Body (as required by section E1 of Part 3 of the Handbook) and approved by the BSB in accordance with section E of Part 3; NB: This definition is not the same as the equivalent term in the Legal Services Act 2007.	<p>In relation to a BSB authorised body: has the meaning set out in the Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2016</p> <p>In relation to a BSB licensed body: means an individual who meets the requirements set out in paragraph 11 of Schedule 11 to the LSA and has been approved as a Head of Legal Practice by the BSB in accordance with section E of Part 3;</p> <p>NB: This definition is not the same as the equivalent term in the Legal Services Act 2007.</p>
Definition of 'indirectly employed'	means employment by a non-authorised person that in turn is owned or controlled by one or more BSB authorised persons and indirect employment shall be construed accordingly	Removed from 3 April 2017.
Definition of 'licensable body'	N/A – new provision	<p>Has the same meaning as set out in s. 72 LSA namely:</p> <p>(1) A body (“B”) is a licensable body if a non-authorised person–</p> <p>(a) is a manager of B, or</p> <p>(b) has an interest in B.</p> <p>(2) A body (“B”) is also a licensable body if–</p> <p>(a) another body (“A”) is a manager of B, or has an interest in B, and</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>(b) non-authorised persons are entitled to exercise, or control the exercise of, at least 10% of the voting rights in A.</p> <p>(3) For the purposes of this Act, a person has an interest in a body if–</p> <p>(a) the person holds shares in the body, or</p> <p>(b) the person is entitled to exercise, or control the exercise of, voting rights in the body.</p> <p>(4) A body may be licensable by virtue of both subsection (1) and subsection (2).</p> <p>(5) For the purposes of this Act, a non-authorised person has an indirect interest in a licensable body if the body is licensable by virtue of subsection (2) and the non-authorised person is entitled to exercise, or control the exercise of, voting rights in A.</p> <p>(6) “shares” means–</p> <p>(a) in relation to a body with a share capital, allotted shares (within the meaning of the Companies Acts);</p> <p>(b) in relation to a body with capital but no share capital, rights to share in the capital of the body;</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>(c) in relation to a body without capital, interests–</p> <p>(i) conferring any right to share in the profits, or liability to contribute to the losses, of the body, or</p> <p>(ii) giving rise to an obligation to contribute to the debts or expenses of the body in the event of a winding up;</p> <p>and references to the holding of shares, or to a shareholding, are to be construed accordingly.</p>
Definition of 'licensed body'	a licensable body which has been granted a licence by a licensing authority to undertake reserved legal activities	a licensable body which has been granted a licence by the Bar Standards Board or other licensing authority to undertake reserved legal activities
Definition of 'non-authorized 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, BSB legal services body and/or a licensed body, or a BSB authorised person	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, BSB legal services body and/or a licensed body, or a BSB authorised person
Definition of 'Qualifications Committee'	Qualifications Committee means the Qualifications Committee of the Bar Standards Board or its successor	Removed from 3 April 2017.
Definition of 'Qualified European Lawyer'	<p>qualified European lawyer means a person who is a national of a Relevant State and who either:</p> <p>(a) holds a diploma required in a Relevant State for the practice of a legal profession regulated by that State which diploma satisfies the</p>	<p>qualified European lawyer means a person who is a national of a Relevant State and who either:</p> <p>(a) holds a diploma required in a Relevant State for the practice of a legal profession regulated by that State which diploma satisfies the requirements of</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>requirements of Regulation 22(1)(a) of the European Qualification Regulations; or</p> <p>(b) satisfies the requirements of Regulation 22(1)(b) of the European Qualification Regulations</p>	<p>Regulation 29(1)(a) of the European Qualification Regulations; or</p> <p>(b) satisfies the requirements of Regulation 29(1)(b) of the European Qualification Regulations</p>
Definition of 'regulated entity'	N/A – new provision	Means BSB entity or authorised (non-BSB) body
Definition of 'relevant activity'	means acting as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a BSB authorised individual (as the case may be)	<p>Means:</p> <p>a. those activities set out in paragraph 7(2) of the Legal Services Act (General Council of the Bar) (Modification of Functions) Order 2016; or</p> <p>b. in relation to a BSB licensed body, those set out in section 99(2) of the LSA.</p>
Definition of 'relevant persons'	<p>means:</p> <p>a) persons who were BSB regulated persons at the time of the conduct complained of (including, for the purposes of Part 5 of the Handbook only, persons who would have fallen within the definition of BSB regulated persons 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);</p> <p>and</p>	Removed from 3 April 2017.

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	b) non-authorised persons who are directly or indirectly employed by a BSB authorised person or who were so employed at the time of the conduct complained of	
Throughout	BSB authorised body	Changes have been made consequential to the permission of Alternative Business Structures (ABSs). This includes changing instances of 'BSB authorised body' to 'BSB entity ' and mentions of authorisations to include references to licences .
Throughout (except Disciplinary Tribunal Regulations)	N/A	Gender-specific uses of the words 'he/him/his/himself' have been substituted with gender-neutral words, such as "you", "the" or 'they/them/their/themselves'
16.1	Core Duties - these underpin the entire regulatory framework and set the mandatory standards that all BSB regulated persons are required to meet. They also define the core elements of professional conduct. Disciplinary proceedings may be taken against a BSB regulated person if the Bar Standards Board believes there has been a breach by that person of the Core Duties set out in this Handbook and that such action would be in accordance with the Enforcement Policy.	Core Duties - these underpin the entire regulatory framework and set the mandatory standards that all BSB regulated persons or unregistered barristers are required to meet. They also define the core elements of professional conduct. Disciplinary proceedings may be taken against a BSB regulated person or unregistered barrister if the Bar Standards Board believes there has been a breach by that person of the Core Duties set out in this Handbook and that such action would be in accordance with the Enforcement Policy.
16.2	They are not themselves mandatory rules, but they are factors which BSB regulated persons barristers should have in mind.	They are not themselves mandatory rules, but they are factors which BSB regulated persons or unregistered barristers should have in mind.
16.3.a	the Conduct Rules supplement the Core Duties and are mandatory. Disciplinary proceedings may be taken against a BSB regulated person if the Bar Standards Board believes there has been a breach by that person of the Conduct Rules set out in Part 2 of this Handbook and that it would be	the Conduct Rules supplement the Core Duties and are mandatory. Disciplinary proceedings may be taken against a BSB regulated person or unregistered barrister if the Bar Standards Board believes there has been a breach by that person of the Conduct Rules set out as applying to them in

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	in accordance with the Enforcement policy to take such action.	Part 2 of this Handbook and that it would be in accordance with the Enforcement policy to take such action.
16.3.b	the Rules contained within “Scope of Practice Rules” set out the requirements for authorisation and the scope of practice for different kinds of BSB authorised person.	the Rules contained within “Scope of Practice Rules” set out the requirements for authorisation and the scope of practice for different kinds of BSB authorised person and include some rules relevant to unregistered barristers.
16.4.a.iii	to explain how the Rule applies to a particular type of BSB regulated person and how that particular BSB regulated person could comply with that Rule.	to explain how the Rule applies to a particular type of BSB regulated person or unregistered barrister and how that particular BSB regulated person could comply with that Rule.
16.4.b	The Guidance set out in this Handbook is not the only guidance which is relevant to BSB regulated persons.	The Guidance set out in this Handbook is not the only guidance which is relevant to BSB regulated persons and unregistered barristers.
16.4.c	In carrying out their obligations or meeting the requirements of this Handbook, BSB regulated persons must have regard to any relevant guidance issued by the Bar Standards Board which will be taken into account by the Bar Standards Board if there is an alleged breach of or otherwise non-compliance with of the obligations imposed on a BSB regulated person under this Handbook. Failure to comply with the guidance will not of itself be proof of such breach or non-compliance but the BSB regulated person will need to be able to show how the obligation has been met notwithstanding the departure from the relevant guidance.	In carrying out their obligations or meeting the requirements of this Handbook, BSB regulated persons and unregistered barristers must have regard to any relevant guidance issued by the Bar Standards Board which will be taken into account by the Bar Standards Board if there is an alleged breach of or otherwise non-compliance with of the obligations imposed on a BSB regulated person or unregistered barrister under this Handbook. Failure to comply with the guidance will not of itself be proof of such breach or non-compliance but the BSB regulated person or unregistered barrister will need to be able to show how the obligation has been met notwithstanding the departure from the relevant guidance.
r15	Subject to r12, the Bar Standards Board shall have the power to waive or modify:	Subject to r12, the Bar Standards Board shall have the power to waive or modify:

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	.1 the duty imposed on a BSB regulated person to comply with the provisions of this Handbook	.1 the duty imposed on a BSB regulated person or unregistered barrister to comply with the provisions of this Handbook
r17	<p>Subject to paragraphs r18 to r111 below, this Handbook applies to the following categories of person:</p> <p>.3 entities which have been authorised by the Bar Standards Board in accordance with Section 3.E of this Handbook, which means BSB authorised bodies (“BSB authorised bodies”);</p> <p>.4 individuals who are authorised to provide reserved legal activities by another Approved Regulator where such individuals are directly or indirectly employed by a BSB authorised person (“authorised (non-BSB) individuals”);</p> <p>.5 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 (“BSB regulated managers”) and, to the extent that this Handbook is expressed to apply to them in their capacity as such, owners of a BSB authorised body (“BSB regulated owners”);</p> <p>.6 solely as regards provisions in this Handbook relating to disqualification from performing a</p>	<p>Subject to paragraphs r18 to r111 below, this Handbook applies to the following categories of person:</p> <p>.3 bodies which have been authorised or licensed by the Bar Standards Board in accordance with Section 3.E of this Handbook which means BSB authorised bodies (“BSB authorised bodies”);</p> <p>.4 individuals who are authorised to provide reserved legal activities by another Approved Regulator where such individuals are directly or indirectly employed by a BSB authorised person (“authorised (non-BSB) individuals”);</p> <p>.5 all managers of BSB entities 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 (“BSB regulated managers”) and,</p> <p>.6 to the extent that this Handbook is expressed to apply to them in their capacity as such, owners of a BSB authorised body (“BSB regulated owners”); BSB entity;</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>relevant activity or relevant activities and not otherwise, any non-authorised individuals who are directly or indirectly employed by a BSB authorised person; and</p> <p>.7 solely as regards Section 4.B of the Handbook, students and approved training organisations.</p> <p>.8 and persons within paragraphs r17.1 to r17.5, when taken together, are referred to as “BSB regulated persons” throughout this Handbook, while persons in those categories when taken together with persons referred to in paragraph r17.6 are referred to as “relevant persons”. For the avoidance of doubt, students, and approved training organisations are neither BSB regulated persons nor relevant persons. “BSB regulated persons” includes those who are subject to suspension.</p>	<p>.7 solely as regards provisions in this Handbook relating to disqualification from performing a relevant activity or relevant activities and not otherwise, any non-authorised individuals who are directly or indirectly employed by a BSB authorised person; and</p> <p>.8 solely as regards Section 4.B of the Handbook, students and approved training organisations.</p> <p>.9 and persons within paragraphs r17.1 to r17.57, when taken together (with the exception of pupils undertaking the first six months of pupillage, unregistered barristers and owners), are referred to as "BSB regulated persons" throughout this Handbook. For the purposes of Part 5 of the Handbook these persons (and those who are no longer BSB regulated persons or unregistered barristers but who were at the time when any conduct was complained of) are referred to as “applicable persons”. For the avoidance of doubt, the Handbook continues to apply to those who are subject to suspension.</p>
r112	This second edition of the Handbook came into force on 30 April 2015 and replaced the first	This third edition of the Handbook came into force on 03 April 2017 and replaced the second edition

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	edition of the Handbook (which came into effect from 6 January 2014).	of the Handbook (which came into effect from 30 April 2015).
rC1	<p>.1 Section 2.B (Core Duties): applies to all BSB regulated persons except where stated otherwise, and references to "you" and "your" in Section 2.B shall be construed accordingly.</p> <p>.2 Section 2.C (Conduct Rules):</p> <p>.a Applies to all BSB regulated persons apart from unregistered barristers except where stated otherwise.</p> <p>.b Rules rC3.5, rC4, rC8, rC16, rC19 and rC64 to rC70 (and associated guidance to those rules) and the guidance on Core Duties also apply to unregistered barristers.</p>	<p>.1 Section 2.B (Core Duties): applies to all BSB regulated persons and unregistered barristers except where stated otherwise, and references to "you" and "your" in Section 2.B shall be construed accordingly.</p> <p>.2 Section 2.C (Conduct Rules):</p> <p>.a Applies to all BSB regulated persons apart from unregistered barristers except where stated otherwise.</p> <p>.b Rules rC3.5, rC4, rC8, rC16, rC19 and rC64 to rC70 (and associated guidance to those rules) and the guidance on Core Duties also apply to unregistered barristers. If an unregistered barrister practises as a barrister as set out in rS9 then those rules which apply to practising barristers shall also apply.</p>
rC6	Your duty not to mislead the court or to permit the court to be misled will include the following obligations	Your duty not to mislead the court or to permit the court to be misled will include the following obligations
gC4	Knowingly misleading the court includes inadvertently misleading the court if you later realise that you have misled the court, and you fail to correct the position. Recklessness means being indifferent to the truth, or not caring whether something is true or false. The duty continues to apply for the duration of the case.	<p>As to your duty not to mislead the court:</p> <p>.1 knowingly misleading the court includes being complicit in another person misleading the court;</p> <p>.2 knowingly misleading the court also includes inadvertently misleading the court if you later realise</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>that you have misled the court, and you fail to correct the position;</p> <p>.3 recklessly means being indifferent to the truth, or not caring whether something is true or false; and</p> <p>.4 the duty continues to apply for the duration of the case.</p>
gC5	Your duty under Rule rC3.3	Your duty under Rule rC3.4
gC8	As set out in Rule rC4, your duty to the court does not permit or require you to disclose confidential information which you have obtained in the course of your instructions and which your client has not authorised you to disclose to the court. However, Rule rC6 requires you not knowingly to mislead the court or to permit the court to be misled. There may be situations where you have obligations under both these rules.	As set out in Rule rC5 , your duty to the court does not permit or require you to disclose confidential information which you have obtained in the course of your instructions and which your client has not authorised you to disclose to the court. However, Rule rC6 requires you not knowingly to mislead the court or to permit the court to be misled . There may be situations where you have obligations under both these rules.
gC9	Rule rC3.5 makes it clear that your duty to act in the best interests of your client is subject to your duty to the court.	Rule rC4 makes it clear that your duty to act in the best interests of your client is subject to your duty to the court.
gC10	However, you would be misleading the court and would therefore be in breach of Rules rC3 and rC6 if you were to set up a positive case inconsistent with the confession	However, you would be misleading the court and would therefore be in breach of Rules rC5 and rC6 if you were to set up a positive case inconsistent with the confession
rC21	<p>You must not accept instructions to act in a particular matter if:</p> <p>.2 there is a conflict of interest between your own personal interests and the interests of the</p>	<p>You must not accept instructions to act in a particular matter if:</p> <p>.2 there is a conflict of interest, or a real risk of a conflict of interest, between your own personal</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>prospective client in respect of the particular matter; or</p> <p>.3 there is a conflict of interest between the prospective client and one or more of your former or existing clients in respect of the particular matter unless all of the clients who have an interest in the particular matter give their informed consent to your acting in such circumstances; or</p>	<p>interests and the interests of the prospective client in respect of the particular matter; or</p> <p>.3 there is a conflict of interest, or a real risk of a conflict of interest, between the prospective client and one or more of your former or existing clients in respect of the particular matter unless all of the clients who have an interest in the particular matter give their informed consent to your acting in such circumstances; or</p>
rC65.2	you are convicted of, or accept a caution, for any criminal offence, in any jurisdiction, other than a minor criminal offence	subject to the Rehabilitation of Offenders Act 1974 (as amended) , you are convicted of, or accept a caution, for any criminal offence, in any jurisdiction, other than a minor criminal offence
gC96	<p>.8 failure by a barrister to report promptly to the Bar Standards Board pursuant to rC66 above</p> <p>.9 a breach by a barrister of rC70 below</p>	<p>.8 failure by a barrister to report promptly to the Bar Standards Board pursuant to rC65.1-rC65.5 above or if;</p> <ul style="list-style-type: none"> • director’s disqualification proceedings are initiated against you; • a director’s disqualification order is made against you; • winding up proceedings are initiated in respect of or against you; • you have had an administrator, administrative receiver, receiver or liquidator appointed in respect of you;

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>• administration proceedings are initiated in respect of or against you.</p> <p>.9 a breach by a barrister of rC67 above; for example, reporting, or threatening to report, another person as a litigation tactic or otherwise abusively; or merely to please a client or any other person or otherwise for an improper motive;</p>
Above gC113	Guidance on Rules rC75 to rC77	Guidance on Rules rC76 to rC78
gC114	Any notice issued under Rule rC75	Any notice issued under Rule rC76
gC138	N/A – new provision	<p>Section 90 of the LSA places obligations on non-authorised individuals who are employees and managers of licensed bodies, as well as on non-authorised individuals who hold an ownership interest in such a licensed body (whether by means of a shareholding or voting powers in respect of the same) to do nothing which causes, or substantially contributes to a breach by the licensed body or by its employees or managers, of this Handbook. Rule rC91 extends this obligation to BSB entities other than licensed bodies</p>
rC96.3	N/A – new provision	<p>take all reasonable steps to ensure that non-authorised individuals subject to the duty imposed by section 90 of the LSA comply with that duty</p>
rC117	<p>The requirements set out in Rules C113 to C116 above:</p> <p>.5 may be waived in part or in whole by the Pupillage Funding Committee of the BSB.</p>	<p>The requirements set out in Rules C113 to C116 above:</p> <p>.5 may be waived in part or in whole by the Pupillage Funding Committee of the BSB.</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
rC126	Save in exceptional circumstances, a barrister will have complied with Rule rC124 above if he has written promptly to the public access client in the terms of the model letter provided on the Bar Standards Board website.	Save in exceptional circumstances, a barrister will have complied with Rule rC125 above if he has written promptly to the public access client in the terms of the model letter provided on the Bar Standards Board website.
rS1	Section 3.B applies to all <i>BSB regulated persons</i> and “You” and “Your” should be construed accordingly. It provides that you must not carry on any reserved legal activity or practise as a barrister unless you are authorised to do so, and explains the different capacities within which you may work if you are so authorised and any limitations on the scope of your <i>practice</i> . It also explains the further requirements which you must follow if you intend to work in more than one capacity.	Section 3.B applies to all <i>BSB regulated persons</i> and unregistered barristers and “You” and “Your” should be construed accordingly. It provides that you must not carry on any <i>reserved legal activity</i> or practise as a <i>barrister</i> unless you are authorised to do so, and explains the different capacities within which you may work if you are so authorised and any limitations on the scope of your <i>practice</i> . It also explains the further requirements which you must follow if you intend to work in more than one capacity.
rS75	<p>If you contend that the Bar Council (acting by the Bar Standards Board) has:</p> <p>.1 wrongly failed or refused to issue or amend a practising certificate; or</p> <p>.2 wrongly amended or revoked a practising certificate; or</p> <p>.3 wrongly failed or refused to issue a litigation extension; or</p> <p>.4 wrongly revoked a litigation extension,</p>	<p>If you contend that the Bar Council (acting by the Bar Standards Board) has:</p> <p>.1 wrongly failed or refused to issue or amend a practising certificate; or</p> <p>.2 wrongly amended or revoked a practising certificate; or</p> <p>.3 wrongly failed or refused to issue a litigation extension; or</p> <p>.4 wrongly revoked a litigation extension,</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>in each case in accordance with this Section 3.C, then you may lodge an application for review with the Qualifications Committee using the form supplied for that purpose by the Bar Standards Board which can be found here https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/current-requirements/forms-and-guidelines/applications-authorisations,-exemptions,-waivers-and-reviews/ For the avoidance of doubt, this Section 3.C6 does not apply to any amendment or revocation of a practising certificate or litigation extension made by order of a Disciplinary Tribunal, Interim Suspension or Disqualification Panel, Fitness to Practise Panel, the Visitors to the Inns of Court or the High Court.</p>	<p>in each case in accordance with this Section 3.C, then you may lodge an application for review with the Qualifications Committee using the form supplied for that purpose by the Bar Standards Board which can be found here https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/formsandguidelines/bar-training-waivers-and-exemption-forms/. For the avoidance of doubt, this Section 3.C6 does not apply to any amendment or revocation of a practising certificate or litigation extension made by order of a Disciplinary Tribunal, Interim Suspension or Disqualification Panel, Fitness to Practise Panel, the Visitors to the Inns of Court or the High Court.</p>
rS84.2	N/A new provision	<p>to be licensed to <i>practise</i> as a <i>BSB licensed body</i>:</p> <p>a. the body must be a <i>licensable body</i>, as defined by section 72 of the <i>LSA</i> but must also meet the eligibility requirements set out at Rule rS83; and</p> <p>b. all of the non-authorised <i>owners</i> in the <i>partnership, LLP</i> or <i>company</i> (as the case may be) must be approved by the <i>Bar Standards Board</i> as being able to hold such interest taking into account the relevant <i>suitability criteria</i>.</p>
rS86	authorise you to <i>practise</i> as a BSB authorised body in the event that you also meet the eligibility	Authorise you to <i>practise</i> as a BSB entity in the event that you also meet the eligibility criteria set

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>criteria set out in Rule rS84.1 and you have applied to be authorised as such in your relevant application form;</p>	<p>out in Rule rS84.1 and you have applied to be authorised as such in your relevant application form; or</p> <p>.1 license you to <i>practise</i> as a <i>BSB licensed body</i>, in the event that you also meet the eligibility criteria set out in Rule rS84.2 and you have applied to be authorised as such in your relevant application form.</p>
rS101	<p>Where the <i>Bar Standards Board</i> concludes that you are an entity which it is appropriate for it to regulate the <i>Bar Standards Board</i> may nonetheless in its discretion refuse your application for authorisation if:</p> <p>.1 it is not satisfied that your <i>managers</i> and <i>owners</i> are suitable as a group to operate or control a <i>practice</i> providing services regulated by the <i>Bar Standards Board</i>;</p>	<p>Where the <i>Bar Standards Board</i> concludes that you are an entity which it is appropriate for it to regulate the <i>Bar Standards Board</i> may nonetheless in its discretion refuse your application for authorisation if:</p> <p>.1 it is not satisfied that your <i>managers</i> and <i>owners</i> are suitable as a group to operate or control a <i>practice</i> providing services regulated by the <i>Bar Standards Board</i>;</p>
rS108	N/A new provision	<p>If an <i>owner</i> is also a <i>non-authorised individual</i>, the <i>Bar Standards Board</i> must approve him as an <i>owner</i>. The <i>Bar Standards Board</i> shall approve a <i>non-authorised individual</i> to be an <i>owner</i> of <i>BSB licensed body</i> if:</p> <p>1. his holding of an ownership interest does not compromise the <i>regulatory objectives</i>; and</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>.2 his holding of an ownership interest does not compromise compliance with the duties imposed pursuant to section 176 of the <i>LSA</i> by the <i>licensed body</i> or by any authorised individuals who are to be <i>employees</i> or <i>managers</i> of that <i>licensed body</i>; and</p> <p>3. he otherwise meets the <i>suitability criteria</i> to hold that ownership interest taking into account:</p> <p>a. his probity and financial position;</p> <p>b. whether he is disqualified pursuant to section 100(1) of <i>LSA</i> or included in the list maintained by the <i>Legal Services Board</i> pursuant to paragraph 51 of Schedule 13 of the <i>LSA</i>; and</p> <p>c. his <i>associates</i>; and</p> <p>d. the <i>suitability criteria</i> in Rule rS110 which apply to <i>managers</i> and <i>employees</i>.</p>
rS109	N/A new provision	<p>If a <i>manager</i> is a <i>non-authorised individual</i>, the <i>Bar Standards Board</i> must approve him as a <i>manager</i>. The <i>Bar Standards Board</i> must approve a <i>non-authorised individual</i> to be a <i>manager</i> of a <i>BSB licensed body</i> if he meets the <i>suitability criteria</i> to hold that interest taking into account:</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>1. His probity;</p> <p>2. whether he is disqualified pursuant to section 100(1) of the <i>LSA</i> or included in the list maintained by the <i>Legal Services Board</i> pursuant to paragraph 51 of Schedule 13 of the <i>LSA</i>; and</p> <p>.3 the <i>suitability criteria</i> in Rule rS110 which apply to <i>managers and employees</i>.</p>
rS110	<p>The <i>Bar Standards Board</i> may reject an application if it is not satisfied that:</p> <p>.3 has been committed to prison in civil or criminal proceedings (where any conviction is unspent within the Rehabilitation of Offenders Act 1974 (as amended));</p> <p>.13 is currently charged with an indictable offence, or has been convicted of an indictable offence, any offence of dishonesty, or any offence under the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006 (where such convictions are unspent within the Rehabilitation of Offenders Act 1974 (as amended));</p>	<p>The <i>Bar Standards Board</i> may reject an application if it is not satisfied that:</p> <p>.3 has been committed to prison in civil or criminal proceedings (unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies, this is subject to any conviction being unspent under the Rehabilitation of Offenders Act 1974 (as amended));</p> <p>.13 is currently charged with an <i>indictable offence</i>, or has been convicted of an <i>indictable offence</i>, any offence of dishonesty, or any offence under the Financial Services and Markets Act 2000, the Immigration and Asylum Act 1999 or the Compensation Act 2006 (unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies, this is subject to the</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		Rehabilitation of Offenders Act 1974 (as amended));
gS21.1	For the avoidance of doubt rS110 does not oblige you to disclose cautions or criminal convictions that are “spent” under the Rehabilitation of Offenders Act 1974 unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies.	For the avoidance of doubt rS110 does not oblige you to disclose cautions or criminal convictions that are “spent” under the Rehabilitation of Offenders Act 1974 unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies. The latter entitles the BSB to ask for disclosure of unprotected cautions or criminal convictions that are “spent” in relation to HOLPs and HOFAs of licensed bodies when seeking authorisation and owners who require approval under Schedule 13 to the LSA.
rS114	<p>In addition to the provisions in Rule rS113, an authorisation may be given subject to such other terms as the <i>Bar Standards Board</i> considers appropriate including terms as to:</p> <p>.1 the <i>non-reserved activities</i> which you may or may not carry on; and/or</p>	<p>In addition to the provisions in Rule rS113, an authorisation or a licence may be given subject to such other terms as the <i>Bar Standards Board</i> considers appropriate including terms as to:</p> <p>.1 the <i>non-reserved activities</i> which you may or may not carry on; and/or</p> <p>.2 in the case of licensed bodies:</p> <p>a. the nature of any interest held by a non- authorised owner provided always that the <i>Bar Standards Board</i> complies with its obligations under paragraph 17 of Schedule 13 to the LSA; and/or</p> <p>b. any limitations on the shareholdings or voting controls which may be held by non- authorised</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		owners in accordance with paragraph 33 of Schedule 13 to the <i>LSA</i> .
rS115.3	N/A new provision	<p>.3 The licence of a partnership or other unincorporated body ("the existing body") may continue where the existing body ceases to exist and another body succeeds to the whole or substantially the whole of its business subject to the following in rS115.3(a)-(b):</p> <p>a. you have notified the <i>Bar Standards Board</i> of such a change within 28 days;</p> <p>b. if there is no remaining <i>partner</i> who was a <i>partner</i> before the existing body ceased to exist the licence shall cease to have effect from the date the existing body ceased to exist.</p>
rS119	<p>Any individual:</p> <p>.1 designated to act as a <i>HOLP</i> or a <i>HOFA</i>; or</p> <p>who considers that the <i>Bar Standards Board</i> has wrongly concluded that he does not meet the <i>suitability criteria</i> which apply to his proposed position in the entity, may lodge an application for a review of that decision with the <i>Qualifications Committee</i> using the form supplied for that</p>	<p>Any individual:</p> <p>.1 designated to act as a <i>HOLP</i> or a <i>HOFA</i>; or</p> <p>.2 identified as a non-authorised owner or manager of the <i>applicant body</i>,</p> <p>who considers that the <i>Bar Standards Board</i> has wrongly concluded that he does not meet the <i>suitability criteria</i> which apply to his proposed</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>purpose by the <i>Bar Standards Board</i>. Alternatively, you may lodge an application for review on his behalf whether or not he has asked you to. In either case, such an application for a review will only have been made once the <i>Bar Standards Board</i> has received the relevant fee for it.</p>	<p>position in the entity, may lodge an application for a review of that decision with the <i>Qualifications Committee</i> using the form supplied for that purpose by the <i>Bar Standards Board</i>. Alternatively, you may lodge an application for review on his behalf whether or not he has asked you to. In either case, such an application for a review will only have been made once the <i>Bar Standards Board</i> has received the relevant fee for it.</p>
rS127	<p>Any appeal to the High Court against a decision of the Qualification Committee must be lodged within 28 days from the date that the decision is notified to you.</p>	<p>Any appeal to the High Court against a decision of the BSB must be lodged within 28 days from the date that the decision is notified to you.</p>
gS22	<p>Examples of non-compliance include:</p> <p>.2 where you are a <i>BSB authorised body</i> a <i>non-authorised individual</i> is appointed as a <i>manager</i> of or otherwise acquires an ownership interest in such a <i>practice</i></p> <p>.6 where you are a <i>licensed body</i>, your last remaining <i>owner</i> and/or <i>manager</i> who is a <i>non-authorised individual</i> dies or otherwise leaves the <i>practice</i>.</p>	<p>Examples of non-compliance include:</p> <p>.2 where you are a BSB entity (other than a BSB licensed body) a <i>non-authorised individual</i> is appointed as a <i>manager</i> of or otherwise acquires an ownership interest in such a <i>practice</i>, or where you are a licensable body and a non-authorised individual who is not a manager becomes an owner (for example on inheriting the interest from a manager who dies)</p> <p>.6 where you are a <i>licensed body</i>, your last remaining <i>owner</i> and/or <i>manager</i> who is a <i>non-authorised individual</i> dies or otherwise leaves the <i>practice</i>.</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
gS23	<p>Examples of proposals that you may submit in order to rectify such non-compliance include:</p> <p>.2 In the case of Guidance gS22.1, confirmation that you will take the necessary steps to rectify your status, whether by submitting an application to the <i>Bar Standards Board</i> for authorisation to <i>practise as a licensed body</i> and/or for approval of the <i>non-authorised individual as a manager</i> or by ensuring that the <i>non-authorised person</i> divests himself of his interest as soon as is reasonably practicable, or by seeking a licence from another <i>licensing authority</i>, as the case may be [but note Guidance gS24];</p> <p>.5 in the case of Guidance gS22.6, you confirm whether or not you are likely to appoint a replacement <i>non-authorised individual</i> or, if not, whether you will be seeking authorisation from the <i>Bar Standards Board</i> to <i>practise as a BSB authorised body</i>.</p>	<p>Examples of proposals that you may submit in order to rectify such non-compliance include:</p> <p>.2 In the case of Guidance gS22.1, confirmation that you will take the necessary steps to rectify your status, whether by submitting an application to the <i>Bar Standards Board</i> for authorisation to <i>practise as a licensed body</i> and/or for approval of the <i>non-authorised individual as a manager</i> or by ensuring that the <i>non-authorised person</i> divests himself of his interest as soon as is reasonably practicable, or by seeking a licence from another <i>licensing authority</i>, as the case may be [but note Guidance gS24];</p> <p>.5 in the case of Guidance gS22.6, you confirm whether or not you are likely to appoint a replacement <i>non-authorised individual</i> or, if not, whether you will be seeking authorisation from the <i>Bar Standards Board</i> to <i>practise as a BSB authorised body</i>.</p>
gS24	N/A new provision	<p>In respect of Guidance gS23.2, it may be the case that a <i>non-authorised individual</i> obtains an ownership interest in a <i>BSB entity</i> following the death of a <i>barrister</i> or a <i>non-authorised person</i>. Similarly, a <i>non-authorised person</i> who has not been approved pursuant to the <i>suitability criteria</i> may acquire an ownership interest in a <i>licensed body</i>. In these cases, it may be that the</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p><i>BSB entity will not need to apply for authorisation to practise as a licensed body or for approval of such non-authorised individual (as appropriate) if the BSB entity instead satisfies the Bar Standards Board that it is taking steps to ensure that such non-authorised individual divests himself of his interest as soon as is reasonably practicable (for example, on completion of the relevant probate).</i></p>
Annex 7 to the Hearings before the Visitors Rules – Addressee and Place for Service of Documents	<p>· Person to be served: The BSB.</p> <p>· Addressee and place of service: In respect of a decision of a Disciplinary Tribunal: Addressed to the Secretary to the Complaints Committee of the BSB at 289-293 High Holborn, London WC1V 7HZ.</p> <p>In respect of a Qualification Decision: Addressed to the Secretary to the Qualifications Committee of the BSB at 289-293 High Holborn, London WC1V 7HZ.</p>	<p>· Person to be served: The BSB.</p> <p>· Addressee and place of service: In respect of a decision of a Disciplinary Tribunal: Addressed to the Secretary to the Complaints Committee of the BSB at 289-293 High Holborn, London WC1V 7HZ.</p> <p><i>In respect of a Qualification Decision: Addressed to the Secretary to the Qualifications Committee of the BSB at 289-293 High Holborn, London WC1V 7HZ.</i></p>
rQ28	<p>Before starting the vocational stage, a person must:</p> <p>.2 have successfully completed the Bar Course Aptitude Test, which is set by the Bar Standards Board from time to time; and</p>	<p>Before starting the <i>vocational stage</i>, a person must:</p> <p>.2 have successfully completed the <i>Bar Course Aptitude Test</i>, the pass score for which is set by the <i>Bar Standards Board</i> from time to time; and</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
rQ87	<p>The following categories of person fall within this Rule rQ87:</p> <p>.1 a person who has been granted rights of audience by an authorised body and is entitled to exercise those rights in relation to all proceedings in all courts of England and Wales;</p> <p>.2 subject to Rule rQ88, a person who has been granted rights of audience by an authorised body and is entitled to exercise those rights in relation to either all proceedings in the High Court or all proceedings in the Crown Court of England and Wales (but not both);</p>	<p>The following categories of <i>person</i> fall within this Rule rQ87:</p> <p>.1 a <i>person</i> who has been granted rights of audience by an approved regulator and is entitled to exercise those rights in relation to all proceedings in all courts of England and Wales;</p> <p>.2 subject to Rule rQ88, a <i>person</i> who has been granted rights of audience by an approved regulator and is entitled to exercise those rights in relation to either all proceedings in the High Court or all proceedings in the Crown Court of England and Wales (but not both);</p>
rE23	<p>If it appears to the PCC that the complaint arises out of an applicable person's actions in a part-time or temporary judicial or quasi-judicial capacity, it must act as follows:</p> <p>.1 if it appears to the PCC that the complaint would otherwise fall to be dismissed under this Section 5.A, the PCC must dismiss it; or</p> <p>.2 if it appears to the PCC that the complaint would otherwise not fall to be dismissed, the PCC must refer the complaint without further consideration to the Office of Judicial Complaints and/or person or body responsible for the appointment of the applicable person to the judicial or quasi-judicial office concerned (whether</p>	<p>If it appears to the <i>PCC</i> that the <i>complaint</i> arises out of an <i>applicable person's</i> actions in a part-time or temporary judicial or quasi-judicial capacity, it must act as follows:</p> <p>.1 if it appears to the <i>PCC</i> that the <i>complaint</i> would otherwise fall to be dismissed under this Section 5.A, the <i>PCC</i> must dismiss it; or</p> <p>.2 if it appears to the <i>PCC</i> that the <i>complaint</i> would otherwise not fall to be dismissed:</p> <p>(a) where it appears that the Office of Judicial Complaints, the Lord Chancellor, other Minister of the Crown, or other body or person with appropriate responsibilities in respect of the</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
	<p>the Lord Chancellor, a Minister of the Crown or other person or body as appropriate) ("the appropriate body"), requesting the appropriate body to notify the PCC when the complaint has been dealt with and of any action taken by it. Where the appropriate body is a person other than the Lord Chancellor or a Minister of the Crown, and where the PCC considers it inappropriate to refer the complaint to the appropriate body, or where the appropriate body refuses to deal with a complaint, the PCC must consider the complaint and, subject to rE25 below, direct it to be proceeded with in accordance with rE29 and following below.</p>	<p>judicial or quasi-judicial appointment concerned (the "appropriate body") should consider the <i>complaint</i>, the PCC must refer the <i>complaint</i> without further consideration to the appropriate body, requesting notification to the PCC of the outcome of the complaint as soon as it has been dealt with;</p> <p>(b) where it appears that there is no appropriate body, or where the appropriate body refuses to deal with a <i>complaint</i>, the PCC may consider the <i>complaint</i> and direct it to be proceeded with in accordance with rE29 and following provisions below.</p> <p>.3 When the appropriate body has dealt with a <i>complaint</i>, or the PCC considers that the appropriate body has not dealt with a <i>complaint</i> within a reasonable time or fully or satisfactorily, the PCC may reconsider the <i>complaint</i> and shall consider any finding made and any action taken by the appropriate body and may direct that the <i>complaint</i> be proceeded with in accordance with rE29 and following below.</p> <p>.4 No direction shall be given under rE23.2(b) or rE23.3 above in respect of a <i>complaint</i> which the PCC considers to have arisen in substance from dissatisfaction or disagreement with anything decided, done or said by the <i>applicable person</i></p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		in the proper exercise of their judicial or quasi-judicial functions.
rE24	If the appropriate body, having dealt with a <i>complaint</i> , believes that it may be appropriate for it to be considered further by the <i>Bar Standards Board</i> , the <i>appropriate body may</i> , subject to rE25 below, refer the matter back to the <i>Bar Standards Board</i> and, following such referral, the <i>PCC</i> may reconsider the <i>complaint</i> and may, if it sees fit, direct it to be proceeded with in accordance with rE29 and following below.	<p>For the purposes of rE23 above, “quasi-judicial” refers to acting:</p> <p>.1 in any capacity which requires an approach of a judicial nature and compliance with the basic requirements of natural justice; and/or</p> <p>.2 as an arbitrator; or</p> <p>.3 as a neutral evaluator between parties; or</p> <p>.4 as a mediator.</p>
rE25	No such reference to the <i>Bar Standards Board</i> as is mentioned in rE24 above by the appropriate body shall be acted upon by the <i>PCC</i> , nor shall the <i>PCC</i> exercise the powers under the last sentence of rE23.2 above, in respect of a <i>complaint</i> relating to anything said or done by the <i>BSB regulated individual</i> in the exercise of his judicial functions or affecting the independence of the <i>BSB regulated person</i> in his judicial or quasi-judicial capacity.	Removed from 3 April 2017
rE76.2	the imposition of any conditions on authorisation (where appropriate);	.the imposition of any conditions on his licence or authorisation (where appropriate);

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
rE158	<p>Subject to rE159 below:</p> <p>.1 a <i>defendant</i> against whom a charge of <i>professional misconduct</i> has been found proved may be sentenced by the <i>Disciplinary Tribunal</i> as follows:</p> <p>.c in the case of a licensed body, in accordance with Annex 3 to these Regulations;</p>	<p>Subject to rE159 below:</p> <p>.1 a <i>defendant</i> against whom a charge of <i>professional misconduct</i> has been found proved may be sentenced by the <i>Disciplinary Tribunal</i> as follows:</p> <p>.c in the case of a licensed body, in accordance with Annex 3 to these Regulations;</p>
rE199	<p>The following procedures apply to the publication of the finding and sentence of a <i>Disciplinary Tribunal</i>:</p> <p>.3 When the Tribunal has found that any charge of <i>professional misconduct</i> has not been proved <i>the President</i> must not publish that charge, or the finding unless the <i>defendant</i> asks him to subject to rE197.2.</p>	<p>The following procedures apply to the publication of the finding and sentence of a <i>Disciplinary Tribunal</i>:</p> <p>.3 When the Tribunal has found that any charge of <i>professional misconduct</i> has not been proved <i>the President</i> must not publish that charge, or the finding unless the <i>defendant</i> asks him to subject to rE198.2.</p>
B4, Annex 1.7	<p>to order him to pay a fine of up to £50,000 to the <i>Bar Standards Board</i>;</p>	<p>to order him to pay a fine of up to £50,000 to the <i>Bar Standards Board</i> (or up to £50,000,000 if the charges relate to his time as an <i>employee</i> or <i>manager of a licensed body</i>);</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
B4, Annex 3	N/A – new provision	<p>ANNEX 3 – SENTENCING POWERS AGAINST LICENSED BODIES</p> <p>.1 If a <i>Disciplinary Tribunal</i> finds a charge of <i>professional misconduct</i> proved, against a <i>licensed body</i> the <i>Disciplinary Tribunal</i> may decide to: :</p> <p>.2 revoke its licence to practise revoked;</p> <p>.3 suspend its licence to practise for a prescribed period (either unconditionally or subject to conditions);</p> <p>.3 impose conditions on its licence to practise;</p> <p>.4 withdraw or suspend its <i>right to conduct litigation</i> or to impose conditions on it;</p> <p>.5 order it to pay a fine of up to £250,000,000 to the <i>Bar Standards Board</i>;</p> <p>.6 order it to ensure that its <i>managers</i> or <i>employees</i> complete continuing professional development of such nature and duration as the Tribunal shall direct and to provide satisfactory proof of compliance with this order to the <i>supervision team</i>;</p> <p>.6 reprimand it;</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		<p>.7 give advice to it about its future conduct; or</p> <p>.8 order it to attend (by its <i>HOLP</i> or other <i>person</i> identified in the order) on a nominated <i>person</i> to be given advice about its future conduct.</p>
rE257	<p>On receipt of a <i>complaint</i> or any other information, the <i>PCC</i> may refer a <i>defendant</i> to an <i>interim panel</i> if:</p> <p>.1 subject to rE258:</p> <p>.c the <i>defendant</i> is a <i>BSB licensed body</i> and has been intervened into by the <i>Bar Standards Board</i>; or</p>	<p>On receipt of a <i>complaint</i> or any other information, the <i>PCC</i> may refer a <i>defendant</i> to an <i>interim panel</i> if:</p> <p>.1 subject to rE258:</p> <p>.c the <i>defendant</i> is a <i>BSB licensed body</i> and has been intervened into by the <i>Bar Standards Board</i>; or</p>
rE341	N/A new provision	The <i>Bar Standards Board</i> has the statutory power under Schedule 14 of the Legal Services Act 2007 to intervene into a <i>BSB licensed body</i>.
rE342	N/A new provision	<p>The <i>Bar Standards Board</i> may authorise an intervention into a <i>BSB licensed body</i> where:</p> <p>.1 in relation to the <i>BSB licensed body</i>, one or more of the intervention conditions (as such term is defined in the Legal Services Act 2007) is satisfied; or</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 3 rd Edition of the BSB Handbook (New Text in Bold)
		.2 the licence granted to the <i>BSB licensed body</i> has expired and has not been renewed or replaced by the <i>Bar Standards Board</i> .
rE343	N/A new provision	In circumstances where the <i>Bar Standards Board</i> authorises an intervention under rE342 above, such intervention shall be carried out in accordance with the provisions of the Legal Services Act 2007
rE344	N/A new provision	The <i>Bar Standards Board</i> has the statutory power under Schedule 13 of the Legal Services Act 2007 to make an application for divestiture in relation to a <i>non-authorised person</i> and a <i>BSB licensed body</i> .
rE345	N/A new provision	The <i>Bar Standards Board</i> may make an application for divestiture if the divestiture condition (as such term is defined in the Legal Services Act 2007) is satisfied in relation to such <i>non-authorised person</i> and a <i>BSB licensed body</i> (as the case may be).
rE346		In circumstances where the <i>Bar Standards Board</i> elects to make an application for divestiture under rE345 above, such application shall be carried out in accordance with the provisions of the Legal Services Act 2007.

Effective from 1 January 2017

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
rQ130	<p>For the purpose of this Section 4.C:</p> <p>.1 “calendar year” means a period of one year starting on 1 January in the year in question;</p> <p>.2 the “mandatory requirements” are those in Rules Q131 to Q136 below.</p> <p>.3 a “<i>pupillage year</i>” is any calendar year in which a <i>barrister</i> is at any time a <i>pupil</i>.</p>	<p>For the purpose of this Section 4.C:</p> <p>.1 “calendar year” means a period of one year starting on 1 January in the year in question;</p> <p>.2 “continuing professional development” (“CPD”) means work undertaken over and above the normal commitments of a <i>barrister</i> and is work undertaken with a view to developing the <i>barrister’s</i> skills, knowledge and professional standards in areas relevant to their present or proposed area of practice in order to keep the <i>barrister</i> up to date and maintain the highest standards of professional practice.</p> <p>.3 “CPD Guidance” means guidance issued by the Bar Standards Board from time to time which sets out the CPD structure with which an EPP <i>barrister</i> should have regard to.</p> <p>.4 “EPP” means the Established Practitioners Programme which requires <i>barristers</i>, once they have completed the NPP, to undertake CPD during each calendar year in accordance with these Rules.</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>.5 “the mandatory requirements” are those in Rules Q131 to Q138 below.</p> <p>.6 “NPP” means the New Practitioner Programme which requires barristers to complete CPD in their first three calendar years of practice in accordance with these rules.</p> <p>.7 a “<i>pupillage year</i>” is any calendar year in which a <i>barrister</i> is at any time a <i>pupil</i>.</p> <p>.8 a “learning objective” is a statement of what a <i>barrister</i> intends to achieve through their CPD activities for that calendar year with reference to a specific aim and one or more outcomes.</p>
rQ132	Any practising <i>barrister</i> who starts to <i>practice</i> on or after 1 October 2001 must during the first three calendar years in which the <i>barrister</i> holds a practising certificate after any <i>pupillage year</i> complete a minimum of 45 hours of continuing professional development.	Any practising NPP <i>barrister</i> who starts <i>practice</i> on or after 1 October 2001 must during the first three calendar years in which the <i>barrister</i> holds a <i>practising certificate</i> after any <i>pupillage year</i> complete a minimum of 45 hours of CPD.
gQ2	N/A – new provision.	NPP barristers should have regard to rQ137 and the NPP guidance which will note the details of any compulsory courses the NPP <i>barristers</i> must complete. It also provides guidance as to the types of activities that count towards CPD.
rQ133	Subject to Rule Q134, any <i>barrister</i> . .1 must, if he holds a practising certificate or certificates throughout the whole of any calendar year, complete a minimum of 12 hours of	Subject to Rule Q136 , any EPP <i>barrister</i> who holds a <i>practising certificate</i> or certificates during a calendar year must undertake CPD.

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	<p>continuing professional development during that period; and</p> <p>.2 must, if he holds a <i>practising certificate</i> or certificate for part only of a calendar year, complete one hour of continuing professional development during that calendar year for each month for which he holds a <i>practising certificate</i></p>	
rQ134	<p>Rule Q133 does not apply:</p> <p>.1 in the case of a barrister to whom Rule Q131 applies, to any calendar year forming or containing part of the period of 3 years referred to in Rule Q131; or</p> <p>.2 in the case of a barrister to whom Rule Q132 applies, during any pupillage year or during the first three calendar years in which the barrister holds a practising certificate.</p>	<p>An EPP barrister who is required to undertake CPD must:</p> <p>.1 prepare a written CPD Plan setting out the barrister's learning objectives and the types of CPD activities he or she proposes to undertake during the calendar year</p> <p>.2 keep a written record of the CPD activities the barrister has undertaken in the calendar year</p> <p>.3 keep a written record in the CPD Plan for each calendar year of:</p> <p>a. the barrister's reflection on the CPD he or she has undertaken;</p> <p>b. any variation in the barrister's planned CPD activities; and</p> <p>c. the barrister's assessment of his or her future learning objectives.</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>.4 retain a record of the CPD Plan and completed CPD activities for three years.</p> <p>.5 submit to the Bar Standards Board an annual declaration of completion of CPD in the form specified by the BSB</p>
gQ3	N/A – new provision.	<p>EPP <i>barristers</i> who are required by these Rules to undertake CPD should refer to the CPD Guidance. The CPD Guidance provides further detailed information which EPP <i>barristers</i> should have regard to when planning, undertaking and recording their CPD. The CPD Guidance is not prescriptive. Its purpose is to provide a structure that would represent good practice for most <i>barristers</i> when considering their CPD requirements</p>
gQ4	N/A – new provision.	<p>The CPD Guidance explains that these Rules do not specify a minimum number of CPD hours which an EPP <i>barrister</i> must undertake in a calendar year: it is the responsibility of the individual <i>barrister</i> to determine the CPD activities he or she will undertake in order meet the requirements of CPD. The Bar Standards Board will assess and monitor <i>barristers'</i> compliance with CPD.</p>
gQ5	N/A – new provision.	<p>The underlying principle behind the requirement to plan CPD and set learning objectives is that <i>barristers</i> consider their own circumstances and development needs when they complete CPD activities. This best ensures that activities completed contribute to the development of the barrister's practice.</p>

Reference	Previous Provision in the 2 nd Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
rQ135	Any practising barrister must submit details of the continuing professional development he has done to the Bar Standards Board in the form prescribed, and at the time specified, by the Bar Standards Board	Upon the request of the Bar Standards Board, a <i>barrister</i> must produce his or her CPD Plan and record of CPD activities for assessment.
rQ136	The Bar Standards Board may, by resolution, specify the nature, content and format of courses and other activities which may be done by barristers (or by any category of barristers) in order to satisfy the mandatory requirements.	Rule Q133 does not apply: .1 in the case of a <i>barrister</i> to whom Rule Q131 applies, to any calendar year forming or containing part of the period of 3 years referred to in Rule Q131; or .2 in the case of a <i>barrister</i> to whom Rule Q132 applies, during any pupillage year or during the first three calendar years in which the barrister holds a practising certificate.
rQ137	The <i>Bar Standards Board</i> may, by resolution and after consultation with the Inns, Circuits and other providers as appropriate, increase the minimum number of hours of continuing professional development which must be completed in order to satisfy any of the mandatory requirements.	The <i>Bar Standards Board</i> may, by resolution, specify the nature, content and format of courses and other activities which may be undertaken by <i>barristers</i> (or by any category of <i>barristers</i>) in order to satisfy the mandatory requirements.
rQ138	N/A – new provision.	The <i>Bar Standards Board</i> may, by resolution and after consultation with the Inns, Circuits and other providers as appropriate, vary the minimum number of hours of CPD which must be completed by an NPP <i>barrister</i> in order to satisfy any of the mandatory requirements.

Effective from 2 September 2015

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
rC30.7.b	<p>The cab rank rule does not apply if:</p> <p><i>.7 the professional client.</i></p> <p><i>.b is named on the List of Defaulting Solicitors; or</i></p>	<p>The cab rank rule does not apply if:</p> <p><i>.7 the professional client.</i></p> <p>.b represents, in your reasonable opinion, an unacceptable credit risk; or</p>
gC91A	N/A – new provision.	<p>Examples of when you might reasonably conclude (subject to the following paragraph) that a <i>professional client</i> represents an unacceptable credit risk for the purposes of Rule C30.7.b include:</p> <p>.1 Where they are included on the <i>Bar Council's</i> List of Defaulting Solicitors;</p> <p>.2 Where to your knowledge a <i>barrister</i> has obtained a judgment against a <i>professional client</i>, which remains unpaid;</p> <p>.3 Where a firm or sole practitioner is subject to insolvency proceedings, an individual voluntary arrangement or partnership voluntary arrangement; or</p> <p>.4 Where there is evidence of other unsatisfied judgments that reasonably call into question the <i>professional client's</i> ability to pay your fees.</p>

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>Even where you consider that there is a serious credit risk, you should not conclude that the <i>professional client</i> represents an unacceptable credit risk without first considering alternatives. This will include considering whether the credit risk could be mitigated in other ways, for example by seeking payment of the fee in advance or payment into a third party payment service as permitted by rC74, rC75 and associated guidance.</p>
rE8.2	<p>If at any time the <i>PCC</i> decides in accordance with this Section 5.A:</p> <p>.2 to dismiss or take no further action on a <i>complaint</i>; or</p>	<p>If at any time the <i>PCC</i> decides in accordance with this Section 5.A:</p> <p>.2 to dismiss a <i>complaint</i>; or</p>
rE37.2	<p>When any investigation is complete, the <i>PCC</i> must consider the <i>complaint</i>, together with the results of any investigation thereof, and may conclude (having regard to the <i>enforcement strategy</i> and any other published <i>Bar Standards Board</i> policy that appears to the <i>PCC</i> to be relevant) in respect of <i>complaints</i> made against a <i>relevant person</i> (but subject always to rE37 and rE40 below):</p> <p>.2 that the conduct did constitute a breach of the <i>Handbook</i> (on the balance of probabilities) but that, in all the circumstances, no further action should be taken in respect of the breach in which case rE46 to rE49 apply; or</p>	<p>When any investigation is complete, the <i>PCC</i> must consider the <i>complaint</i>, together with the results of any investigation thereof, and may conclude (having regard to the <i>enforcement strategy</i> and any other published <i>Bar Standards Board</i> policy that appears to the <i>PCC</i> to be relevant) in respect of <i>complaints</i> made against a <i>relevant person</i> (but subject always to rE38 and rE40 below):</p> <p>.2 that the conduct did constitute a breach of the <i>Handbook</i> (on the balance of probabilities) but that, in all the circumstances, no enforcement action should be taken in respect of the breach in which case rE43 to rE45 apply; or</p>
rE39	<p>For the avoidance of doubt, where the <i>relevant person</i> is a <i>non-authorised individual</i> the <i>PCC</i> may not impose an <i>administrative sanction</i> or</p>	<p>For the avoidance of doubt, where the <i>relevant person</i> is a <i>non-authorised individual</i> the <i>PCC</i> may not impose an <i>administrative sanction</i> or make a</p>

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	make a referral to a <i>Disciplinary Tribunal</i> on charges of <i>professional misconduct</i> . The <i>PCC</i> may only decide to dismiss the <i>complaint</i> , take no further action or make an application to the <i>Disciplinary Tribunal</i> that the <i>non-authorised individual</i> be subject to a <i>disqualification order</i> .	referral to a <i>Disciplinary Tribunal</i> on charges of <i>professional misconduct</i> . The <i>PCC</i> may only decide to dismiss the <i>complaint</i> , take no further action or make an application to the <i>Disciplinary Tribunal</i> that the <i>non-authorised individual</i> be subject to a <i>disqualification order</i> .
rE43	Where a decision to dismiss a <i>complaint</i> in accordance with rE37.1 is being taken at a meeting of the <i>PCC</i> and not by some other <i>person</i> , group or body authorised in accordance with rE3 of this Section 5.A, the majority of the <i>lay members</i> present at the meeting must consent to such dismissal.	Where a decision to dismiss a <i>complaint</i> in accordance with rE37.1 or E37.2 is being taken at a meeting of the <i>PCC</i> and not by some other <i>person</i> , group or body authorised in accordance with rE3 of this Section 5.A, the majority of the <i>lay members</i> present at the meeting must consent to such dismissal.
rE46	<p>Where the <i>PCC</i> decides to take <i>no further action</i> in respect of a <i>complaint</i> in accordance with rE37.2, the <i>PCC</i> shall write to the relevant <i>BSB regulated person</i>:</p> <p>.1 notifying him of the provisions of the <i>Handbook</i> which the <i>PCC</i> has concluded were breached by him and that the <i>PCC</i> has decided in this instance to take no further action; and</p> <p>.2 informing him of the consequences of its decision (including that the decision will be formally recorded and will be disclosable to third parties, where relevant, that it will be notified to the <i>supervision team</i> and, where relevant in accordance with rE47, that it will be notified to the <i>Barrister's Inn</i>); and</p> <p>.3 confirming that if the <i>BSB regulated person</i> objects to the decision taken by the <i>PCC</i> that he</p>	Removed from 2 September 2015.

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	<p>may ask for that the matter to be referred for resolution by a <i>Disciplinary Tribunal</i> in accordance with rE49; and</p> <p>.4 where the <i>PCC</i> considers it appropriate in all the circumstances, advising him on to his future conduct either in writing or by directing him to attend on the Chairman of the <i>PCC</i> or on some other <i>person</i> nominated by the <i>PCC</i>, to receive such advice.</p>	
rE47	<p>If, when deciding to take no further action on a <i>complaint</i> in respect of a <i>Barrister</i>, the <i>PCC</i> nonetheless considers that the circumstances of the <i>complaint</i> are relevant to the <i>Barrister's</i> position as a <i>pupil supervisor</i>, it may notify the <i>Barrister's Inn</i> of its concern in such manner as it sees fit.</p>	Removed from 2 September 2015.
rE48	<p>Any decision by the <i>PCC</i> to take no further action will be formally recorded, will be disclosable to certain third parties (in accordance with the <i>Bar Standards Board's</i> policy on publication and disclosure) and may, where appropriate, be referred to the <i>supervision team</i> for continuing monitoring and supervision, but will not be made public.</p>	Removed from 2 September 2015.
rE49	<p>The <i>BSB regulated person</i> shall have the right to object to a decision of the <i>PCC</i> to take no further action in accordance with Section 5.A5 by asking for that the matter to be referred for resolution by a <i>Disciplinary Tribunal</i>.</p>	Removed from 2 September 2015.
rE61	<p>The <i>PCC</i> must inform the <i>BSB regulated person</i> and the complainant (if any) of the direction that it has made pursuant to rE57. No one may appeal</p>	<p>The <i>PCC</i> must inform the <i>BSB regulated person</i> and the complainant (if any) of the direction that it has made pursuant to rE57. No one may appeal</p>

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	against the decision taken by the <i>PCC</i> under that Rule (and those following).	against the decision taken by the <i>PCC</i> under that rE57 (and those following).
rE69.2.c	The <i>PCC</i> must, in deciding whether to make a <i>complaint</i> subject to the <i>determination by consent procedure</i> , consider all the circumstances. The <i>PCC</i> may make the <i>complaint</i> subject to the <i>determination by consent procedure</i> only if: .2 the <i>PCC</i> considers that: .c there are no exceptional circumstances which would warrant no further action being taken on the <i>complaint</i> or the <i>complaint</i> being dismissed; and	The <i>PCC</i> must, in deciding whether to make a <i>complaint</i> subject to the <i>determination by consent procedure</i> , consider all the circumstances. The <i>PCC</i> may make the <i>complaint</i> subject to the <i>determination by consent procedure</i> only if: .2 the <i>PCC</i> considers that: .c there are no exceptional circumstances which would warrant the <i>complaint</i> being dismissed; and
Definition of 'professional misconduct'	means a breach of this Handbook by a <i>BSB regulated person</i> which is not appropriate for disposal by way of no further action or the imposition of <i>administrative sanctions</i> , pursuant to Section 5.A	means a breach of this Handbook by a <i>BSB regulated person</i> which is not appropriate for disposal by way of no further action or the imposition of <i>administrative sanctions</i> , pursuant to Section 5.A

Effective from 1 August 2015

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
gC93	The documents that you may be required to disclose pursuant to Rule C64 may include <i>client</i> information that is subject to legal privilege. It has been recognised in R v Special Commissioner and Another, Ex P Morgan Grenfell & Co Ltd	Information which you are requested to disclose under Rule C64 may include <i>client</i> information that is subject to legal privilege. You are not entitled to disclose such information without the consent of the <i>client</i>. You may enquire whether your

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	<p>([2003] 1 A.C. 563) that the disclosure of a <i>client's</i> privileged information to a legal regulator does not infringe the <i>client's</i> right to privilege. This is because the information is not being sought for the purposes of making it public or to be used against the person entitled to the privilege. Note the difference where you are being required to report serious misconduct by others. In those circumstances, where legal professional privilege applies, this will override the requirement to report serious misconduct by another.</p>	<p><i>client</i> is willing to waive privilege but should be alert to the possibility that you may have a conflict of interest in giving him any advice as to whether he should. The BSB will look at the question of privilege on a case by case basis. It will bear in mind in the exercise of its regulatory functions that a <i>client</i> might have been prepared to waive privilege if asked. Observations in R (Morgan Grenfell & Co Ltd) v Special Commissioner [2003] 1 A.C. 563 at [32], referred to in R (Lumsdon) v Legal Services Board [2013] EWHC 28 (Admin) at [73] were made in the context of a different statutory disclosure regime and should not be used as necessarily applicable to disclosure under Rule C64. However, in the meantime, following this guidance should avoid practical difficulties in most cases. For the avoidance of doubt, none of this casts any doubt on a <i>barrister's</i> entitlement to withhold from the BSB any material that is subject to the <i>barrister's</i> own legal privilege (such as legal advice given to the <i>barrister</i> about their own position).</p>
Definition of 'complaint'	<p>means, for the purposes of Part 2, a complaint by a client about the standard of service received that is addressed either to the <i>Legal Ombudsman</i> or the chambers or the <i>BSB authorised person</i> and, for the purposes of Part 5, an allegation by any <i>person</i> or by the <i>Bar Standards Board</i> of its own motion of <i>professional misconduct</i> or a breach of the rules of this <i>Handbook</i> and includes a <i>legal aid complaint</i></p>	<p>means, for the purposes of Part 2, a complaint by a <i>client</i> about the standard of service received that is addressed either to the <i>Legal Ombudsman</i> or the chambers or the <i>BSB authorised person</i> and, for the purposes of Part 5, an allegation, or a group of associated allegations, by any <i>person</i> or by the <i>Bar Standards Board</i> of its own motion of <i>professional misconduct</i> or a breach of the Core Duties and/or rules of this <i>Handbook</i> and includes a <i>legal aid complaint</i></p>

Effective from 30 April 2015

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
r17.8	<p>Subject to paragraphs r18 to r111 below, this <i>Handbook</i> applies to the following categories of person:</p> <p>and persons within paragraphs r17.1 to r17.5, when taken together, are referred to as "<i>BSB regulated persons</i>" throughout this <i>Handbook</i>, while persons in those categories when taken together with persons referred to in paragraph r17.6 are referred to as "<i>relevant persons</i>". For the avoidance of doubt, students, and <i>approved training organisations</i> are neither <i>BSB regulated persons</i> nor <i>relevant persons</i>.</p>	<p>Subject to paragraphs r18 to r111 below, this <i>Handbook</i> applies to the following categories of person:</p> <p>and persons within paragraphs r17.1 to r17.5, when taken together, are referred to as "<i>BSB regulated persons</i>" throughout this <i>Handbook</i>, while persons in those categories when taken together with persons referred to in paragraph r17.6 are referred to as "<i>relevant persons</i>". For the avoidance of doubt, students, and <i>approved training organisations</i> are neither <i>BSB regulated persons</i> nor <i>relevant persons</i>. "BSB regulated persons" includes those who are subject to suspension.</p>
r112	<p>This first edition of the <i>Handbook</i> came into force on 6 January 2014 and replaced the eighth edition of the Code of Conduct including its various Annexes (which came into effect from 31st October 2004).</p>	<p>This second edition of the <i>Handbook</i> came into force on 30 April 2015 and replaced the first edition of the <i>Handbook</i> (which came into effect from 6 January 2014).</p>

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
gC30.3	<i>referral fees</i> are prohibited where they relate to a claim or potential claim for damages for personal injury or death or arise out of circumstances involving personal injury or death personal injury claims: section 56 Legal Aid, Sentencing and Punishment of Offenders Act 2012	<i>referral fees and inducements (as defined in the Criminal Justice and Courts Act 2015)</i> are prohibited where they relate to a claim or potential claim for damages for personal injury or death or arise out of circumstances involving personal injury or death personal injury claims: section 56 Legal Aid, Sentencing and Punishment of Offenders Act 2012 and section 58 Criminal Justice and Courts Act 2015.
gC31.3	Rule C10 does not prohibit proper expenses that are not a reward for referring work, such as genuine and reasonable payments for: advertising and publicity, which are payable whether or not any work is referred.	Rule rC10 does not prohibit proper expenses that are not a reward for referring work, such as genuine and reasonable payments for: advertising and publicity, which are payable whether or not any work is referred. However, the fact that a fee varies with the amount of work received does not necessarily mean that that it is a <i>referral fee</i>, if it is genuinely for a marketing service from someone who is not directing work to one provider rather than another, depending on who pays more.
gC94.1	N/A – new provision.	For the avoidance of doubt rC65.2 does not oblige you to disclose cautions or criminal convictions that are “spent” under the Rehabilitation of Offenders Act 1974 unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies. However, unless the caution or conviction is immediately spent, you must notify the BSB before it becomes spent.
gC107	If you agree with a <i>client</i> , who can reasonably be expected to understand the implications of such an agreement, that (1) your fee for any work will be charged according to the time spent	If you have decided in principle to take a particular case you may request an 'upfront' fixed fee from your prospective <i>client</i> before finally

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
	<p>on it, but (2) you will be paid a fixed fee in advance for it, and (3), when the work has been done, you will pay the <i>client</i> any difference between that fixed fee and the fee which has actually been earned, and (4) you will not hold the difference between the fixed fee and the fee which has been earned on trust for the <i>client</i>, that difference will not be <i>client money</i>. Such fees may be considered as <i>client money</i> if you cannot demonstrate that the agreement was made in advance and on clear terms. You should also consider carefully whether such an arrangement is in the client's interest and that the client fully understands the implications.</p>	<p>agreeing to work on their behalf. This should only be done having regard to the following principles:</p> <ul style="list-style-type: none"> • You should take care to estimate accurately the likely time commitment and only take payment when you are satisfied that: <ul style="list-style-type: none"> ○ it is a reasonable payment for the work being done; and ○ in the case of public access work, that it is suitable for you to undertake. • If the amount of work required is unclear, you should consider staged payments rather than a fixed fee in advance. • You should never accept an upfront fee in advance of considering whether it is appropriate for you to take the case and considering whether you will be able to undertake the work within a reasonable timescale. • If the <i>client</i> can reasonably be expected to understand such an arrangement, you may agree that when the work has been done, you will pay the <i>client</i> any difference between that fixed fee and (if lower) the fee which has actually been earned based on the time spent, provided that it is clear that you will not hold the difference between the fixed fee and the fee which has been earned on trust for the <i>client</i>. That difference will not be <i>client money</i> if you can demonstrate that this was expressly

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>agreed in writing, on clear terms understood by the <i>client</i>, and before payment of the fixed fee. You should also consider carefully whether such an arrangement is in the <i>client's</i> interest, taking into account the nature of the instructions, the <i>client</i> and whether the <i>client</i> fully understands the implications. Any abuse of an agreement to pay a fixed fee subject to reimbursement, the effect of which is that you receive more money than is reasonable for the case at the outset, will be considered to be holding <i>client money</i> and a breach of rC73. For this reason, you should take extreme care if contracting with a <i>client</i> in this way.</p> <p>In any case, rC22 requires you to confirm in writing the acceptance of any <i>instructions</i> and the terms or basis on which you are acting, including the basis of charging.</p>
rC76.1	<p>You must:</p> <p>ensure that you have insurance (taking into account the nature of your practice) which covers all the legal services you supply to the public; and</p>	<p>You must:</p> <p>ensure that you have adequate insurance (taking into account the nature of your practice) which covers all the legal services you supply to the public; and</p>
gC114	<p>Any notice issued under Rule rC75 will be posted on the <i>Bar Standards Board's</i> website and may also be publicised by such other means as the <i>Bar Standards Board</i> may judge appropriate.</p>	<p>Any notice issued under Rule rC75 will be posted on the <i>Bar Standards Board's</i> website and may also be publicised by such other means as the <i>Bar Standards Board</i> may judge appropriate.</p>

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>The <i>Bar Standards Board's</i> requirements in respect of professional indemnity insurance, including the minimum terms, are concerned with ensuring consumer protection, specifically that there is adequate cover for liabilities which <i>BSB regulated persons</i> may incur to their <i>clients</i> or other parties to whom they may owe duties when performing their <i>legal services</i>. This includes claims for contribution which third parties, such as instructing <i>solicitors</i>, may make on the basis that the <i>BSB regulated person</i> has such a liability to a mutual <i>client</i>. However, Rule C76.1 of the <i>Handbook</i> does not require <i>BSB regulated persons</i> to carry insurance for other types of liability, which do not relate to their liabilities towards consumers, such as a contractual liability to instructing <i>solicitors</i> in respect of losses incurred by the <i>solicitor</i> that are not based on any liability the <i>solicitor</i> has in turn incurred to the <i>client</i>. Nor are the minimum terms concerned with the latter type of liability and whether and on what terms to seek to insure against such exposure is a commercial judgment for <i>BSB regulated persons</i> to make. You should however ensure that you are aware of and comply with any general legal requirements for you to carry other types of insurance than professional indemnity cover.</p>
gC132	The <i>Bar Standards Board</i> will shortly be providing further guidance about what constitutes proper records for the purposes of Rule C87.2 alongside our new approach to Supervision.	The <i>Supervision Team of the Bar Standards Board</i> reviews the key controls that are in place in <i>chambers</i> and <i>BSB authorised bodies</i> to manage the risks in relation to key processes. These key processes are shown in guidance that is

Reference	Previous Provision in the 1 st Edition of the BSB Handbook	New Provision in the 2 nd Edition of the BSB Handbook (New Text in Bold)
		<p>published on the Supervision section of the <i>Bar Standards Board's</i> website: https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/supervision/. You should retain relevant policies, procedures, monitoring reports and other records of your <i>practice</i> so that they are available to view if a Supervision visit is arranged.</p> <p>When deciding how long records need to be kept, you will need to take into consideration various requirements, such as those of this <i>Handbook</i> (see, for example, Rules C108, C129 and C141), the Data Protection Act and HM Revenue and Customs. You may want to consider drawing up a Records Keeping policy to ensure that you have identified the specific compliance and other needs of your <i>practice</i>.</p>
gS21.1	N/A – new provision.	<p>For the avoidance of doubt rS110 does not oblige you to disclose cautions or criminal convictions that are “spent” under the Rehabilitation of Offenders Act 1974 unless the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975/1023) applies.</p>