



**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

Response to the OISC consultation on the proposed amendments to the OISC Code of Standards

By email: consult@oisc.gov.uk

The BSB welcomes the opportunity to provide feedback on the proposed revisions to the OISC Code of Standards. We support the OISC's planned introduction of overarching Principles, with Codes which underpin each Principle.

In reviewing the proposals, we have considered the position of unregistered barristers (i.e. barristers without a practising certificate, who may have been called to the Bar but not completed pupillage) who may be acting as immigration advisers under the regulation of the OISC. In such cases, these unregistered barristers may be subject to the BSB's rules in addition to the OISC's. As such, we would welcome a discussion about whether there may be any inconsistencies between the two sets of rules. For example, we are aware of the possibility of conflict between potential disclosure duties on OISC advisers and organisations and the general duty of client confidentiality required by the BSB's Core Duties.

In relation to the proposed duty not to bring the OISC into disrepute, we note that it is typically acceptable for regulated professionals to offer public feedback on their regulator. In the BSB's rules, we have a Core Duty not to behave in a way which is likely to diminish the trust and confidence which the public places in the profession. We therefore believe that public confidence in the regulated profession may be a better test than the reputation of the regulator.

As the final version of the updated OISC Code of Standards is prepared, it may be useful to consider how best to ensure synergy in our regulatory approaches, particularly in relation to the professional principles and Core Duties to which barristers are required to adhere. We would be happy to meet with you to discuss.

**Bar Standards Board
23 October 2023**