



Meeting of the Bar Standards Board

Thursday 1 October 2026, 5.00 pm (Hybrid meeting - in person and online)

Rooms 1.4 – 1.7, First Floor, BSB Offices / MS Teams

Agenda – Part 1 – Public

Meetings will be recorded for the purposes of minute taking as previously agreed by the Board. Your consent to this is assumed if you decide to attend. The recording will be deleted once the minutes are formally approved

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|-----|--|--------------|----------------|----------------------------|
| 1. | Welcome / announcements
(5.00 pm) | | Chair | |
| 2. | Apologies | | Chair | |
| 3. | Members' interests and hospitality | | Chair | |
| 4. | Approval of minutes from the last meeting (30 July 2026) | Annex A | Chair | 3-6 |
| 5. | a) Matters arising
<i>Note: there is no Part 1 action list. All previous entries have now been completed, and no actions arose from the last Part 1 meeting.</i> | | Chair | |
| | b) Forward agenda | Annex B | Chair | 7 |
| 6. | Director General's Report – Public Session
(5.05 pm) | BSB 058 (26) | Phil Golding | 9-10 |
| 7. | Meeting with the Legal Services Consumer Panel
(5.10 pm) | Presentation | Tom Hayhoe | Tabled Paper (1-12) |
| 8. | Enforcement Regulations – Consultation Feedback Statement and Legal Services Board Application
(5.30 pm) | BSB 059 (26) | Alex Kuczynski | 11-182 |
| 9. | Chair's Report on Visits & External Meetings | BSB 060 (26) | Chair | 183-184 |
| 10. | Any other business | | | |
| 11. | Date of next meeting
• Thursday 26 November 2026 (5 pm) | | | |
| 12. | Private Session
(5.50 pm) | | | |

John Picken, Governance Officer
24 September 2026

Part 1 - Public

Minutes of the Bar Standards Board meeting

Thursday 30 July 2026 (5.00 pm)

Hybrid Meeting, Rooms 1.4-1.7, BSB Offices & MS Teams

- Present:** Professor Chris Bones (Chair)
Gisela Abbam OBE
Jeff Chapman KC
Professor Jean-Noël Ezingearde – via Teams
Emir Feisal JP
Ruby Hamid – via Teams
Sara Lawson KC – via Teams
Tracey Markham
Andrew Mitchell KC
Abiodun Olatokun – via Teams
Ruth Pickering
- By invitation:** Mark Fenhalls KC (Observer) – via Teams
Jim Morris (Chief Executive, Bar Council)
Lucinda Orr (Treasurer, Bar Council)
Andy Russell (Director, Council of the Inns of Court) – via Teams
Heidi Stonecliffe KC (Vice Chair, Bar Council) – via Teams
- BSB Executive:** Rebecca Forbes (Head of Governance)
Lyndy Geddes (Chief Operating Officer) – via Teams
Phil Golding (Director General)
Saima Hirji (Director of Regulatory Enforcement) – via Teams
Alex Kuczynski (Director of Legal & Information Management)
Ewen Macleod (Director of Strategy, Policy & Insights)
John Picken (Governance Officer)
Lila Pleban (Communications Consultant)
Debbie Stimpson (Business Consultant)
- Resource Group:** Richard Cullen (Director of Finance)

Item 1 – Welcome / Announcements

1. The Chair welcomed those present, in particular Abiodun Olatokun who was attending his first Board meeting. He noted that this also applied to Rebecca Thomas (recently appointed Head of Equality and Access to Justice) who was due to attend for an item in Part 2 of the meeting. He also welcomed Mark Fenhalls KC who was present as an observer prior to formally joining the Board (due on 1 October 2026).
2. He congratulated Gisela Abbam who was awarded an OBE in the King's Birthday Honours and former Bar Council Chair, Barbara Mills KC, who was awarded a Life Peerage in the Prime Minister's Resignation Honours.

3. He also noted, with regret, that this is likely to be the last Board meeting attended by Andrew Mitchell KC, who stands down from the Board on 30 September 2026. A further meeting is scheduled on 7 September 2026, but he is likely to be unavailable. In view of this, the Chair wished to highlight Andrew's outstanding contribution to the Board over the past 12 years and, prior to that, as a member of the former Professional Conduct Committee for eight years.

4. **Item 2 – Apologies**

- Kirsty Brimelow KC (Bar Council Chair)
- Steve Haines (Consultant)

Item 3 – Members' interests and hospitality

5. None.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

6. The Board **approved** the Part 1 (public) minutes of the meeting held on 21 May 2026.

Item 5a – Matters arising & Action List

7. Phil Golding referred to the point on the action list about provision of a cost estimate for first-tier data collections by the BSB (min). He explained that this action was, in effect, closed insofar as a commitment to complete this task is now underway. The necessary data collection will take place during early 2027.
8. In response to a question to the Chair, Heidi Stonecliffe KC agreed that the action point could be removed from the list on the understanding that this data will be made available next year (by which time, she will be Chair of the Bar Council).

9. **AGREED**

to note the report and to remove min 17e – 25/09/25 from the action list (cf. min 8).

JP to note

Item 5b – Forward agenda

10. The Board **noted** the forward agenda list.

Item 6 – Director General's Report – Public Session

BSB 044 (26)

11. Phil Golding highlighted the following:
- the outcome of the Board's Strategy Away Day (25 June 2026). This included discussion on longer-term considerations around:
 - the barrister lifecycle;
 - the role of the regulator throughout that period;
 - the BSB's future Target Operating Model (TOM);
 - our continuing focus on the business plan and the associated work to improve performance and meet key performance indicator (KPI) targets;
 - reference to a "two plus three" strategy which reflects this shorter-term business activity together with the development and implementation of longer-term strategic goals as identified at the Away Day.

12. With reference to performance, he stated that:
- the Contact and Assessment Team (CAT) has met, and is exceeding, KPI targets;
 - the knock-on effect of this greater throughput on already higher volumes of reports has been an increase in workload for the Investigations & Enforcement (I&E) Team. In consequence, I&E is not yet reaching its KPI targets but progress towards this goal remains on track;
 - we are also seeking to identify process improvements to increase efficiency, for example we now have access to expert business optimisation skills.
13. He added that:
- we are also investigating options for a “digital front door” aimed at improving the “triaging” of incoming service requests;
 - we now have an agreed protocol in place for working with the Bar Council’s Commissioner for Conduct;
 - our consultation on the Enforcement Regulations has closed and generated several helpful responses from stakeholders. We shall now progress with plans for change, particularly around the Bar Tribunal and Adjudication Services (BTAS) to improve turnaround times;
 - the BSB’s newly formed Education & Training Committee met for the first time on 23 July 2026;
 - we are reviewing the number and type of waivers currently available with a longer-term aim of then streamlining and automating the remainder. There remains a backlog of authorisations applications which we are continuing to address.
14. **AGREED**
to note the report.

Item 7 – 2025-26 BSB Performance Report – Public Session
BSB 045 (26)

15. The Board **agreed** to note the report.

Item 8 – Governance documents (IDB and Delegations)
BSB 046 (26)

16. Rebecca Forbes introduced the paper which concerned:
- the appointment terms of Office Holders of the Independent Decision-making Body (IDB);
 - clarifying that the Board’s previous resolution granting the Director General the authority to make and amend their sub-delegation to the executive also extends to their role as “Commissioner”; and
 - a minor change in the wording of delegation 97 concerning Interim Suspension Regulations.
17. **AGREED**
- a) to approve the amendments to the Board’s Appointments Policy as set out in the paper ie that:
- a person can serve nine years in total as an IDB member and the Chair or nine years in total as an IDB member and the Vice Chair;
 - the Chair of the IDB may nominate an alternate, who shall be a member of the IDB, to take their place for any panel convened

- which they are unable to attend.
- b) to confirm that the Board's previous resolution granting the Director General (DG) the authority to make and amend sub-delegations to the executive also extends to the DG's role as Commissioner.
 - c) note the amendment to the Scheme of Delegations (delegation 97), as described in paragraph 13 of the report, to reflect the amended wording of the relevant Interim Suspension Regulations.

Item 9 – Chair's Report on Visits and External Meetings

BSB 047 (26)

18. The Board **noted** the report.

Item 10 – Any other business

19. None.

Item 11 – Dates of next meetings

20. • Monday 7 September 2026 (5.45 pm) – private, single-issue meeting: online only
- Thursday 1 October 2026 (5.00 pm) – ordinary meeting.

Item 12 – Private Session

21. The Board resolved to consider the following items in private session:
- (1) Approval of Part 2 (private) minutes – 21 May 2026.
 - (2) Matters arising and action points – Part 2.
 - (3) Outcome of Strategy Away Day – Actions & Priorities
 - (4) a) Performance Report: Private Session
b) Voluntary Undertakings and proposals around October re-set
 - (5) Corporate Risk Report
 - (6) Feedback from the ETC / GRA / PSP Committees.
 - (7) Post Office Cases – update
 - (8) Harman review update
 - (9) LSB report: Mazur case
 - (10) Enforcement Regulations Consultation
 - (11) Board re-appointments
22. The meeting finished at 5.20 pm.

Forward Agenda**Tuesday 24 November 2026 – 3 pm start**

- Board to Board meeting (with LSB)

Thursday 26 November 2026 – 5 pm start

- Director General's Report public & private session)
- Feedback from ETC / GRA / PSP Committee
- Corporate Risk Report
- Board evaluation
- GRA Annual Report
- Standing Orders for Joint Committees & IDB governance
- Estates / BSB Building
- Progress on voluntary undertakings with the LSB
- Outcome of Joint Chairs meeting (LSB)

Thursday 4 February 2027 – 5 pm start

- Director General's Report public & private session)
- Feedback from ETC / GRA / PSP Committee
- Annual Diversity Data Report
- Chair's appraisal

Thursday 25 March 2027 – 5 pm start

- Director General's Report public & private session)
- Feedback from ETC / GRA / PSP Committee

Meeting:	Board	Date:	1 October 2026
Title:	Director General's Report to the Board		
Author:	Phil Golding		
Post:	Director General		

Paper for:	Decision: ☐	Discussion: ☒	Noting: ☐	Other: ☐ (enter text)
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Paper relates to the Regulatory Objective (s) highlighted in bold below

- a. protecting and promoting the public interest
 - b. supporting the constitutional principle of the rule of law
 - c. improving access to justice
 - d. protecting and promoting the interests of consumers
 - e. promoting competition in the provision of services
 - f. encouraging an independent, strong, diverse and effective legal profession
 - g. increasing public understanding of citizens' legal rights and duties
 - h. promoting and maintaining adherence to professional principles
 - i. promoting the prevention and detection of economic crime.
- ☐ Paper does not principally relate to Regulatory Objectives

Red Flags

1. None.

Decisions Required

2. None.

TQLs

3. The executive have been working to implement the moratorium, which will launch on 30 September. We have worked with stakeholders, most notably the Bar Council and LSB, to ensure that we delivered as agreed with the Board. The moratorium will reduce the flow of work coming into the team, allowing us to focus on the 750 cases already in the system. However, in parallel, we will also seek board approval to implement a revised English Language requirement, which is not reliant on LSB-agreed rule changes. It is likely this will result in a significant number of applications being withdrawn from the process. This will reduce backlog, but will have the budgetary implications in terms of fee levels.

Performance

4. Last summer we agreed to some voluntary undertakings with the Legal Services Board (LSB) to improve the timeliness and efficiency of our enforcement work. We are making good progress, with the CAT target now routinely being surpassed. I&E performance remains challenging, with significant backlogs leading to increased churn. However, outsourcing arrangements are working well on more simple cases and we have also recently commissioned a former CPS lawyer to undertake a review of our file build, timescales and proportionality.
5. We are also working with BTAS to improve end-to-end performance, with a view to agreeing a new SLA.

Pupillage Self Serve

6. BSB has just launched a Pupillage Self-serve portal: [BSB launches new self-service platform to enhance pupillage registrations process](#). This is a positive move towards offering a more streamlined digital service, moving away from existing manual processes. Early feedback has been positive, this from one AETO:

“I thought the system was very easy to use, navigable and user friendly. Once I was provided with the pupils’ unique reference numbers, it was straightforward to register them. I found it to be much easier and quicker than the previous format.”

7. We are currently reviewing other services with a view to improving access and reducing manual processes, for example, we have just launched an online form for the Right to Review process.

Enforcement

8. As the board will see, we have completed our consultation on the proposed changes to our Enforcement Regulations (closing date was 17 July) to make our enforcement process more efficient and effective, without jeopardising the quality of our decisions. Subject to board (and LSB) approval of the revised regulations, , the changes will take effect early in 2027 and will help us expedite cases involving bullying and harassment. It means the identity of vulnerable witnesses in sexual harassment cases will not be published in the public domain and that the identity of the barrister and the nature of the allegations will be made public at a much earlier stage. It aims to empower the Bar Tribunals and Adjudication Service (BTAS) to actively manage proceedings to a speedier final hearing and with greater transparency.

Education and Training

9. Challenges remain across our standards and authorisations operations including current backlogs and concerns around education and progression.
10. We have established a new Education and Training Committee and will review our overall approach to provide assurance about qualifying standards as well as addressing issues of accessibility and affordability of entry to the profession. The Committee met for the first time on 23 July.
11. We have recently written to all training providers to ensure that they are aware of the increased focus on performance management, student volumes and the availability of pupillage opportunities. We expect that they communicate directly with their current and prospective students with performance data and to warn of the challenges of securing a pupillage.

Working together on first tier complaints

Building on the BSB's progress to improve the experience of consumers who use barristers

Three areas where we can work together

1

Improving the customer journey

The Panel, SRA and Legal Ombudsman are planning a joint workshop to explore a better consumer journey.

2

Building on the BSB's first tier data

The new collection from chambers and entities is a real step forward, and publishing what it shows will add to its value.

3

Supporting the profession

Helping barristers and chambers resolve more complaints at first tier, with practical tools and shared learning.

Consumers are satisfied, until something goes wrong

Consumers: Tracker Survey 2026

- 51% would know how to complain if dissatisfied
- 40% of dissatisfied consumers took no action at all
- 27% named worry about the provider's reaction as the main barrier

Legal Ombudsman: 2025/26

- 25% never got a final response from their provider
- 46% of investigated complaints showed unreasonable first tier handling
- 46% of complaint types were about poor communication or delay

Satisfaction with service is at 90%. The weak point is what happens when things go wrong, and these failures are avoidable.

Sources: LSCP Tracker Survey 2026 (3,802 users); Legal Ombudsman annual complaints data 2025/26 (all providers)

Today the consumer must diagnose their own complaint

Service

"My barrister never kept me updated"

Complain to the barrister or chambers first, then the Legal Ombudsman after eight weeks or a final response

Conduct

"My barrister was dishonest"

Report to the Bar Standards Board, a different door with a different process

Both, or a solicitor too

"I don't know who got it wrong"

Potentially chambers, LeO, the BSB, the law firm and the SRA

The BSB's own guidance says one complaint can hold service, negligence and conduct elements at once. When signals are split between channels, nobody sees the whole picture.

Sources: BSB First Tier Complaints Handling guidance; LSCP, A Regulatory Framework for the Future

The Legal Ombudsman sees first tier failing too often

LEGAL
SERVICES
CONSUMER
PANEL

14,259

new complaints received, up
37% on the year before

25%

of consumers said they never
got a final response from their
provider

46%

of investigated complaints
showed unreasonable first tier
handling

46%

of complaint types were about
poor communication or delay

These are avoidable failures. Better first tier handling is the single biggest lever on demand for LeO.

Source: Legal Ombudsman annual complaints data 2025/26. All provider types.

The Bar starts from a strong base, but first tier is still unseen

86%

of barristers' clients were satisfied
with the service they received

Tracker Survey 2024

No routine first tier data until now

The BSB has relied on second tier data from the Legal Ombudsman. Complaints resolved or abandoned inside chambers are not visible.

Warning signs in crime and family

Criminal law: after three years of improvement, LeO found poor first tier complaint handling rising again in 2025/26. Child law: complaints accepted by LeO more than doubled, from 51 to 106.

Direct access clients have no solicitor to guide them

Lay clients carry the full burden of working out where to go.

Sources: BSB consultation (May 2025); Legal Ombudsman annual complaints data 2025/26

A joint workshop: the Panel, SRA, Legal Ombudsman and LSB

The problem: consumers must work out for themselves whether an issue is about service (chambers, then LeO) or conduct (the regulator), and one complaint can be both.

We are starting with the SRA because it is the largest regulator and its regulated community generates the majority of complaints.

Better signposting

Consistent words and links across every regulator, chambers and LeO

Service or conduct, explained

Plain language on the divide and where each goes

A clearer consumer journey

Mapped end to end from the consumer's side, not the provider's or the regulator's

Shared triage

Exploring how a complaint could reach the right place, wherever it lands

First tier data: collect it, then publish it

What the BSB has put in place

Rules in force since 15 June 2026

Chambers, entities and sole practitioners report annually via MyBar

First collection no earlier than June 2027

Why collection matters

A Bar wide picture, including complaints that never reach LeO

Categories built on LeO's, so both tiers can be read together

Captures client satisfaction with the handling

Why publication matters

Spots risk early, including premature LeO referrals

Raises standards by theme, area of law and complaint type

Builds trust and accountability

Our ask: commit to a date and format for publishing aggregated results after the first cycle.

Sources: BSB Data Policy Statement (Feb 2026); BSB consultation (May 2025); LSB Statement of Policy (May 2024)

The digital door, and support for the profession

The digital door: a concept we support

The BSB's 2026/27 plan commits to an improved end to end process for people reporting concerns

Good would mean: asking about the problem, not the process, and routing service and conduct issues to the right place

Tested with real consumers, including vulnerable and direct access clients

Helping the profession resolve more at first tier

Promote LeO's Model Complaints Resolution Procedure and Bar specific templates

Targeted help for smaller chambers, sole practitioners and public access work

Focus on communication, delay and costs information, and share themes back from each data cycle

Sources: BSB Business Plan 2026/27; Legal Ombudsman 2025/26 data; BSB consultation (May 2025)

How we can work together

NOW

Share learning from the joint workshop with the BSB

JUNE 2027 AT THE EARLIEST

First first tier data collection from chambers and entities

AFTER THE FIRST CYCLE

Publish aggregated results and themes

ONGOING

Panel feedback on the digital door as it develops

What the Panel brings

Feedback on the digital door, drawing on expertise across the Panel, to complement testing with actual consumers · annual Tracker Survey evidence on how consumers experience complaints · a partner on the consumer journey

Helping the profession resolve more at first tier

Ready to use tools

Promote LeO's new Model Complaints Resolution
Procedure alongside Bar specific templates and guidance

Help where it is hardest

Targeted support for smaller chambers, sole practitioners
and those doing public access work

Fix the common causes

Communication, delay and costs information drive most
complaints and are the most preventable

Close the loop

Share anonymised themes from each data cycle back with
chambers so they can act on them

Sources: Legal Ombudsman 2025/26 data; BSB consultation equality impact assessment (May 2025)

Publishing the data turns collection into improvement

Spot risk early

Shows where complaints are disproportionately high, or where consumers go to LeO too soon, before problems become systemic

Raise standards by theme

Patterns by area of law, instruction route and complaint type, such as costs information or delay, can drive guidance and training

Build trust and accountability

Consumers, LeO and peer regulators can see how the Bar is doing, and the profession can see its own progress

Our ask: commit now to a date and format for publishing aggregated results after the first collection cycle.

Sources: BSB consultation (May 2025); LSB Statement of Policy on first tier complaints (May 2024)

Part 1 Public

Meeting:	Board	Date:	1 October 2026
Title:	Enforcement Regulations – Consultation Feedback Statement and Legal Services Board Application		
Author:	Alex Kuczynski		
Post:	Director of Legal and Information Management		

Paper for:	Decision: ☒	Discussion: ☐	Noting: ☐	Other: ☐ (enter text)
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Paper relates to the Regulatory Objective (s) highlighted in bold below	
(a)	protecting and promoting the public interest
(b)	supporting the constitutional principle of the rule of law
(c)	improving access to justice
(d)	protecting and promoting the interests of consumers
(e)	promoting competition in the provision of services
(f)	encouraging an independent, strong, diverse and effective legal profession
(g)	increasing public understanding of citizens' legal rights and duties
(h)	promoting and maintaining adherence to the professional principles
(i)	promoting the prevention and detection of economic crime.
☐	Paper does not principally relate to Regulatory Objectives
☐	Paper also refers to the promotion of economic growth and innovation

Purpose of Report

1. To seek Board approval of:
 - a. the adoption of the five ‘in-principle’ proposals for change following the closure of our recent consultation, “*the BSB’s Enforcement Powers and Procedures - Proposed revisions to the Enforcement Regulations: Part 5 of the BSB Handbook*”, as set out in the enclosed feedback statement, including the proposed commencement date and application of the new regulations to all new and ongoing cases (subject to a proposed carve out in relation to the earlier publication of charges (see Proposal 1)) (Annex 1);
 - b. the new enforcement regulations, subject to final approval by the Legal Services Board (Annex 2)
 - c. the final draft of the new policy on non-party access to tribunal documents (Annex 3)
 - d. the introduction of a one-year publication period for cases where all of the charges against a barrister have been dismissed; and
 - e. the publication of the feedback statement, by way of formal reply to the consultation responses, and the revised “final” regulations (and supporting updated tracker) (Annex 4).
2. As the Board is aware, this work furthers the Strategic Priorities and Modernising Delivery commitment of the BSB. As noted, the work aligns with the regulatory objectives, in particular a), d), and h). It is also the subject of undertakings given to the LSB. The Project is on track to deliver its key objectives and outcomes, in accordance with the timelines previously agreed by the Board and with the LSB. However, if the commencement date is deferred from 1 February 2027, we will need to update the LSB.

Recommendation

3. The Board is invited to approve the feedback statement, and the policy positions adopted, for publication on or about 5 October 2026 on the terms as drafted, and the revised “final” regulations, subject to any final textual amendments and formatting. We then intend to submit, as soon as possible following the Board meeting, our application for approval of the new regulations by the Legal Services Board. A copy of our draft application to the LSB is included for reference in the reading room material.

Background

4. As the Board is aware, the review of the Enforcement Regulations (specifically Sections A to D of Part 5 of the Handbook) follows the Fieldfisher Review, which made numerous recommendations as to the BSB’s enforcement processes. The Board accepted those recommendations in full.
5. We held a [first consultation](#) on proposed revisions to the Enforcement Regulations between July and October 2025. The first consultation focused on ‘in-principle’ proposals for change, rather than definitive proposals and drafting, and the changes ranged from substantial alterations to approach or process, to changes that sought to codify or clarify existing practice.
6. The majority of the changes were intended to facilitate an end-to-end enforcement process which is more efficient, effective and timely, whilst still being fair and transparent and leading to the right outcomes. This supports the regulatory objectives, in particular of protecting and promoting the public interest.
7. On 1 December 2025, we published a short [feedback statement in relation to one proposal](#), which concerned a change to our approach to the communication of detailed, written allegations, before any regulation changes come into effect. In the statement we communicated clearly to the profession and the public that the BSB would introduce this change, prior to formally amending the regulations. That change has been implemented successfully.
8. On 2 April 2026, we published the full [Consultation Feedback Statement](#) on the outcome of the first consultation, which summarised the responses received and our conclusions and next steps.
9. Following our analysis of the consultation responses, and working with Fieldfisher, we drafted revised regulations to give effect to our proposals, save for certain proposals which we decided not to proceed with (such as disciplinary panel composition).
10. We publicly consulted on the drafting of the revised Enforcement Regulations as part of a second consultation.
11. We intend to introduce the revised set of enforcement regulations to take effect in early 2027, on or around 1 February 2027, subject to LSB approval, and BTAS’ readiness.

12. With regard to our duty under the *Legal Services Act 2007* to act, so far as is reasonably practicable, in a way that is compatible with the regulatory objectives when discharging our regulatory functions, the primary rationale underpinning most of the proposals for change is to improve the efficiency, effectiveness and timeliness of the enforcement process. This remains our view following the responses to the consultation. In our view, the policy positions reflected in the revised regulations are aligned with the need to protect and promote the public interest as their principal benefit is improved operational efficiency and speed, which has been a guiding consideration throughout. We therefore remain satisfied that this work furthers the BSB's regulatory objectives.

The Consultation Paper and Responses

13. The second consultation focused on the draft new enforcement regulations, but included a number of further proposals for change and draft guidance on non-party access to tribunal documents. It was open from 1 May 2026 to 17 July 2026.
14. As set out in the consultation paper, our work to review and modernise our enforcement regulations and allow for greater efficiency and effectiveness aligns with the regulatory objectives of:
 - protecting and promoting the public interest;
 - protecting and promoting the interests of consumers; and
 - promoting and maintaining adherence to the “professional principles”.
15. We received fourteen responses to the consultation. Nine responses were from individual barristers (including a current directions judge), one was from a judicial officer (previously a Chair of the Disciplinary Tribunal) and five were from representative bodies and other organisations (namely, the Bar Council, the Bar Tribunals and Adjudication Service, the Council of the Inns of Court and the South Eastern Circuit).
16. The feedback received was generally supportive of our “in principle” proposals, in particular from the representative bodies. Overall, stakeholders engaged constructively with the detail of the proposals and, in some cases, also provided drafting suggestions. The individual barristers' responses were more resistant to the changes and included some objections to proposals that were previously consulted upon and have already been approved by the Board. Concerns were also raised by BTAS/COIC about BTAS' readiness for implementation from 1 February 2027.
17. A summary of the responses, together with the BSB's position in response to them, is set out in the draft feedback statement (Annex 1).
18. We have made a number of amendments to the draft regulations in light of the feedback received. We have shared our proposed revisions with Fieldfisher for review and, for transparency, we will publish the updated regulations showing the changes made since the version published with the consultation (a copy of which can be found at Annex 2). We have also annexed an up-to-date tracker of changes against the current enforcement regulations at Annex 3 (any changes made to the tracker since the version published with the recent consultation are highlighted in yellow).

19. In relation to our draft policy on non-party access to tribunal documents, on which we also consulted, we have considered the feedback received and incorporated relevant suggestions into updated guidance to improve its clarity of approach and application. We also asked Fieldfisher to review the draft in particular against current best practice and case law. A copy of the updated BTAS Policy, showing the changes made since the consultation in tracked changes, is included at Annex 4.
20. In developing the revised regulations and considering stakeholder feedback, we have identified a number of other policies and guidance documents, owned by both the BSB and BTAS, that will need to be updated or developed to support implementation of the new Enforcement Regulations. Both the BSB and BTAS have been working on updating and drafting these documents, although we do not intend to consult separately on them. We may provide some of these updated policy and guidance documents to the LSB, in support of our application, if requested to do so to assure LSB of our readiness.
21. Set out below are the five additional ‘in principle’ proposals on which we consulted and the Board is asked to note and approve the position to be taken in the feedback statement, in light of the responses received. If members of the Board wish, we can share the responses received to the consultation (either in whole or in respect of particular proposals).

The issues for discussion

22. As noted above, stakeholder feedback on the additional proposals included in the second consultation was generally supportive. Having considered the feedback, we intend to proceed with the proposals, as set out below.
23. **Proposal 1: Transitional provisions.** We proposed to update the commencement and transitional provisions so that the new regulations will come into force on or around 1 February 2027 and apply to all new and ongoing cases from that date.
24. Respondents were generally supportive of this approach. However, both BTAS and COIC expressed concerns over the “clean break” approach and the proposed implementation date of 1 February 2027. Their feedback primarily focussed on the operational readiness of BTAS but also queried fairness to barristers whose cases are already well advanced in the disciplinary process.
25. For the reasons set out more fully below, we remain of the view that on balance a “clean break” and single commencement date which applies to all cases is preferable.
26. As to BTAS’ readiness, we are working with BTAS to develop a delivery plan and seeking to support them to achieve implementation from 1 February 2027. At the time of writing this paper, these conversations are ongoing. However, the Board should note that we may need to reserve the right to defer the implementation date in the event that BTAS will not be ready. If implementation on 1 February is not achievable, we propose a deferred implementation date of no later than 1 April 2027. We hope to be able to provide an oral update on BTAS readiness at the Board meeting.

Part 1 Public

27. Having considered the helpful feedback, we intend to proceed with the implementation of this proposal so that the new enforcement regulations will so that they apply to all cases (new and ongoing) cases from a specified single date. We believe that applying one regulatory framework is the most effective way to promote consistency, reduce complexity and avoid the practical difficulties associated with operating two regulatory regimes concurrently.
28. While we remain of the view that the majority of the proposed changes will not adversely affect the rights of those individuals, we accept that the proposed change to the point at which charges are published may potentially risk causing some unfairness to barristers whose cases are already well advanced in the current process. We therefore propose that for cases where case management directions have already been agreed or set before the revised regulations come into force, publication will continue to occur as now (i.e. when the convening order is issued).
29. **Proposal 2: Publication to occur in all cases, including dismissals.** Our proposal was to extend the publication provisions so that outcomes are published in all cases, including where the charges against a barrister have been dismissed.
30. Concerns were raised by respondents about fairness to barristers whose charges are ultimately dismissed, including the risk that publication may draw attention to allegations that have not been proved and cause reputational harm, the need for appropriate safeguards and clear publication periods and that barristers should have an opportunity to raise any objections before publication takes place.
31. Having considered the feedback, we have decided to continue with our proposal to extend publication so that the outcomes of all disciplinary proceedings, including findings where charges against a barrister have been dismissed in their entirety, are generally published.
32. Where proceedings have already in the public domain, we consider that fairness requires the published record to accurately reflect the outcome. Publishing the outcome of dismissed cases addresses a gap in the current framework.
33. We agree that barristers should have the opportunity to raise any objections before publication takes place. The proposed publication timeframes provide an opportunity for parties to review the decision, comment on a draft, and raise any relevant issues before publication occurs. The regulations also empower the Tribunal to decide against publication (in whole or in part) where it may not be in the public interest.
34. Further, having considered the helpful feedback received raising the issue of the length of publication of dismissed charges, we propose to apply a publication period of one year to dismissed cases. In proposing a publication period of one year, we have considered the approach of other regulators¹ and have also taken into account the fact that BTAS' current shortest publication period is two years, which applies to the outcomes of all public hearings before the Disciplinary Tribunal.²

¹ Including the GMC, which publishes all decisions for one year in accordance with its [Policy on publication and disclosure of fitness to practise information for doctors](#) and the SDT, which publishes decisions for 3 years under its [Judgment Publication Policy](#).

² Under the [BTAS publication policy](#), all findings will remain on the BTAS website for 2 years.

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35. **Proposal 3: The power to refer and impose immediate interim orders and interim orders on the basis of conditions only.** Our proposal sought to extend the power to impose an immediate and interim order so that such orders may be imposed on the basis of interim conditions alone, rather than interim suspension or disqualification only.
36. The majority of respondents supported our proposal to extend the powers to impose immediate and interim orders so that such orders may be imposed on the basis of interim conditions alone. We welcome the broad support for this proposal and intend to proceed with this change. In our view, extending the available interim measures to include conditions will provide a more proportionate and flexible regulatory response.
37. **Proposal 4: Undertakings subject to review rather than appeal.** Under the interim order regime, we proposed to extend the right to request a review of an interim order so that it also applies in respect of undertakings accepted and imposed by an interim panel.
38. We intend to proceed with this proposal, in light of the support received from the majority of respondents. Extending review rights to include undertakings will improve the consistency of the interim orders regime by ensuring that the same review mechanism applies across all forms of interim measures.
39. **Proposal 5: Right of appeal in health matters.** In health matters, our proposal was to allow both parties the right to appeal a decision of the Health Panel and to be notified equally of the appeal hearing, have a right to attend and be notified of the outcome.
40. The majority of respondents supported this proposal. One respondent was concerned that the BSB should not have a right to appeal decisions of the Health Panel, given it is non-disciplinary in nature. Given the broad support, we intend to proceed with this proposal. We will also proceed with enabling both parties to be notified of the appeal hearing, to attend the hearing and be notified of the outcome, ensuring consistency and fairness in health matters. While we note the concern that the BSB should not appeal the outcome in health matters, we consider that there may be exceptional cases where an appeal is necessary to ensure that the public interest is properly protected.

Other feedback and changes to the regulations:

41. We have made a number of changes to the regulations following the consultation feedback from stakeholders, including:
 - a. *Removing the requirement for directions hearings to be held within 21 days of returned case management questionnaires to allow some flexibility with the panel secretary and directions judge;*
 - b. *amending the definition of “judge” to be clear that retired judges are eligible;*
 - c. *adjusting the threshold test against the presumption of witness anonymity to “substantial” prejudice in the conduct of their defence;*
 - d. *clarifying that any hearing before the Disciplinary Tribunal may be in person or remote;*
 - e. *clarifying the calculation of the 36 month period after which an indefinite “health” order may be made.*

42. Among the suggestions we do not propose to accept was the Bar Council's proposed addition of "protection of the profession" as a ground for referral for an interim order – we regard the current grounds (i.e. protection of the interests of clients (former, current or future) and the protection of the public or otherwise in the public interest) as sufficient.
43. Similarly, concerns were raised by some respondents about our proposal to remove the definition of 'professional misconduct' on the basis that they felt that relying on the ordinary meaning and case law may unintentionally broaden the scope of professional misconduct under the regulations. While we have considered this feedback, our view is that relying on the ordinary meaning of the term, as informed by case law, will ensure that the term is interpreted and applied consistently and does not extend beyond its proper scope.
44. We also draw the Board's attention to feedback from a current BTAS directions judge, who submitted a response to our consultation. The directions judge did not support the proposed changes to the case management process, including providing greater case management powers to BTAS and directions judges, on the basis that these changes would have resource implications for directions judges. The respondent favoured retaining the current model, under which parties agree standard or varied directions, without the need for the matter to be referred before a directions judge. We have considered this feedback and are mindful of the resource implications for directions judges but we do not consider that this outweighs the benefits of the proposed reforms, which are intended to empower BTAS to more actively manage cases and improve the efficiency of the disciplinary process. We therefore intend to proceed with the changes. We have, however, accepted a related concern from this respondent that prescribing a 21-day time limit for oral directions hearings to happen may not be workable in practice and put unnecessary strain on resources. As such, we have amended the regulations to require such hearings to take place 'as soon as practicable' (as set out in paragraph 24(a) above).
45. We also received informal feedback from current IDB Office Holders that some members did not support the proposed move from five to three-person IDB panels. This was not submitted as a formal consultation response and we note that we have actively engaged with the IDB on the issue of panel composition since December 2024. We do not consider that there is sufficient basis to depart from the proposed changes to the IDB panel composition, which have already been approved by the Board, and therefore intend to proceed with the change as set out in the regulations. We have not addressed the informal feedback in the consultation feedback statement but have managed the issue through engagement with the IDB.

Resource implications / Impacts on other teams / departments or projects

46. This is a priority project to which the BSB is committed. The Legal Team continues to coordinate the work, drawing on colleagues across the project team and wider organisation to support the development and ongoing refinement of the regulations, particularly in light of the consultation feedback. The project team will continue to support policy development and drafting of the revised regulations, ahead of implementation.

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47. In parallel, we have prepared the application to the LSB for approval of the revised regulations, with significant support from the Policy Team. We submitted an initial draft to the LSB for high-level feedback on key issues. While this feedback is non-binding and does not fetter the LSB's discretion when considering the formal application, it has been helpful in informing and refining the draft application now presented to the Board.

Equality and Diversity

48. We conducted Equality Impact Assessments (EIAs) for our proposals and included the full EIAs with the second consultation. The majority of the assessments did not raise any significant equality concerns directly arising from the proposals.
49. We are grateful for all of the feedback provided by respondents in relation to our EIAs and have taken this into account in finalising them. In response to the feedback received, we have updated the EIAs for some of our proposals, namely allegations, powers to reconsider post investigation decisions, costs, the interim order listing process, service by email and non-party access to tribunal documents. Once finalised, we plan to publish the final EIAs with the feedback statement.
50. Where potentially adverse equality impacts were identified, these were not considered to undermine the proposals but instead highlighted the need for appropriate recognition in guidance or slight adaptation in their implementation.
51. We also recognise that individuals with certain protected characteristics are disproportionately represented in the BSB's disciplinary processes and we remain committed to ensuring that the new regulations and processes do not exacerbate these disparities and to evaluate their impact after implementation.

Risk implications

52. The primary risk to the project is resourcing and timing. The internal project team is operating to tight deadlines, driven by public commitments and external expectations, including oversight from the LSB. Successful implementation is also dependent on the readiness of BTAS, which is still to be confirmed.
53. There is also a reputational risk that the reforms may not deliver the anticipated improvements in practice or may have unintended consequences, following implementation. We will review the effectiveness and impact of the revised enforcement regulations through ongoing monitoring and evaluation. We will develop the plan and metrics, both internally and with BTAS.

Data protection

54. We have completed Data Protection Impact Assessments (DPIAs) for the proposals that raised particular data protection considerations, including those relating to confidentiality exceptions and publication. While these proposals involve the processing of personal and special category data, we have not identified any significant data protection issues arising from the proposals that would require amendments to the regulations and the consultation responses did not identify any material impacts that would alter our assessments. The DPIAs identify the relevant risks and the measures available to address them. Given the BSB's regulatory role

and the necessity of handling personal data in the course of our regulatory functions, we are satisfied that the identified risks can be appropriately managed. We propose to inform stakeholders, as part of the second consultation feedback statement, that the DPIAs will be made available upon request.

Communications and Stakeholder Engagement

55. The Communications team are supporting stakeholder engagement with media engagement in relation to the consultation feedback statement. We are also engaging with the Communications Team to develop a wider communications plan ahead of implementation.
56. We are in the process of developing a training plan for decision-makers, including training for the IDB which is planned for December.
57. In addition, and as mentioned above, we are continuing to work closely and collaboratively with BTAS, ahead of the implementation of the revised regulations. This has included regular engagement to support the development and updating of guidance and policy documents and the development of KPIs for the new processes and systems. Given the planned implementation in February 2027, a key focus is ensuring that BTAS is sufficiently prepared and resourced to implement the new arrangements effectively. We will continue to meet regularly to monitor progress, address any emerging issues and ensure that the necessary arrangements are in place for implementation.

Annexes

Annex 1 – draft Consultation Feedback Statement

Annex 2 – revised Enforcement Regulations (with track changes since the version published for consultation)

Annex 3 – updated BTAS Policy on access to tribunal documents by non-parties

Annex 4 – updated tracker of changes as compared against the current enforcement regulations

Reading room items

Item 1 – draft LSB application

Item 2 – updated Equality Impact Assessments

Item 3 – Data Protection Impact Assessments

Supplementary note for the Board to facilitate discussion on transitional provisions (consultation proposal 1)

1. We have prepared this supplementary note to facilitate discussions on the transitional provisions, in light of feedback received from BTAS and COIC.

Consultation proposal and respondent feedback

2. As set out in the second consultation, we proposed that the new regulations will come into force on or around 1 February 2027 and apply to all cases from that specified date. The proposal was to implement a ‘clean break’ so that the revised regulations will apply to all cases from that date, including those already in train.
3. We received mixed responses to this proposal. The Bar Council and the South Eastern Circuit were supportive of our proposal to implement a ‘clean break’. However, both BTAS and COIC raised concerns as to potential unfairness but primarily around whether the proposed date of 1 February 2027 would be feasible for BTAS.

Concerns over BTAS readiness

4. As set out in the Board paper, BTAS has reiterated concerns about its operational readiness for implementation of the revised regulations on 1 February 2027. In particular, BTAS has advised that additional resources may not be available until 1 January 2027, which has implications for training Tribunal panel members and filling the panel secretary role.
5. We are continuing to work closely with BTAS to support its preparations for implementation and recognise that its operational readiness is essential to the effective implementation of the revised regulations.
6. BTAS has suggested a phased approach to implementation to manage these risks, i.e. cases already “live” would continue under the current regime to conclusion. However, rather than adopting a phased approach across the full caseload of disciplinary cases (which could span over a period of months or years), after discussion with BTAS, and to facilitate its readiness, we accept that a narrow transitional exception for cases where a substantive hearing has already been listed, and a convening order issued, before 1 February 2027 will provide a more proportionate solution.
7. As convening orders are required to be issued not less than 14 days prior to the substantive hearing, we consider that this exception should only capture a small number of disciplinary cases. Our data indicates that of the current 57 ongoing disciplinary cases (involving 45 barristers), 25 (involving 18 barristers) have not yet had directions set. Given the average time from referral to directions being set is around 4-5 months, we expect that many of these cases will have directions in place by 1 February 2027, limiting the number of cases that are likely to have had the final hearing listed and a convening order issued before 31 January 2027, thus being caught by the proposed exception to the

transitional provisions (noting that this estimate does not include cases referred between now and implementation). In addition, 16 of the ongoing disciplinary cases already have a substantive hearing listed before 1 February 2027 and are therefore likely to be concluded, before the regulations come into force. We will keep the number of cases under review. This approach would allow cases with imminent substantive hearings already listed to continue under the existing regulations, while the revised regime is implemented for all other cases from 1 February 2027. Parties and the panel can therefore continue preparations for and the conduct of hearings without any change.

8. Subject to this narrow exception, this approach would maintain the benefits of a single commencement date and avoid the complexity of applying two regimes across the wider hearing caseload, while reducing the immediate operational pressure on BTAS in relation to cases already approaching the substantive hearing date. BTAS has confirmed that it considers this approach workable and that it will support its operational readiness for implementation on 1 February 2027.

Proposed solution for the Board's consideration

9. We recommend proceeding with our proposal for the commencement and transitional provisions so that the new regulations come into force from 1 February 2027 and apply to both new and existing cases. This provides a clear, single regulatory framework and avoids the complexity and potential confusion of operating different regimes concurrently.
10. In light of recent discussions with BTAS, and in addition to the carve out in relation to the earlier publication of charges proposed in the separate Board paper and draft feedback statement, we propose a further narrow exception for cases where a substantive hearing has already been listed, and a convening order issued, before 1 February 2027. In these cases, the current regulations will continue to apply. This targeted exception will support BTAS' operational readiness, while avoiding a broader, staged approach to implementation. This approach also enables the BSB to retain 1 February 2027 as the implementation date, consistent with the voluntary undertakings given to the LSB.
11. As set out in the consultation feedback statement, we recognise that applying the revised regulations to existing cases will affect barristers already engaged in the enforcement process. However, we consider that approach proportionate, as the changes do not remove existing rights, including the right to challenge decisions.
12. An updated version of the consultation feedback statement in relation to transitional provisions (Proposal 1) only is attached at Annex 1 for the Board's approval. It reflects the proposed changes to the transitional arrangements.
13. If approved, we reserve the right to amend the wording of the draft regulations to address the narrow exception to the transitional provisions for cases convened on or before 31 January 2027.

Annex 1

Responses to individual consultation questions

Proposal 1: Transitional provisions

Question 1. Do you agree with our proposal to update the commencement and transitional provisions so that the new regulations will come into force on or around 1 February 2027 and apply to all new and ongoing cases from that specified date? If not, why not?

1. We received mixed responses to our proposal to update the commencement and transitional provisions, including the proposal that the revised regulations should apply to all new and ongoing cases from a specified implementation date. Some respondents recognised the practical benefits of having a fixed implementation date. They generally agreed that applying a single regulatory framework to both live and future cases would promote consistency, avoid the complexity of operating two regulatory regimes simultaneously and minimise confusion for barristers and the general public.
2. Other respondents emphasised the importance of providing sufficient notice before the revised regulations come into force and ensuring that clear and accessible information about the changes is made available to the profession.
3. Conversely, some respondents questioned whether the proposed implementation date of 1 February 2027 would provide sufficient time for operational readiness, particularly for BTAS, and suggested that a longer mobilisation period may be required to support recruitment, training and implementation.
4. Some of the respondents who disagreed with this proposal expressed concern that applying the revised regulations to existing cases could be unfair to barristers already subject to ongoing proceedings.
5. The majority of respondents broadly supported our proposal to preserve the current and existing approach to pre-2014 conduct and the applicable standard of proof.

BSB Response

6. Having considered the helpful feedback, we intend to proceed with the implementation of the new enforcement regulations so that they apply to all cases (new and ongoing) from a single date. We believe that applying one regulatory framework is the most effective way to promote consistency, reduce complexity and avoid the practical difficulties associated with operating two regulatory regimes concurrently.

Replacement to text of Annex 1 to BSB 059 (26) - updated Consultation feedback statement (proposal 1 only) – Part 1 (Public)

7. However, in response to concerns raised by some respondents, we have carefully considered the impact of applying the revised regulations to barristers with cases already progressing through the disciplinary system when the new regime comes into force.
8. While we remain of the view that the proposed changes will not adversely affect the rights of those individuals, we note the particular concerns about the earlier publication of charges. We have therefore decided that, for cases where case management directions have already been agreed or set before the revised regulations come into force, publication will continue to occur when the convening order is issued, in accordance with the current approach. We consider that this approach can be implemented as a matter of policy, rather than through a specific transitional provision in the regulations. We confirm that this approach will be reflected in the BTAS Publication Policy.
9. In addition to the limited exception to the publication provisions set out above, we propose a further, narrow exception to the transitional provisions for cases where a substantive hearing has already been listed, and a convening order issued, on or before 31 January 2027. In these cases, the current regulations will continue to apply. As cases with imminent hearings can proceed under the existing framework, there will be greater certainty for parties who have prepared their cases relying on the existing regulations. It will also avoid Tribunal panel members having to undertake additional preparation, training and support to apply the new regulations at short notice. It will also allow sufficient time for the necessary operational arrangements, training and support to be put in place for the revised regulations to be implemented in practice. As convening orders must be issued at least 14 days before the substantive hearing, we expect only a small number of cases to fall within this exception.
- 9-10. Importantly, this is not intended to create a two-tiered approach to the application of the revised regulations. Subject to ~~Beyond these~~ limited exceptions, the revised regulations will apply to all cases from the commencement date (i.e. 1 February 2027), including cases already underway. We consider that the benefits of a single commencement date and consistent approach to cases outweigh the risks of operating two separate regulatory regimes and will provide greater clarity for both the profession and the public. We will make sure that this is clearly communicated to affected parties.
- 10-11. We also welcome respondents' comments regarding the importance of clear and effective implementation. We will continue to work closely with BTAS, the LSB and other key stakeholders to ensure operational readiness before the revised regulations come into force.
- 11-12. Finally, we intend to preserve the current and existing approach to pre-2014 conduct and the standard of proof, in light of the broad support received from respondents.



The Bar Standard Board's Enforcement Powers and Procedures

Proposed revisions to the Enforcement Regulations: Part 5 of the BSB Handbook

Second Consultation

BSB Response

October 2026

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List of additional annexes (accessed as separate documents):

Annex 1 – new Enforcement Regulations (showing changes made to the draft regulations since the second consultation)

Annex 2 – Tracker of changes to the Enforcement Regulations

Annex 3 – Draft policy on access to tribunal documents by non-parties ((showing changes made to the draft regulations since the second consultation)

Annex 4 – updated Equality Impacts Assessments

Introduction

1. Between 1 May and 17 July 2026, the Bar Standards Board (**BSB**) held a second public consultation on the BSB's Enforcement Powers and Procedures (*Proposed revisions to the Enforcement Regulations: Part 5 of the BSB Handbook*). The consultation paper can be found [here](#).
2. In our latest consultation, we sought feedback on new draft enforcement regulations to replace Parts 5A to D of the BSB Handbook, together with a small number of additional policy proposals and supporting guidance.
3. This feedback statement summarises the responses received to the BSB's second consultation, our analysis of the responses, the changes we intend to make as a result of the consultation and the next steps.
4. The second consultation followed an earlier consultation, held between July and October 2025, which sought views on 'in principle' proposals for change to the BSB's Enforcement Powers and Procedures ([Proposed revisions to the Enforcement Regulations: Part 5 of the BSB Handbook](#)). We published a [Feedback Statement](#) following that consultation in April 2026.
5. The draft enforcement regulations sought to give effect to the policy changes that were approved by the BSB's Board following the first consultation.
6. The overall objective of this work is to develop a set of regulations that help improve the efficiency and timeliness of the end-to-end enforcement process, while maintaining quality, respecting the balance of obligations between the BSB and respondent barristers, and enhancing public trust and confidence in the profession and its regulation.
7. As set out in the second consultation paper, our work to review and modernise our Enforcement Regulations and allow for greater efficiency and effectiveness aligns with the regulatory objectives of:
 - protecting and promoting the public interest;
 - protecting and promoting the interests of consumers; and
 - promoting and maintaining adherence to the "professional principles".

Summary of our proposals and issues for feedback

8. The recent consultation was wide-ranging, necessarily covering a large number of issues relating to the BSB's enforcement function and reflecting the comprehensive nature of the revisions to the Enforcement Regulations. In redrafting the regulations, we identified a small number of additional proposals for change and sought feedback on those.

9. A summary of these additional proposals is set out below. Each of the proposals was also captured in the draft regulations for stakeholder feedback.
- a. *Proposal 1: Transitional provisions.* The new regulations will come into force on or shortly after 1 February 2027, with a ‘clean break’ so that the new regulations will apply to all cases from that date, including those already in progress.
 - b. *Proposal 2: Publication to occur in all cases, including dismissals.* Publication of Disciplinary Tribunal hearing outcomes will be extended so that outcomes are published in all cases, including where the charges against a barrister have been dismissed.
 - c. *Proposal 3: The power to refer and impose immediate interim orders and interim orders on the basis of conditions only.* The powers to refer for and impose an immediate and interim order will be extended to allow such orders to be imposed on the basis of interim conditions, rather than interim suspension or disqualification only.
 - d. *Proposal 4: Undertakings subject to review rather than appeal.* The right to request a review of an interim order will be extended so that it also applies in respect of undertakings accepted and imposed by an interim panel.
 - e. *Proposal 5: Right of appeal in health matters.* The BSB will be given the right to appeal the decision of a Health Panel, which is currently only available to the barrister. The revised regulations will also require both parties to be notified of the appeal hearing, as well as the right to be heard and be notified of the outcome.
10. The consultation also sought views on the drafting of the new regulations themselves, including whether they properly give effect to the policy positions established through the first consultation and support the overall objectives of a fair, transparent, efficient and effective enforcement process.
11. Given the length and complexity of the regulations, the consultation paper focussed on the most significant and substantive thematic changes, rather than setting out every drafting amendment. The redraft of the regulations sought to implement the following key principles:
- streamlining the revised regulations to ensure they are better organised, simplified and use plain English;
 - improving the structure and organisation by creating four distinct new sets of regulations which are capable of standing alone;
 - clarifying the powers and delegated powers for key decision-makers; and
 - changing and updating the terminology.

12. With regard to our duty under the Legal Services Act 2007 to act, so far as is reasonably practicable, in a way that is compatible with the regulatory objectives when discharging our regulatory functions, and as outlined above, the primary rationale underpinning most of the proposals is to improve the efficiency, effectiveness and timeliness of the enforcement process.
13. In our view, the policy positions set out in respect of the proposals are aligned with the need to protect and promote the public interest, as their principal benefit is improved operational efficiency and speed, which has been a guiding consideration throughout. We therefore remain satisfied that this work furthers the BSB's regulatory objectives.

Summary of responses

14. We received fourteen responses to the consultation. Nine responses were from individual barristers, one was from a judge and five were from representative bodies and other organisations. We welcome the range of views provided by respondents as well as the engagement with the detail of these proposals. This is valuable and instructive in assisting the BSB settle the final draft of the new enforcement regulations.

The Harman Review

15. The BSB has welcomed the findings of the Independent Review of Bullying, Harassment and Sexual Harassment at the Bar (the **Harman Review**), which was published during our first consultation, and has begun to implement many of its recommendations. We recognise the importance of ensuring that those who report bullying and harassment have confidence that they will be supported through a robust, transparent and efficient enforcement process, without unnecessary delay.
16. We had already begun work to improve our enforcement processes and a number of the reforms consulted on as part of this project will address or complement recommendations made in the Harman Review. Our consultation provided a further opportunity to take forward some of those recommendations.
17. The following recommendations are particularly relevant to this project and have been reflected in the revised regulations:
 - **Recommendation 21:** Anonymity orders must be dealt with promptly by the Tribunal. We have adopted this recommendation in our new approach to dealing with anonymity applications at the case management hearing, which is reflected in the *BSB Disciplinary Tribunals Regulations 2027*. Although agreements are not directly in the regulations themselves, we will also adopt measures to preserve confidentiality of the investigations (as set out in Part 5) – addressing **recommendation 20**.

- **Recommendation 22:** Decisions made by the Tribunal should be published promptly. In response to this recommendation, we developed an additional proposal for change in our second consultation, namely that publication should occur promptly and in all cases, including dismissals. Further detail on this proposal and the BSB response is set out under Proposal 2.

18. We are continuing to consider the wider findings and recommendations of the Harman Review as part of our broader organisational work, which sits outside the scope of this project. We are also working with other stakeholders, including the Bar Council, BTAS and the profession, to support improvements to the culture of the Bar as well as the effective operation of the enforcement process.

Next steps

19. Following our analysis of the consultation responses, we are finalising the new Enforcement Regulations and preparing our application to the Legal Services Board (**LSB**) for approval of the proposed changes.
20. Subject to LSB approval, we intend for the revised Enforcement Regulations to come into effect on or around 1 February 2027. We will keep the profession and the public informed of progress on this work and will confirm the date for implementing the new regulations once the approval process has been finalised.

Responses to individual consultation questions

Proposal 1: Transitional provisions

Question 1. Do you agree with our proposal to update the commencement and transitional provisions so that the new regulations will come into force on or around 1 February 2027 and apply to all new and ongoing cases from that specified date? If not, why not?

21. We received mixed responses to our proposal to update the commencement and transitional provisions, including the proposal that the revised regulations should apply to all new and ongoing cases from a specified implementation date. Some respondents recognised the practical benefits of having a fixed implementation date. They generally agreed that applying a single regulatory framework to both live and future cases would promote consistency, avoid the complexity of operating two regulatory regimes simultaneously and minimise confusion for barristers and the general public.
22. Other respondents emphasised the importance of providing sufficient notice before the revised regulations come into force and ensuring that clear and accessible information about the changes is made available to the profession.
23. Conversely, some respondents questioned whether the proposed implementation date of 1 February 2027 would provide sufficient time for operational readiness, particularly for BTAS, and suggested that a longer mobilisation period may be required to support recruitment, training and implementation.
24. Some of the respondents who disagreed with this proposal expressed concern that applying the revised regulations to existing cases could be unfair to barristers already subject to ongoing proceedings.
25. The majority of respondents broadly supported our proposal to preserve the current and existing approach to pre-2014 conduct and the applicable standard of proof.

BSB Response

26. Having considered the helpful feedback, we intend to proceed with the implementation of the new enforcement regulations so that they apply to all cases (new and ongoing) from a single date. We believe that applying one regulatory framework is the most effective way to promote consistency, reduce complexity and avoid the practical difficulties associated with operating two regulatory regimes concurrently.

Part 1 – Public

27. However, in response to concerns raised by some respondents, we have carefully considered the impact of applying the revised regulations to barristers with cases already progressing through the disciplinary system when the new regime comes into force.
28. While we remain of the view that the proposed changes will not adversely affect the rights of those individuals, we note the particular concerns about the earlier publication of charges. We have therefore decided that, for cases where case management directions have already been agreed or set before the revised regulations come into force, publication will continue to occur when the convening order is issued, in accordance with the current approach. We consider that this approach can be implemented as a matter of policy, rather than through a specific transitional provision in the regulations. We confirm that this approach will be reflected in the BTAS Publication Policy.
29. Beyond this limited exception we consider that the benefits of a single commencement date and consistent approach to cases outweigh the risks of operating two separate regulatory regimes and will provide greater clarity for both the profession and the public. We will make sure that this is clearly communicated to affected parties.
30. We also welcome respondents' comments regarding the importance of clear and effective implementation. We will continue to work closely with BTAS, the LSB and other key stakeholders to ensure operational readiness before the revised regulations come into force.
31. Finally, we intend to preserve the current and existing approach to pre-2014 conduct and the standard of proof, in light of the broad support received from respondents.

Proposal 2: Publication to occur in all cases, including dismissals

Question 2. Do you agree with the publication provisions being extended so that outcomes are published in all cases, including where the charges against a barrister have been dismissed? If not, why not?

32. Half of the respondents to this question supported our proposal to make public that charges against a barrister have been dismissed. They also agreed that, if the details of charges are to be published at an earlier stage under the new regulations, the outcome should also be published where those proceedings are ultimately dismissed. They considered that this would address an existing gap in the current framework and improve transparency by ensuring that the information published reflects the final outcome in all cases.
33. Some respondents recognised that the proposal was consistent with the recommendations made by the Harman Review. However, they noted that the Harman Review did not consider whether unproven allegations should be subject to the same regime of publication as proven allegations.

Part 1 – Public

34. Although respondents generally supported increasing transparency, many felt that the publication of dismissed cases raised particularly complex issues and that appropriate weight should be given to protecting a barrister's right to privacy. One respondent commented that dismissed cases are distinct and, when balancing competing principles, *"the delicate balance of rights [should swing] towards the protection of privacy rights for barristers who have been subject to allegations that have been dismissed"*.
35. Some respondents identified a number of potential risks associated with the proposal that could result in unfairness for barristers. These included that the publication of a dismissal could draw attention to charges that would otherwise have remained unknown, that members of the public may assume wrongdoing despite the dismissal and that published decisions may contain criticism of a barrister, even where the charges themselves are not proved.
36. Respondents considered that these factors could cause reputational harm for barristers, even where charges are dismissed. One commented that publication of unproven allegations is relatively uncommon outside of healthcare regulation and urged the BSB to give careful consideration to the potential impact on barristers.
37. Several respondents therefore suggested that additional safeguards should accompany the proposal. Some considered that a more nuanced approach should apply to the publication of non-proven charges than to proven charges. For example, one respondent suggested that dismissed charges should remain published for a shorter period than proven findings.
38. Another recommended widening the discretion not to publish or to grant anonymity, together with developing clear guidance on publication and anonymity applications. Several respondents also expressed concern about the publication of full written decisions (including the charges and the reasons why they were not proved) and invited the BSB to give further consideration to the appropriate extent of publication.
39. One respondent considered that publication should not extend to all dismissed cases. Instead, they suggested that publication should be limited to dismissed cases involving allegations of bullying or harassment, reflecting the relevant Harman recommendation.

BSB Response

40. Having considered the feedback, we have decided to continue with our proposal to extend publication so that the outcomes of all disciplinary proceedings, including findings where charges against a barrister have been dismissed, are generally published. This proposal applies only to proceedings before the Disciplinary Tribunal. It does not extend to all reports received by the BSB. For example, reports that do not result in disciplinary proceedings (the vast majority) would fall outside the scope of this provision.

41. We recognise the concerns raised by respondents about fairness to barristers whose charges are ultimately dismissed, including the risk that publication may draw attention to allegations that have not been proved and cause reputational harm. However, where proceedings are already in the public domain, we consider that fairness and transparency requires the published record to accurately reflect the outcome.
42. Publishing the outcome of dismissed cases addresses the current gap in the framework and ensures that the public is aware that the charges have not been proven. In our view, this provides a more complete and transparent account of the proceedings, appropriately balancing the interests of the barrister with the principle of open justice.
43. We have considered one respondent's suggestion that the publication of dismissed cases should be limited to allegations involving bullying and harassment, in order to give effect to the recommendation from the Harman Review. However, we do not consider that publication should depend on the category of the charge. There may be other cases where publication of a dismissal is equally important in promoting transparency and serving the public interest.
44. We acknowledge the concerns regarding the scope of this proposal and the need for appropriate safeguards, in particular that a more nuanced approach should apply to the publication of dismissed cases. The draft new regulations already provide that publication is subject to any direction of the Disciplinary Tribunal that publication (either in whole or in part) would not be in the public interest.
45. We think this provides a sufficient basis for the Disciplinary Tribunal to decide on the issue of publication on a case-by-case basis, balancing an individual barrister's rights against that of the public interest and open justice. It also permits the Disciplinary Tribunal to decide, for example, that an anonymised summary be published instead if appropriate.
46. We agree that barristers should have the opportunity to raise any objections before publication takes place in such cases. The proposed publication timeframes provide an opportunity for parties to review the decision, comment on a draft, and raise any relevant issues before publication occurs. In addition, we are developing guidance to assist decision-makers in considering objections to publication and applications for anonymity, promoting consistency and transparency and fairness in the exercise of these powers.
47. Further, having considered the helpful feedback received raising the issue of the length of publication of dismissed charges, we intend to apply a publication period of one year to dismissed cases.

48. The current approach to publication is that BTAS will publish findings and sanction for at least two years (publication periods are aligned to the level of sanction imposed), although this only applies to proven charges. We do not think cases that are dismissed in their entirety require publication for the same period as cases where there is a finding and sanction and consider that a period of one year is sufficient. We consider that this strikes an appropriate balance between promoting transparency and protecting the interests of barristers, who are the subject of charges that are dismissed.

Proposal 3: The power to refer and impose immediate interim orders and interim orders on the basis of conditions only

Question 3. Do you agree with our proposal to extend the power to impose an immediate and interim order so that such orders may be imposed on the basis of interim conditions, rather than interim suspension or disqualification only? If not, why not?

49. The majority of respondents supported our proposal to extend the powers to impose immediate and interim orders so that such orders may be imposed on the basis of interim conditions alone, rather than only in cases requiring interim suspension or disqualification.
50. Most respondents agreed that the proposal was sensible, appropriate and proportionate. They supported our rationale that there may be cases where an immediate or interim order is necessary to protect the public, but the most proportionate outcome would be to allow the barrister to continue practising subject to conditions, rather than being suspended or disqualified. One respondent observed that this would enable barristers to “*continue to earn a living, to the extent appropriate, whilst also maintaining protection of the public, the interests of clients and other public interests*”.
51. While supportive of the proposal, one respondent suggested that written guidance should be developed to assist decision-makers in identifying the circumstances in which interim conditions would be appropriate, in order to promote consistency in decision-making.
52. Those who did not support the proposal expressed concern that it would result in unnecessary, additional regulation of the profession and the risk of punishment before a finding of misconduct. Respondents also reiterated concerns that immediate and interim orders may be imposed before findings have been made and that immediate interim orders may be imposed before a panel has been convened. However, these are both features of the existing interim order regime that we do not propose to change.

BSB Response

53. We welcome the broad support for this proposal and intend to proceed with this change. In our view, extending the available interim measures to include conditions will provide a more proportionate and flexible regulatory response.
54. We note the concern that the proposal could result in further regulation of the profession. However, we are retaining the requirement that a referral may only be made where it is ‘necessary’ (e.g. to protect the public or the public interest). In our view, this will provide an important safeguard. Once that threshold has been met, decision-makers will have greater flexibility to impose conditions, where these would be a more proportionate means of protecting the public, clients or public interest, while allowing barristers to continue practising.
55. We also welcome the suggestion that guidance should accompany this proposal to provide greater clarity and consistency in decision-making. We intend to produce guidance to supplement the new regulations, to assist decision-makers in determining when interim conditions may be appropriate.

Proposal 4: Undertakings subject to review rather than appeal

Question 4. Do you agree that the right to request a review of an interim order should be extended so that it also applies in respect of undertakings accepted and imposed by an interim panel? If not, why not?

56. The majority of respondents agreed with the proposal to extend the right to request a review of an interim order so that it also applies to undertakings. Respondents generally considered this to be a sensible and proportionate approach that would improve flexibility and consistency within the interim order regime.
57. One respondent considered that undertakings are fundamentally different to other types of interim orders because they are freely given and therefore should not be subject to a generalised right of review. Instead, they suggested that any review mechanism should be incorporated into the terms of the undertaking itself. They also expressed concern that introducing a review mechanism into the regulations could create a right to seek a review of any undertaking, regardless of ‘*how categorical or unqualified*’ it may be.
58. Some respondents also suggested that extending review rights to undertakings would create an unnecessary, additional burden on barristers.

BSB Response

59. We intend to proceed with this proposal, in light of the support received from the majority of respondents. We agree that extending review rights to undertakings will improve the consistency of the interim orders regime by ensuring that the same review mechanism applies across all forms of interim measures.
60. We acknowledge the view that undertakings could include their own review mechanism, where appropriate. However, we consider it preferable for the right to request a review to be set out expressly in the regulations. This will provide greater clarity and consistency in the approach to a review, rather than relying on the drafting of individual undertakings. It will also ensure that the Panel has jurisdiction to review any undertaking that has been accepted.
61. We also consider it appropriate that the panel retains the responsibility for determining whether an undertaking should be confirmed, set aside or varied. Although undertakings are offered voluntarily by the Respondent, they are ultimately accepted by the interim panel on written terms satisfactory to the panel. Accordingly, we do not consider it appropriate that undertakings be amended solely by agreement by the parties, without any oversight from the panel.
62. We do not consider that this proposal will create an undue burden on either barristers or the system. Although it introduces a new right to seek a review of undertakings, requests will remain subject to the existing threshold for review, namely that there has been a significant change in circumstances or there is some other good reason. Requests must firstly satisfy this threshold, before they will be referred to a panel for determination, ensuring that only appropriate cases will proceed to a full review. This approach will enable the panel to respond proportionately to those cases that genuinely warrant review, reducing the risk of unnecessary delay or inefficiency within the system.

Proposal 5: Right of appeal in health matters

Question 5. Do you agree with our proposal to allow both parties the right to appeal a decision of the Health Panel and to be notified equally of the appeal hearing, have a right to attend and be notified of the outcome? If not, why not?

63. The majority of respondents supported our proposal to provide both parties with an equal right to appeal a decision of the Health Panel. Those respondents also agreed that both parties should be notified of the appeal hearing, have the right to attend and be notified of the outcome.
64. Respondents who agreed recognised that the proposal addresses an existing gap in the current process and considered that it would improve consistency and fairness by ensuring that both have equivalent rights of appeal. Some respondents also noted that the proposal would align the health regime with the disciplinary regime, where equivalent appeal rights are available to both parties (further detail can be found at regulation 33 of the *BSB Disciplinary Tribunals Regulations 2027*).

65. However, one respondent disagreed with extending the right of appeal to the BSB. They considered that allowing the BSB to appeal decisions of the Health Panel would be inconsistent with the non-disciplinary nature of the health regime and that the panel is best placed to determine the appropriate outcome, based on the medical evidence before it. They suggested that judicial review is the more appropriate avenue for the BSB to challenge a decision, as it is subject to a higher threshold.

BSB Response

66. Given the broad support, we intend to introduce a right for both parties to appeal a decision of the Health Panel in the new regulations. We will also proceed with enabling both parties to be notified of the appeal hearing, to attend the hearing and be notified of the outcome, ensuring consistency and fairness in health matters.
67. We note the concern that the BSB should not have a right to appeal decisions of the Health Panel. However, we consider that there may be exceptional cases where an appeal is necessary to ensure that the public interest is properly protected. For example, this may arise where the BSB considers that the panel has erred in its decision or has misapplied or misunderstood the medical evidence before it. In those circumstances, we consider it appropriate for the BSB, like the barrister, to have the opportunity to challenge the decision through the appeal process.
68. We also note the suggestion that judicial review would provide a sufficient mechanism for challenging Health Panel decisions. However, we consider that providing both parties with the right of appeal under the regulations is a fairer and more proportionate approach.
69. We envisage that the BSB would only exercise this right in a small number of cases. Decisions to appeal will continue to be subject to appropriate internal governance arrangements and will only be taken by authorised decision-makers. This will ensure that the power is exercised on a case-by-case basis and only where it is appropriate and necessary to do so.

*Drafting approach and issues for feedback***Question 6. Do you think the new regulations are:**

- better organised,
- simplified,
- expressed using plain English, and
- accord with regulatory best practice?

Please explain your view.

70. The majority of respondents agreed that, taken as a whole, the regulations are better organised, simplified, expressed using plain English and accord with regulatory best practice.

BSB Response

71. We are grateful for the broadly positive feedback from respondents on the clarity, readability and accessibility of the revised regulations.
72. In responding to this question, some respondents gave specific drafting feedback on the different parts of the regulations. Where such comments are relevant to a specific set of regulations (such as the Interim Orders Regulations), they have been included in our response to the related question below and incorporated, as appropriate, into the regulations as a drafting amendment. We attach, at Annex 1, a marked-up version of the revised regulations showing the changes that we have been made since the version published for consultation, as well as an updated tracker of the changes as compared against the current enforcement regulations (at Annex 2).
73. As we have identified, alongside the regulations, we are also developing and updating various policies and guidance documents, owned by both the BSB and BTAS, which will support implementation of the new regulations.

Question 7 Do you agree with the proposed revisions to the defined terms in Part 6 of the Handbook, as set out in Annex 2? If not, please explain your view and whether you consider any amendments are required.

74. We did not receive feedback on all of the proposed revisions to the defined terms in Part 6 of the Handbook. While some respondents were neutral on the proposed revisions, others made observations on specific defined terms in Part 6 of the Handbook.
75. We received feedback in particular on the following definitions:
- ‘Judge’ – some respondents considered that the proposed definition was unclear and did not resolve who may constitute a judge under the regulations or address the existing practical challenges. They suggested that the definition be reframed to provide greater clarity.

- ‘Regulatory obligation’ – respondents supported replacing ‘breach of Handbook’ with ‘breach of regulatory obligation’ as it was a sensible approach to future-proof the regulations. One respondent suggested further consideration of how the definition could accommodate future versions of the Handbook, particularly if the BSB moves away from the current Handbook model.
- ‘Professional misconduct’ – several respondents raised concerns about the removal of the definition of ‘professional misconduct’. In particular, they were concerned that relying on the ordinary meaning of the term, as informed by case law, could broaden the scope of professional misconduct under the regulations.

BSB Response

76. We appreciate respondents engaging with the defined terms in Part 6 of the Handbook and providing detailed feedback on the proposed revisions. In light of the feedback, we have made some drafting amendments to proposed definitions. The changes made since the second consultation are shown in ‘track changes’ in Annex 1.
77. In particular, we have amended the definition of ‘judge’ to include a person who holds or has held judicial office in England and Wales. We have also clarified that the definition captures both retired judges and judges sitting in retirement, addressing the existing practical concerns.
78. We have considered the concerns raised about the removal of the definition of ‘professional misconduct’. While we have considered the feedback, our view is that relying on the ordinary meaning of the term, as informed by case law, will ensure that the term is interpreted and applied consistently with established case law and does not extend beyond its proper scope. We therefore remain of the view that it is preferable to remove, rather than replace, the definition, in order to address practical difficulties with the existing definition.

Revised Part 5A of the Handbook: Bar Standards Board Enforcement Decision Regulations 2027

Question 8. Do you think that the proposed Enforcement Decision Regulations as set out in Annex 2 provide a suitable framework that:

- a) implements our policy positions; and**
- b) accords with our overall objectives of improving the fairness, transparency, efficiency and effectiveness of the end-to-end enforcement process?**

Please explain your view.

79. The majority of respondents agreed that the new regulations provide a suitable framework and are consistent with our overall aims.

80. One respondent noted that while they thought the framework to be broadly sound, they were unclear in what circumstances a referral to another body may be made (under Regulation 7). They suggested that the BSB include examples, akin to explanatory notes, in the regulations to make this clear.
81. We also note that some respondents sought to provide feedback on the policy positions, which were the subject of the BSB's first consultation, rather than focusing on whether the revised regulations accurately and effectively implement those decisions. However, these policy positions had been settled when the BSB's Board approved our response to that consultation and were not revisited.

BSB Response

82. We are encouraged that respondents were broadly supportive of the new regulations. In light of the feedback, we have made some drafting amendments to the *Bar Standards Board Enforcement Decision Regulations 2027*. The changes made to the draft regulations since the second consultation are shown in 'track changes' in Annex 1.
83. We note the feedback that it would assist, in practical terms, to include examples of the instances when a referral to another body may be made by the BSB. Consistent with our approach to drafting across the regulations, we have chosen to produce policy and guidance documents, alongside the regulations, to provide operational and practical details for users of the regulations.
84. We note that the BSB's Policy on the 'Assessment of Reports' includes a number of examples setting out the circumstances when a referral may be made under the current regulations. We intend to update this guidance to reflect the revised regulations and, when doing so, we will retain the examples to ensure clarity and transparency on how the referral powers will operate in practice.

Revised 5B of the Handbook: Bar Standards Board Disciplinary Tribunals Regulations 2027

Question 9. Do you think that the proposed Disciplinary Tribunals Regulations as set out in Annex 2 provide a suitable framework that: a) implements our policy positions; and b) accords with our overall objectives of improving the fairness, transparency, efficiency and effectiveness of the end-to-end enforcement process? Please explain your view.

85. The majority of respondents agreed that the revised regulations provide a suitable framework and are consistent with our overall aims.

86. Respondents also provided a number of comments on the detail of the revised regulations, including:
- clarifying the delegation of powers by BTAS and other decision-makers;
 - introducing a provision in the regulations in relation to the appropriate use of technology to allow for video hearings;
 - removing the requirement for any oral case management hearing to take place within a set period, following the return of the case management questionnaire. One respondent considered that the time limits lacked sufficient flexibility and based on their experience as a directions judge, may be unworkable in practice, given the availability and resources of the parties and decision-makers. While another respondent agreed with the time limits for listing hearings to improve the efficiency of the process, they suggested that the regulations should allow for extensions in complex cases;
 - introducing a directions template for decision-makers to reduce the burden on resources;
 - strengthening the provisions regarding adjournments so that there is a presumption that the hearing will go ahead, unless the barrister satisfies certain criteria; and
 - amending the test for special measures from whether a measure is 'desirable' to facilitate the giving of evidence by a witness or the respondent to include an 'interests of justice' test on the basis that the desirability by a witness should not be the sole, determinative factor for whether special measures are adopted.

BSB Response

87. We are encouraged that respondents were broadly supportive of the new regulations. In light of the feedback, we have made some drafting amendments to the *Bar Standards Board Disciplinary Tribunals Regulations 2027*. The changes made since the second consultation are shown in 'track changes' in Annex 1.
88. Whilst we have sought to incorporate the feedback provided by respondents into the revised regulations (where we agreed), we did not consider it necessary to amend the regulations in response to every point raised. We have addressed below the substantive issues on which we have decided not to make changes. It is important to view these provisions in the context of the enhanced framework, including the role of the directions judge and the new panel secretary.
89. In light of feedback received, we have reconsidered the proposed 21-day time limit for listing any oral case management hearings following the expiry of the period of the parties to return a case management questionnaire. We recognise that prescribing a time limit may cause practical and operational difficulties and, as a result, we consider it more appropriate for the regulations to require oral hearings to be held 'as soon as practicable', allowing greater flexibility. Instead, the performance and time efficiency of the case management process (and the overall disciplinary process) will be monitored through KPIs and other targets, which we are developing with BTAS. The updated drafting is reflected in regulation 7.6 of the *BSB Disciplinary Tribunals Regulations 2027*.

90. In response to feedback about the presumption against adjournments, we agree that there is a need to address delays in the end-to-end enforcement process. However, we do not consider it necessary to strengthen the adjournment provisions further by introducing an explicit presumption against adjournments. In our view, some flexibility is necessary to ensure that adjournments can be granted where appropriate and proportionate, having regard to the circumstances of each case. The wider reforms are intended to reduce delay and improve overall efficiency, whilst striking an appropriate balance between fairness to barristers and the need to improve timeliness. We intend to monitor the impact of the proposed reforms on the efficiency of the disciplinary process to ensure they are effective.
91. We recognise the concern raised about removing the existing standard directions. However, we do not anticipate that the revised approach will place an additional burden on decision makers as it is intended to streamline case management and improve efficiency. To that end, we are developing a case management questionnaire to help parties, BTAS and decision-makers identify and address potential issues at an early stage, and to empower proactive case management. We will also be working with BTAS to develop a bank of standard directions that decision-makers can draw on when setting directions.
92. In our view, these measures will support a more consistent and efficient approach to case management. To address the existing burden on directions judges, the regulations allow for their functions to be delegated, for example to members of the BTAS executive in relation to straight-forward, non-contested and administrative directions, as we have set out in the previous consultations. This will be governed by a BTAS Scheme of Delegations, which will be developed to support implementation of the new regulations and provide appropriate oversight, whilst promoting efficiency in straightforward matters.
93. Finally, we are not persuaded that the ‘interests of justice’ is preferable to the current test of ‘desirability’ for determining whether special measures should be granted. We consider that, on its ordinary reading, the existing test makes clear that measures will not be granted simply to accommodate a witness’ preference where they are not considered appropriate in the circumstances of the case. We will, however, clarify the operation of the test and the approach for special measures in supporting guidance.
94. We have also updated the test that applies when a Respondent objects to the automatic protection afforded to a witness and where the allegation is of a sexual nature and the witness was the alleged victim. The test now focuses on whether the protection would cause the Respondent to suffer ‘substantial prejudice in the conduct of their defence’, rather than prejudice more generally. In our view, this more closely reflects the purpose of the test and aligns with the approach taken in other jurisdictions.¹ This change is reflected in regulation 7.9 of the *BSB Disciplinary Tribunals Regulations 2027*.

¹ For example, under the *Sexual Offences (Amendment) Act 1992*, s3.

Revised Part 5C of the Handbook: Bar Standards Board Interim Orders and Disqualification Regulations 2027

Question 10. Do you think that the proposed Interim Orders, Suspension and Disqualification Regulations as set out in Annex 2 provide a suitable framework that:

a) implements our policy; and

b) accords with our overall objectives of improving the fairness, transparency, efficiency and effectiveness of the end-to-end enforcement process?

Please explain your view.

95. The majority of respondents agreed that the revised *Interim Orders and Disqualification Regulations* provide a suitable framework and are consistent with our overall aims.
96. Respondents made several observations on how the regulations have implemented our policy positions. Firstly, in relation to the listing process, one respondent suggested that the regulations should require BTAS to consult barristers about their availability before listing a hearing date as there may be genuine availability issues. While they recognised that the barrister’s availability is not the sole determinative factor and that there is a need to reduce delay in interim proceedings, they suggested that the regulations could provide for a hearing to be listed within 21 days, save for in exceptional circumstances and following consultation with the barrister. Secondly, in relation to the review process, one respondent suggested that the regulations should clarify when the President can delegate the threshold question to another decision-maker, such as a Panel Chair.
97. We also note that some respondents sought to provide feedback on the policy positions, which were the subject of the BSB’s first consultation, namely the threshold for referral and imposition of an interim order. One respondent was concerned that the grounds for an interim order does not specifically include the protection of the profession and they suggested including an additional ground for “protection of the profession” to serve a clear need, as recognised in the Harman Review, which recommended that the BSB take immediate action in cases involving serious sexual offences (for example, where a serious sexual offence is committed by a member of the Bar against their colleague(s)).

BSB Response

98. We are encouraged that respondents were broadly supportive of the new regulations. In light of the feedback, we have made some drafting amendments to the *Bar Standards Board Interim Orders and Disqualification Regulations 2027*. The changes made since the second consultation are shown in ‘track changes’ in Annex 1.

99. While we note the suggestion to introduce flexibility into the regulations and to consult the barrister prior to listing a hearing, we do not intend to add this further requirement into the regulations. The current wording of the revised regulations is intended to progress cases and reduce delays, which is a particularly important consideration, given the urgency of the interim order jurisdiction. In fairness to the parties, the regulations require advance notice to be given to both the barrister and the BSB of the hearing date and include a power to relist hearings. We have expanded this power to allow a relisted hearing to take place within four weeks of an immediate interim order being imposed or ‘as soon as practicable thereafter’, which would empower BTAS to relist hearings where a barrister has real availability difficulties.
100. We note that as a matter of procedure, BTAS will routinely contact the parties for their availability where practicable before listing the hearing; although it will be a rare case where the BSB will be unable to attend a date. This process will be reflected in procedural guidance that is being developed by BTAS, in support of the regulations.
101. We note the feedback suggesting that we should clarify the circumstances when the President can delegate the threshold decision on a review to another decision-maker. We consider that this feedback equally applies to other decisions that can be delegated by the President under the regulations, in accordance with Regulation 2.4. Whilst we agree that it would be helpful to clarify the scope of the delegated powers, we do not propose to amend the regulations to achieve this. Instead, BTAS are developing a Scheme of Delegations to provide clear direction on the delegation of powers.
102. We are not persuaded that it is necessary to introduce an additional ground for the referral and imposition of an interim order on the basis of the ‘protection of the profession’. In line with the Harman Review, we recognise that there is a need to protect members of the profession, who may be involved in cases of bullying and sexual harassment, as well as clients and members of the public.
103. In our view, however, the existing grounds of public protection and public interest will allow the BSB to pursue an interim order in cases where a member of the profession is the complainant in a serious sexual offence. We therefore do not consider it necessary to introduce an additional ground for the ‘protection of the profession’.
104. Further, we consider that introducing the ‘protection of the profession’ as a ground risks being misinterpreted as placing the interests of barristers above the public interest or as encouraging a culture of protecting the profession from scrutiny, which could undermine public confidence and our regulatory objectives.

Revised Part 5D of the Handbook: Health Panel and Procedure Regulations 2027

Question 11. Do you think that the proposed Health Panel and Procedure Regulations as set out in Annex 2 provide a suitable framework that:

a) implements our policy positions; and

b) accords with our overall objectives of improving the fairness, transparency, efficiency and effectiveness of the end-to-end enforcement process?

Please explain your view.

105. The majority of respondents agreed that the revised *Health Panel and Procedure Regulations* provide a suitable framework and are consistent with our overall aims.
106. While respondents were generally supportive of the revised regulations, several were concerned about the drafting in relation to the continuation of orders and the imposition of indefinite orders. They suggested that the BSB should revisit these provisions to clarify how the process will operate in practice. One respondent also suggested that the BSB could put adequate safeguards in the regulations themselves to ensure that indefinite orders were only used as a measure of last resort.

BSB Response

107. We are encouraged that respondents were broadly supportive of the new regulations. In light of the feedback, we have made some drafting amendments to the *Bar Standards Board Health Panel and Procedure Regulations 2027*. The changes made since the second consultation are shown in ‘track changes’ in Annex 1.
108. Having considered the drafting feedback on the ‘continuation of restriction or condition’, we have made amendments to clarify how the provisions operate in practice and when an indefinite order may be imposed. We have sought to clarify that the provisions for imposing an indefinite order only become available when an individual has been subject to a period or periods of restriction that, when taken together or otherwise total a period of 36 months.
109. We agree with respondents that indefinite orders should only be a measure of last resort, as set out in our consultation, recognising the significant impact such orders may have on barristers. However, we do not consider it necessary to include further safeguards in the regulations themselves. To provide clarity and transparency, we will produce updated guidance for decision-makers, which will ensure that indefinite health orders should only be imposed as a last resort.

110. In relation to the notice and publication of health decisions, we have also updated the regulations to allow the BSB to keep a record of barristers who are subject to an order or undertaking and annotate the BSB's register with the fact of any order or undertaking. We have introduced this provision to ensure that the fact of any order can be made public to ensure that the public is adequately protected, without publishing details which will reveal information about a barrister's health.
111. We also note that some respondents sought to provide feedback on the policy positions, which were the subject of the BSB's first consultation, particularly they raised concerns that the term 'ability to practise' and its implications for those whose 'ability' is restricted because of a disability that can be addressed by reasonable adjustments. As set out in the consultation, we are also conscious that updating the threshold for referral may mean that a greater proportion of barristers could fall within the scope of these regulations, which may disproportionately impact some barristers, including barristers with disabilities under the Equality Act.
112. However, we consider that the risk is appropriately mitigated by the fact that all criteria must be satisfied for a health referral or order to be made. This means that a referral or order may not be imposed where a barrister's ability to practise is impaired alone (e.g. by reason of a disability); the referral or order must also be 'necessary' for the protection of the public or in the public interest and it would not be necessary if a barrister's ability to practise can be addressed through reasonable adjustments. We intend to make this position clear to decision-makers in guidance, which will supplement the regulations.
113. In our view, this will help avoid referrals being made where a barrister has a health condition that can be appropriately managed with reasonable adjustments or any other condition that does not adversely impact their ability to practise.

Draft guidance on access to tribunal documents by non-parties

Question 12. Do you think the guidance has struck the right balance between the public interest in ensuring open justice and transparency and a barrister's rights, including those under the European Convention on Human Rights? Please explain your view.

Question 13. Do you have any general feedback on the guidance on access to tribunal documents by non-parties? We welcome as much detail as you can provide.

114. Of the respondents who responded, the majority were in favour of the proposed approach to non-party access to Disciplinary Tribunal documents. They supported a presumption in favour of granting access to non-parties, particularly the media, and considered that establishing a clear process for non-parties to access tribunal documents would promote greater transparency and consistency. Some respondents also noted that the approach to tribunal documents by non-parties was consistent with developments in other legal and disciplinary jurisdictions in recent years.

115. Respondents also provided a number of comments on the detail of the proposed guidance, including:
- whether possession of a UK Press Card should be relevant to assessing whether a request is made for a proper journalistic purpose;
 - whether the approach should more closely reflect the three-tier approach to access set out in *Dring*,² including routine disclosure of documents referred to in public hearings. One respondent felt that introducing a process whereby all documents referred to in a public hearing should routinely be disclosed will emphasise that there is a high bar for non-disclosure of documents and redaction. Conversely, other respondents felt that no other documents beyond the charge sheet should be published, including skeleton arguments and submissions;
 - the appropriate timing and practical arrangements for providing documents to non-parties; and
 - the role of the parties and the Chair in identifying and approving any necessary redactions.
116. There were differing views on the practical implications of requiring parties to prepare and redact documents for non-parties access. One respondent emphasised that it should not be permissible for the parties to agree the redactions and, instead, considered that all redactions should be approved by the relevant decision-maker, in order to promote consistency and ensure transparency. Another respondent felt that it was unrealistic to expect parties to bring additional copies of materials for observers and were concerned that process for providing tribunal documents and agreeing redactions may create an unnecessary burden on the system.

BSB Response

117. We welcome the detailed feedback provided by respondents on the draft policy for non-party access to tribunal documents. We are also grateful to respondents for highlighting for our consideration some key case law on these issues. Having carefully considered this, where we feel it to be appropriate, we have made amendments to reflect feedback. The changes made since the second consultation are shown in ‘track changes’ in Annex 3.
118. In addition to the drafting amendments, we address some of the substantive issues raised by respondents below.
119. We have considered the suggestion that we adopt a three-tier approach, consistent with the approach in *Dring*, under which all documents referred to in a public hearing should be routinely disclosed. However, we have decided to retain a two-tier approach, under which documents falling outside those routinely published will be available on request and subject to approval.

² *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38.

120. In our view, it would not be proportionate to require the routine disclosure of all documents referred to in public hearings. This would significantly widen the range of documents subject to automatic disclosure and would increase the administrative and resource burden on the parties and Tribunal, particularly where such documents contain confidential or sensitive information and may require consideration of redactions. Instead, we consider that these issues are more appropriately managed through a request-based process, where the relevant decision-maker can effectively manage the risk of disclosure.
121. While we recognise that our approach places the onus on non-parties to make a request to access tribunal documents if they fall outside the categories of documents that are routinely published under the policy (even if they are referred to in a public hearing), the presumption in favour of access will still apply to these documents where a request can demonstrate why providing access furthers the principle of open justice. We consider that this strikes an appropriate balance between facilitating access to information and avoiding the unnecessary disclosure of documents, where it is not appropriate. In our view, this approach remains consistent with the relevant case law.
122. In developing and refining the Policy on access to tribunal documents by non-parties we have had regard to leading and recent cases on open justice in legal and regulatory proceedings.³ In particular, our approach under the policy does not limit disclosure to the charge sheet as it creates a presumption for publication of skeleton arguments and written submissions. We have also drawn upon the principle that open justice does not entitle observers to access all material informing judicial decision-making. Instead, access to documents must be justified by a demonstrable application of the open justice principle, not by ‘curiosity, research, education, or personal interest’.⁴ Further, in relation to anonymity applications, the case law supports that in regulatory proceedings anonymity will be very rare and stresses the weight to be given to the principles of open justice.⁵
123. We have also considered the practical arrangements for providing documents to non-parties. Although not required, we do not agree with feedback that parties should not be expected to bring copies of relevant documents, such as skeleton arguments, to the hearing. We consider that the BSB and respondents should be sufficiently resourced to be able provide a reasonable number of copies for non-parties, consistent with practice in other courts and tribunals,⁶ including the SDT.

³ *Cape Intermediate Holdings Ltd v Dring* [2019] UKSC 38; *Linda Lu v Solicitors Regulation Authority* [2022] EWHC 1729 (Admin); *Solicitors Regulation Authority v Spector* [2016] EWHC 37 (Admin).

⁴ *Cowles v Gardner & Ors* [2026] EWCA Civ 640.

⁵ *Nursing and Midwifery Council v Pestano* [2026] EWHC 1412 (Admin); *Phillips v Nursing and Midwifery Council* [2025] EWHC 2993 (Admin); *MC v A Local Health Board* [2025] EWCA Civ 1126.

⁶ Recent judicial commentary has underlined the importance of making skeleton arguments available on request, promptly at the hearing, either in paper or electronically, see the comments of Fordham J in *R (Metropolitan Police Commissioner) v Police Misconduct Panel* [2025] EWHC 1462 (Admin).

124. While we recognise that the preparation of documents and redactions may create an additional administrative burden, we consider this to be appropriate and parties are encouraged to adopt practical measures that may limit this burden (such as including confidential information in an annex).

Equality Impact Assessment

Question 14. Do you have any feedback about the EIAs we have conducted? Are any other equality impacts we should consider, beyond those set out in the EIAs? Where possible, please provide evidence.

125. As part of the second consultation paper, we sought feedback on the Equality Impact Assessments (EIAs) for the proposals. Our assessments did not identify any significant equality concerns from the proposals and, similarly, the responses to the consultation did not identify any material impacts.
126. While respondents largely agreed with our assessment of the equality impacts for our proposals, several raised some specific points for our consideration.

BSB Response

127. We are grateful for the feedback from respondents in relation to our equality assessments and have taken this into account in finalising our assessments.
128. In response to the feedback received, we have updated the EIAs for the proposals relating to allegations, powers to reconsider post investigative decisions, costs, the interim order listing process, service by email and non-party access to tribunal documents. The updated EIAs are included at Annex 4.
129. As set out in the updated EIAs, we do not consider that the issues raised by respondents required amendments to the regulations. Instead, we consider that they can be adequately and appropriately addressed through other means, including supporting guidance.
130. While we have not identified any significant equality concerns directly arising from the proposals, we recognise that individuals with certain protected characteristics are disproportionately represented in the BSB's disciplinary processes. We remain committed to ensuring that the new regulations and processes do not exacerbate these disparities. To support this, we will monitor, evaluate and report on the equality impacts of the changes, including any unintended consequences, during and following implementation of the new regulations.

Data Protection Impact Assessment

Question 15. Are there any other potential data protection or privacy issues raised by the new regulations that you think we should be aware of? Where possible, please provide evidence.

- 131. We invited feedback on whether any of the proposed changes to the Enforcement Regulations could materially affect individuals' rights and freedoms under data protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018.
- 132. One respondent suggested that the Data Protection Assessments (DPIAs) should be made available as part of the consultation.
- 133. Another respondent considered that, although the proposals have potential data protection and privacy implications for individuals, this should not be used 'as a reason to dilute open justice'. However, they highlighted the need to ensure that the publication and disclosure framework is supported by clear, proportionate and lawful safeguards, particularly in relation to the data protection and privacy implications of these processes.

BSB Response

- 134. We are grateful for the feedback received on the data protection and privacy implications of our proposals, particularly those relating to publication and disclosure.
- 135. We have taken this into account in developing our DPIAs and have completed assessments of the proposals relating to confidentiality exceptions and publication. The assessments identify the relevant risks and the measures available to the BSB to mitigate them.
- 136. We have not identified any significant data protection arising from the proposals that would require amendments to the regulations and the consultation responses did not identify any material impacts that would alter our assessments.
- 137. In response to the feedback received, we will make the completed DPIAs available upon request to ensure that they are publicly available and accessible to stakeholders.

Bar Standards Board Enforcement Decision Regulations 2027

Introduction

These Regulations set out how we assess reports and investigate allegations which may indicate a potential breach of any regulatory obligation or require regulatory action, and what regulatory decisions are available at the conclusion of an investigation. These Regulations also set out the operation of the administrative sanction appeal procedure and the determination by consent procedure.

They apply to practising barristers, pupils, other BSB regulated persons and entities, and unregistered barristers.

This introduction does not form part of the BSB Enforcement Decision Regulations 2027.

1. Citation and commencement

- 1.1 These Regulations shall be known as the 'BSB Enforcement Decision Regulations 2027' and have been approved as an alteration to the regulatory arrangements of the Bar Council as an approved regulator by the Legal Services Board under Schedule 4, Part 3 of the Legal Services Act 2007.
- 1.2 These Regulations shall come into effect on [1 February] 2027 and shall also apply to all *reports* received by the *BSB* prior to that date under the Regulations then applying, and any step taken in relation to any *report* or *allegation* pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these Regulations.

2. Interpretation and authorisation

- 2.1 In these Regulations the words and expressions which are italicised shall be interpreted in accordance with the definitions in ~~the~~ Part 6 of the *Handbook*.
- 2.2 In these Regulations, any reference to the singular shall include the plural and vice versa.
- 2.3 The *BSB* shall have the power to delegate to any person, group or body any function or power exercisable by the *BSB* or *an authorised decision-maker* under these Regulations; any such delegation must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.
- 2.4 The *President* shall have the power to authorise any person, group or body to fulfil any function or exercise any power exercisable by the *President* under these Regulations; any such authorisation given must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.

3. Initial assessment of *reports*

- 3.1 The *BSB* may assess any *report* which comes to, or is brought to, its attention in respect of an *applicable person* to decide:

- (a) whether or not there are grounds for an *allegation* under regulation 8.3; and
 - (b) whether or not it should be referred to another person or body for investigation under regulations 4 to 7 below.
- 3.2 The *BSB* may gather such information as it considers appropriate from any source for the purpose of assessing a *report* under regulation 3.1.
- 4. Referral to the *Legal Ombudsman***
- 4.1 If it appears to the *BSB* that a *report* or part of a *report* raises a service issue within the jurisdiction of the *Legal Ombudsman*, the *BSB* must:
 - (a) refer the *report* to the *Legal Ombudsman*; or
 - (b) signpost the provider of the report to the *Legal Ombudsman*;
- 5. Referral where *applicable person* acting in part-time or temporary judicial or quasi-judicial capacity**
- 5.1 If it appears to the *BSB* that a *report* relates to an *applicable person's* conduct in a part-time or temporary judicial or quasi-judicial capacity, the *BSB* must:
 - (a) refer the report to an appropriate body including:
 - (i) the person or body responsible for the appointment of the *applicable person* to the judicial or quasi-judicial office concerned;
 - (ii) the Judicial Conduct Investigations Office; or
 - (iii) another person or body responsible for considering such reports; and
 - (b) request notification of the outcome of the appropriate body's consideration as soon as it has been dealt with.
- 5.2 Where the appropriate body refuses to deal with the *report*; or the *BSB* considers that the appropriate body has not dealt with it within a reasonable time or fully or satisfactorily; or it appears that there is no appropriate body, the *BSB* may consider the *report* in accordance with these Regulations.
- 5.3 When the appropriate body has dealt with the *report*, the *BSB* may consider the *report* in accordance with these Regulations and may consider any finding made and any action taken by the appropriate body.
- 5.4 The *BSB* must not consider or take action in relation to a *report* arising in substance from dissatisfaction or disagreement with anything decided, done or said by the *applicable person* in the proper exercise of their judicial or quasi-judicial functions.
- 6. Referral where *applicable person* holds full-time judicial office**

- 6.1 Where it appears to the *BSB* that the *report* relates to the conduct of an *applicable person* who, since the events giving rise to the report took place, has been appointed to and continues to hold full-time judicial office and has ceased to practise, the *BSB* shall not consider the *report* further and must direct the person from whom the *report* is received to the Lord Chancellor or the Judicial Conduct Investigations Office or to such other person or appropriate body with responsibility for addressing complaints about judges.

7. Referral to another body

- 7.1 Where it appears to the *BSB* that a *report* in respect of an *applicable person* might more appropriately be dealt with by another body (e.g. an *Inn*, Circuit, employer, a complaint handling body or any other professional or regulatory body), the *BSB* may refer the *report* to such other body.
- 7.2 If, having referred a *report* to another body under regulation 7.1, the *BSB* subsequently considers that the *report* has not been dealt with by that other body within a reasonable time or fully or satisfactorily, the *BSB* may consider the *report* in accordance with these Regulations and may consider any finding made and any action taken by the other body.

8. Treating a report as an allegation

- 8.1 The *BSB* may carry out such investigations, and in doing so may exercise any of its investigative powers, as it considers appropriate:
- (a) to determine whether to treat a *report* as an *allegation* under regulation 8.3; or
 - (b) in its consideration of an *allegation* at any time until a decision is made under regulation 12 or regulation 13.
- 8.2 As soon as reasonably practicable after commencing an investigation under regulation 8.1, the *BSB* will notify the *applicable person* in writing unless and to the extent that it considers that it would not be in the public interest to do so.
- 8.3 Where the *BSB*, having completed the initial assessment of the *report* and any investigations under regulation 8.1, and having regard to the factors in regulation 8.4, considers that a *report*:
- (a) discloses a potential breach of any *regulatory obligation* by an *applicable person*; or
 - (b) potentially satisfies the *disqualification condition*
- the *BSB* may treat the *report* as an *allegation*.
- 8.4 In determining whether to treat a *report* as an *allegation* under regulation 8.3, the *BSB* must have regard to:
- (a) whether the conduct disclosed in the *report* or its consequences presents sufficient risk to the *regulatory objectives* to justify further action;

- (b) whether the conduct disclosed in the *report* can be properly and fairly investigated; and
 - (c) whether the conduct disclosed in the *report* could not more appropriately be dealt with under one or more of the provisions set out at regulations 4 to 7 above.
- 8.5 If the *BSB* decides not to treat a *report* as an *allegation* under regulation 8.3, the *BSB* must give notice of that decision in writing to any *applicable person* to whom notice has been given under regulation 8.2

9. Investigation of *allegations*

- 9.1 Following a decision to treat a *report* as an *allegation* under regulation 8.3, the *BSB* may carry out such further investigations under regulation 8.1(b) as it considers appropriate.
- 9.2 If a new *report* comes to light during an investigation of an *allegation* under regulation 9.1 which meets the criteria in regulation 8.4, the *BSB* may treat it as a new *allegation* and investigate it in accordance with these regulations.
- 9.3 The *BSB* may defer further investigation of the original *allegation* until a new *report* or *allegation* has been investigated.

10. Notice of *allegations* to the *applicable person*

- 10.1 Before any decision is made under regulation 12, the *BSB* shall give notice to the *applicable person*:
- (a) setting out the *allegation* and the facts in support;
 - (b) summarising any regulatory or other history relating to the *applicable person*, which is relevant to the *allegation*;
 - (c) accompanied by any evidence or documentation that the *BSB* considers to be relevant to the *allegation*;
 - (d) inviting the *applicable person* to respond with written representations and any supporting evidence within such period as the *BSB* may specify (which must be no less than 14 days from the date of the notice); and
 - (e) notifying the *applicable person* that any representations or extracts of any representations received from them may be shown to any person related to the subject-matter of the *allegation* for the purposes of the investigation.

11. Additions, amendments and withdrawal of *allegations*

- 11.1 Before any decision is made under regulations 12 or 13, an *authorised decision-maker* or an *Independent Decision-Making Panel* may add to, or amend, any *allegations* referred to them for determination, without inviting a further response from the *applicable person* under regulation 10.1, provided that:

- (a) any additions or amendments arise out of substantially the same facts as the original *allegation* or *report*; and
 - (b) the additions or amendments can be made without any unfairness to the *applicable person*.
- 11.2 No further investigation or opportunity to respond is required where the subject matter of any new *allegation* has already been investigated by the *BSB* and the *applicable person* has already been given an opportunity to respond to it during the original investigation.
- 11.3 The *BSB* may withdraw any *allegation* at any time before a decision is made under regulations 12 or 13 and treat it as if a decision under regulation 8.3 had not been made.

12. Possible outcomes of the investigation

- 12.1 An *authorised decision-maker* may refer an *allegation* to an *Independent Decision-Making Panel* for a decision under regulation 13 or make a decision in relation to an *allegation* under regulation 12.2 or 12.6.
- 12.2 Save where referred to an *Independent Decision-Making Panel* under regulation 12.1, an *authorised decision-maker* may decide:
- (a) that the conduct alleged did not constitute a breach of any *regulatory obligation*;
 - (b) that there was insufficient evidence of a breach of any *regulatory obligation*;
 - (c) that the conduct alleged did constitute a breach of a *regulatory obligation* but that, in all the circumstances, no enforcement action should be taken in respect of the breach;
 - (d) that the conduct alleged did constitute a breach of a *regulatory obligation* and that the breach should be dealt with by the imposition of an *administrative sanction* in accordance with regulation 15; or
 - (e) to refer an *allegation* for *disciplinary action* in accordance with regulation 12.3.
- 12.3 An *authorised decision-maker* may refer an *allegation* for *disciplinary action* under regulation 12.2(e), subject to regulation 12.4 below, where they decide that:
- (a) the conduct alleged may constitute a breach of a *regulatory obligation*; and
 - (b) if the breach were to be proved, an *administrative sanction* would not be appropriate in all the circumstances; and
 - (c) the subject matter of the *allegation* against an *applicable person* involves:
 - (i) any criminal conviction;

(ii) a breach of any *regulatory obligation* in Part 3 or 4 of the Handbook or any successor regulations;

(iii) any failure to pay an administrative fine within the relevant time; or

(iv) a failure to comply with any requirements of a sanction imposed or other orders following the conclusion of *disciplinary action*.

12.4 An *allegation* shall be referred for *disciplinary action* under regulation 12.2(e) only where an *authorised decision-maker* is satisfied that:

(a) there is a *realistic prospect of a finding of professional misconduct being made* or there is a *realistic prospect of the disqualification condition being satisfied*; and

(b) having regard to the risk to the *regulatory objectives*, it is in the public interest to pursue *disciplinary action*.

12.5 When an *authorised decision-maker* makes a decision under regulation 12.2(a) to (c), the *authorised decision-maker* may issue the *applicable person* with advice.

12.6 Save where referred to an *Independent Decision-Making Panel* under regulation 12.1, in the case of a *non-authorised 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*, an *authorised decision-maker* may only:

(a) decide that no further action should be taken in relation to the *allegation*; or

(b) refer the *allegation* to the *Disciplinary Tribunal* to form the subject matter of a *disqualification application*.

13. Decisions of an *Independent Decision-Making Panel*

13.1 Schedule 1 to these regulations sets out the composition of an *Independent Decision-Making Panel* and the proceedings of an *Independent Decision-Making Panel*.

13.2 Subject to regulation 13.6, where an *allegation* has been referred to an *Independent Decision-Making Panel* under regulation 12.1, the *Independent Decision-Making Panel* may decide, on the evidence before it:

(a) that the conduct alleged did not constitute a breach of any *regulatory obligation*;

(b) that there was insufficient evidence of a breach of any *regulatory obligation*;

(c) that the conduct alleged did constitute a breach of a *regulatory obligation*, but that, in all the circumstances, no enforcement action should be taken in respect of the breach;

- (d) that the conduct alleged did constitute a breach of a *regulatory obligation* and that the breach should be dealt with by an *administrative sanction* in accordance with regulation 14; or
 - (e) to refer an *allegation* for *disciplinary action* in accordance with regulation 13.3.
- 13.3 When an *Independent Decision-Making Panel* decides, on the evidence before it that:
- (a) there is a *realistic prospect of a finding of professional misconduct being made* or there is a *realistic prospect of the disqualification condition being satisfied*; and
 - (b) having regard to the risk to the regulatory objectives, it is in the public interest to pursue *disciplinary action*
- the *allegation* must be referred for *disciplinary action*.
- 13.4 In conjunction with a decision under regulation 13.2, an *Independent Decision-Making Panel* may recommend that:
- (a) the *BSB* consider referring the *applicable person* under the BSB Health Panel and Procedure Regulations 2027;
 - (b) the *BSB* consider whether to take other regulatory action; or
 - (c) the *BSB* consider whether to make a referral for an interim order under regulation 6.1 of the BSB Interim Orders Regulations 2027.
- 13.5 When an *Independent Decision-Making Panel* reaches a decision under regulation 13.2(a) to (c), the *Independent Decision-Making Panel* may issue the *applicable person* with advice.
- 13.6 In the case of a *non-authorised 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*, where an *allegation* has been referred to an *Independent Decision-Making Panel* under regulation 12.1, an *Independent Decision-Making Panel* may only:
- (a) decide that no further action should be taken in relation to the *allegation*; or
 - (b) refer the *allegation* to the *Disciplinary Tribunal* to form the subject matter of a *disqualification application*.
- 13.7 Prior to making a decision under regulation 13.2 or 13.6, an *Independent Decision-Making Panel* may request further investigation be carried out by the *BSB* under regulation 8.1(b).

14. Administrative sanctions

- 14.1 An *authorised decision-maker* or an *Independent Decision-Making Panel* may decide to impose an *administrative sanction* on an *applicable person* under regulation 12.2(d) or regulation 13.2(d) respectively where they consider that:
- (a) there is sufficient evidence of a breach of any *regulatory obligation* by that *applicable person*; and
 - (b) the imposition of an *administrative sanction* is proportionate and sufficient in the public interest.
- 14.2 In determining the nature and level of any *administrative sanction* to be imposed, an *authorised decision-maker* or an *Independent Decision-Making Panel* must have regard to any published *BSB* policy that appears to be relevant.
- 14.3 The maximum level of a fine which can be imposed by an *authorised decision-maker* or an *Independent Decision-Making Panel* as an *administrative sanction* is:
- (a) £1,000 (one thousand pounds) where the fine is to be imposed on an *applicable person* who is not a *BSB entity*; or
 - (b) £1,500 (one thousand and five hundred pounds) where the fine is to be imposed on a *BSB entity*.
- 14.4 Any decision to impose an *administrative sanction* will be recorded by the *BSB* and may, where appropriate, be considered as part of continued monitoring or other regulatory action but will not be disclosed to any third parties except in accordance with regulation 19.2.
- 14.5 The *applicable person* may appeal a decision of an *authorised decision-maker* or an *Independent Decision-Making Panel* to impose an *administrative sanction* in accordance with regulation 17.

15. Determination by consent procedure

- 15.1 Where an *authorised decision-maker* or an *Independent Decision-Making Panel* is satisfied that an *allegation* should be referred for *disciplinary action* under regulation 12.2(e) or regulation 13.2(e), such an *allegation* may, with the consent of the *applicable person* against whom the *allegation* is made, be finally determined as a charge of professional misconduct instead by an *Independent Decision-Making Panel* under the *determination by consent procedure*.
- 15.2 An *authorised decision-maker* or an *Independent Decision-Making Panel*, in deciding to refer an *allegation* for final determination as a charge of professional misconduct under the *determination by consent procedure*, must consider all the circumstances, and may only reach such a decision if:
- (a) the *applicable person* has provided their express written consent to the case being dealt with by an *Independent Decision-Making Panel* under the *determination by consent procedure*; and

- (b) an *authorised decision-maker* or an *Independent Decision-Making Panel* considers that:
 - (i) there are no substantial disputes of fact which can only fairly be resolved by oral evidence being taken;
 - (ii) having regard to the risk to the *regulatory objectives*, it is in the public interest to resolve the *allegation* under the *determination by consent procedure*; and
 - (iii) the potential professional misconduct if proved, combined with the *applicable person's* previous disciplinary history, does not appear to be such as to warrant a period of *suspension* or disbarment, the withdrawal of an authorisation or licence (as appropriate) or the imposition of a *disqualification order* (or equivalent by another *approved regulator*).
- 15.3 Where an *authorised decision-maker* or an *Independent Decision-Making Panel* has decided to refer an *allegation* to the *determination by consent procedure* to be finally determined as a charge of professional misconduct, an *authorised decision-maker* or an *Independent Decision-Making Panel* (as the case may be) may terminate the *determination by consent procedure* at any time if they no longer consider that the requirements of regulation 15.2 are satisfied, or for any other good reason.
- 15.4 An *Independent Decision-Making Panel* may impose on an *applicable person* against whom a charge of professional misconduct has been found proved under the *determination by consent procedure*, any one or more the following:
 - (a) an order to pay a fine to the *BSB* (the amount of such fine to be determined having regard to the relevant sanctions guidance) on such terms as to payment as the *Independent Decision-Making Panel* thinks fit;
 - (b) the imposition of any conditions on their licence or authorisation (where appropriate);
 - (c) a reprimand by the *BSB*;
 - (d) advice by the *Independent Decision-Making Panel* as to their future conduct; and
 - (e) an order to complete (or, in the case of a *BSB entity*, an order to procure that any relevant *managers* or employees complete) continuing professional development of such nature and duration as an *Independent Decision-Making Panel* shall direct and to provide satisfactory proof of compliance with this order to the *BSB*.
- 15.5 In determining what sanction, if any, to impose under the *determination by consent procedure*, an *Independent Decision-Making Panel* shall have regard to the *Sanctions Guidance* and any relevant policy or guidelines issued by the *BSB* or by *BTAS* from time to time.

- 15.6 An *Independent Decision-Making Panel* may not make an award of costs when dealing with an *allegation* under the *determination by consent procedure*.
- 15.7 The *BSB* must publish any finding and sanction and a report of the decision resulting from the *determination by consent procedure* on its website within 14 days unless, on an application by the *applicable person*, an *Independent Decision-Making Panel* directs that it is not in the public interest to publish the finding or sanction or report of the decision.
- 15.8 The *BSB* must not publish any finding or report of the decision resulting from the *determination by consent procedure* on its website where all the charges have been dismissed, unless the *applicable person* so requests.
- 15.9 If the *determination by consent procedure* fails to conclude with a finding and sanction to which the *applicable person* consents, then an *allegation* may be referred to a three-person *Disciplinary Tribunal*.
- 15.10 If the *applicable person* accepts the outcome of the *determination by consent procedure*, no one may appeal against it.

16. *Disciplinary Tribunal*

- 16.1 Where a referral is made by an *authorised decision-maker* or an *Independent Decision-Making Panel* to the *Disciplinary Tribunal* for *disciplinary action*, such *disciplinary action* will be conducted in accordance with such procedures as the *BSB* may prescribe from time to time in these Regulations or the *BSB Disciplinary Tribunals Regulations 2027*.
- 16.2 At the same time as *referring* an *allegation* to form the subject matter of a disciplinary charge or a *disqualification application* before a *Disciplinary Tribunal*, an *authorised decision-maker* or an *Independent Decision-Making Panel* must decide whether a three-person panel or a five-person panel is to be constituted.
- 16.3 In reaching a decision under regulation 16.2, an *authorised decision-maker* or an *Independent Decision-Making Panel* shall consider the sanction which it considers is likely to be imposed on the *applicable person* if the charge or *disqualification application* is proved, having regard to:
- (a) the *Sanctions Guidance*; and
 - (b) the previous disciplinary record of the *applicable person*.
- 16.4 In reaching a decision under regulation 16.2, an *authorised decision-maker* or an *Independent Decision-Making Panel* may only direct that a five-person panel is to be constituted if it considers:
- (a) that the *allegation* involves a conviction for dishonesty or deception; or
 - (b) having regard to the *Sanctions Guidance*, that in all the circumstances one of the following sanctions is likely to be imposed:
 - (i) a sanction of disbarment or *suspension* from *practice* for more than twelve months;

- (ii) a sanction of indefinite *disqualification* or *disqualification* for a defined term of more than twelve months; or
 - (iii) a sanction of a *BSB entity* having its authorisation or licence revoked or *suspended* for a period of more than twelve months.
- 16.5 An *authorised decision-maker* or an *Independent Decision-Making Panel* must inform the *applicable person* of the direction that it has made pursuant to regulation 16.2.
- 16.6 There is no appeal against the decision under regulation 16.2 to refer a matter to a three or a five-person panel.
- 16.7 An *authorised decision-maker* or an *Independent Decision-Making Panel* may:
 - (a) refer to the same *Disciplinary Tribunal* any *allegations* or *disqualification applications* relating to one or more *applicable person* which they consider may conveniently be dealt with together; and
 - (b) refer any additional *allegations* or *disqualification applications* relating to the same *applicable person* to the *Disciplinary Tribunal* which is dealing with the original *allegation* or *disqualification application* (as the case may be).
- 16.8 When an *authorised decision-maker* or an *Independent Decision-Making Panel* has directed that an *allegation* shall form the subject matter of a charge or *disqualification application* before a *Disciplinary Tribunal*, the *BSB* is responsible for bringing the charge or *disqualification application* and *prosecuting* that charge before such *Disciplinary Tribunal*.

17. Appeals from *administrative sanctions*

- 17.1 An appeal from a decision by an *authorised decision-maker* or an *Independent Decision-Making Panel* to impose an *administrative sanction* is to an appeal panel nominated by the *President* in the same composition as a three-person *disciplinary tribunal* panel constituted under regulation 13.3 of the BSB Disciplinary Tribunals Regulations 2027.
- 17.2 If an *applicable person* wishes to appeal a decision in accordance with regulation 17.1, they must send to the *BSB* within 28 days of the imposition of the *administrative sanction*:
 - (a) a written notice of appeal identifying the decision they wish to appeal, their grounds of appeal and the outcome they are seeking; and
 - (b) a written statement confirming whether the *applicable person* requires their appeal to be disposed of at an oral hearing.
- 17.3 The notice of appeal must be accompanied by an appeal fee as set by the *BSB* from time to time.
- 17.4 If the *applicable person* does not expressly request an oral hearing, the appeal will be dealt with by the appeal panel on a review of the papers.

- 17.5 Where the appeal is to be dealt with by an appeal panel on the papers, the *BSB* will provide *BTAS* and the *applicable person* with a paginated bundle of the correspondence and other documents on its files which are material to the original decision as soon as reasonably practicable.
- 17.6 Where the appeal is to be dealt with by an appeal panel at an oral hearing then:
- (a) at least 5 working days before the hearing, the *BSB* will provide *BTAS* and the *applicable person* with a paginated bundle of the correspondence and other documents on its files which are material to the original decision; and
 - (b) the *applicable person* and the *BSB* may be represented at the hearing.
- 17.7 The appeal is a review of the original decision, not a re-hearing, and the appeal panel must decide whether or not to set aside, or to vary the original decision.
- 17.8 If the appeal panel allows the appeal in whole or in part, the appeal panel may direct that any administrative fine or appeal fee already paid by the *applicable person* be refunded either in whole or in part, but the appeal panel has no power to award costs.
- 17.9 The decision of an appeal panel is final and shall not be subject to any further appeal or reconsideration.
- 18. Reconsideration of decisions**
- 18.1 Where an administrative error, accidental slip or omission in, or in relation to, any decision under these Regulations comes to the attention of the *BSB* or an *Independent Decision-Making Panel*, an *authorised decision-maker* or an *Independent Decision-Making Panel* may correct the error without the need to undergo a reconsideration under this regulation.
- 18.2 An *authorised decision-maker* or an *Independent Decision-Making Panel* may reconsider any decision made by an *authorised decision-maker* or an *Independent Decision-Making Panel* respectively under these Regulations in relation to an *allegation*:
- (a) where new evidence becomes available which leads it to conclude that it should do so; or
 - (b) for some other good reason.
- 18.3 Prior to reconsideration of a decision of an *Independent Decision-Making Panel* under regulation 18.2, the Chair or Vice-Chair of the *Independent Decision-Making Body*, or another single member nominated by the Chair or Vice-Chair will:
- (a) decide whether the criteria for reconsideration in regulation 18.2 are met; and
 - (b) if the criteria are met, refer the decision to an *Independent Decision-Making Panel* for reconsideration.
- 18.4 The decision under regulation 18.2 is final.

- 18.5 Following any reconsideration, an *authorised decision-maker* or an *Independent Decision-Making Panel* may make any decision or take any further or different action under these Regulations as they think fit, as if any earlier decision had not been made.

19. Confidentiality

- 19.1 The *BSB* must keep *reports* and *allegations* assessed or investigated under these Regulations confidential and must not disclose the fact that a *report* exists, or details of the *report* or of its treatment as an *allegation* or otherwise, or of its *disposal* save as specified in the *Enforcement Regulations* or as otherwise required by law.

- 19.2 The *BSB* may disclose or publish information or documents relating to any *report* or *allegation* assessed or investigated under these Regulations:

- (a) for the purpose of any of the *BSB*'s regulatory functions;
- (b) for the purpose of keeping the *applicable person*, or any source of information relating to the *applicable person*, informed of the progress of the consideration of a *report* or *allegation*;
- (c) to the extent necessary for the purpose of seeking evidence or information from third parties as part of any assessment or investigation under these Regulations;
- (d) for the purpose of publicising any forthcoming public hearing under the Disciplinary Tribunals Regulations 2027;
- (e) where the *applicable person* consents;
- (f) in response to a request from the selection panel or a member of its secretariat in respect of an application by a *barrister* for appointment as King's Counsel; or from any body responsible for the appointment of judges in respect of an application for judicial appointment; or from some other body or a *BSB authorised individual* for a *certificate of good standing* in respect of a *barrister*;
- (g) for the purposes of providing examples of the types of behaviour that may constitute breaches of *regulatory obligations* either externally or internally within the *BSB*, provided that where disclosure occurs in these circumstances although details of the individual *reports* or *allegations* may be published, any relevant party's identities will remain anonymous;
- (h) where the *BSB* considers it is in the public interest to do so; or
- (i) to the *Commissioner for Conduct* in relation to any reports or allegations of bullying, harassment or sexual harassment, for the purpose of keeping them informed of the progress of the consideration of a *report* or *allegation*.

20. Burden and standard of proof

- 20.1 In reaching any decision under these Regulations in relation to a *report* or *allegation*, the standard of proof applied by the *BSB*, an *authorised decision-maker* and an *Independent Decision-Making Panel* will be the civil standard of proof, namely the balance of probabilities, except when regulation 20.2 applies.
- 20.2 An *authorised decision-maker* or an *Independent Decision-Making Panel* must take into account that the criminal standard of proof will apply when referring an *allegation* for disciplinary action under regulation 12.2(e) or regulation 13.2(e) respectively, and apply the criminal standard of proof when deciding a charge of professional misconduct under the *determination by consent procedure*, in relation to:
- (a) *an allegation* or charge where the conduct alleged occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019 and forms the basis of a single *allegation* or *charge* of professional misconduct;
 - (b) whether the *disqualification condition* has been established, in relation to an *applicable person's* alleged breach of duty or other conduct which occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019;
 - (c) Where facts relating to an *allegation* are in dispute, the burden of proving such facts will rest on the *BSB*.

21. **BSB strategy, policy and guidance**

- 21.1 In exercising its powers under these Regulations, the *BSB*, any *authorised decision-maker* and any *Independent Decision-Making Panel* must have regard to the *BSB's* enforcement strategy and any published *BSB* policy and guidance that appear to be relevant.

22. **Relationship with other BSB regulations**

- 22.1 Nothing in these Regulations will prevent the immediate operation of the BSB Interim Orders Regulations 2027 or the BSB Health Panel and Procedures Regulations 2027, where appropriate.

Schedule 1

Proceedings and Composition of an *Independent Decision-Making Panel*

1. An *Independent Decision-Making Panel*:

- (a) shall consist of three members of the *Independent Decision-Making Body* and shall have a majority of lay members and one barrister member;
- (b) may, at any time, invite any person to attend an *Independent Decision-Making Panel* meeting in an advisory or consultative capacity.

2. *Independent Decision-Making Panel* meetings:

- (a) may be held in person, by email, by telephone or via video-conference;
- (b) shall be held:
 - (i) in private; and
 - (ii) at a frequency to be determined by the *BSB*.

3. Decisions of *Independent Decision-Making Panels* must be recorded in writing and provided to the relevant person.

Bar Standards Board Disciplinary Tribunals Regulations 2027

Introduction

These regulations govern the Disciplinary Tribunal process which is operated and administered by BTAS. The regulations confer powers on BTAS and the Disciplinary Tribunal in relation to case management, procedural applications and final hearings, as well as providing rights of appeal to the High Court. The regulations set out the roles, powers and duties of all parties and the Disciplinary Tribunal in disciplinary proceedings. BTAS manages the disciplinary process and takes decisions independently of the BSB.

They apply to practising barristers, pupils, other BSB regulated persons and entities, and unregistered barristers.

This introduction does not form part of the BSB Disciplinary Tribunals Regulations 2027.

1. Citation and commencement

- 1.1 These regulations shall be known as the 'BSB Disciplinary Tribunals Regulations 2027' and have been approved as an alteration to the regulatory arrangements of the Bar Council as an approved regulator by the Legal Services Board under Schedule 4, Part 3 of the Legal Services Act 2007.
- 1.2 These Regulations will come into effect on [1 February] 2027 and shall also apply to all cases referred to a *Disciplinary Tribunal* prior to that date under the Regulations then applying, and any step taken in relation to any *Disciplinary Tribunal* pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these Regulations.

2. Application, interpretation and authorisation

- 2.1 These Regulations apply following the referral of an allegation to a *Disciplinary Tribunal* under the Bar Standards Board Enforcement Decision Regulations 2027.
- 2.2 In these Regulations, the words and expressions which are italicised shall be interpreted in accordance with the definitions in Part 6 of the *Handbook*.
- 2.3 In these Regulations, any reference to the singular shall include the plural and vice versa.
- 2.4 The *BSB* shall have the power to delegate to any person, group or body any function or power exercisable by the *BSB* or an *authorised decision-maker* under these Regulations; any such delegation must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.
- 2.5 The *President* shall have the power to authorise any person, group or body to fulfil any function or exercise any power exercisable by the *President* under these Regulations; any such authorisation given must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.

- 2.6 Any duty or function or step which, under these regulations, is to be discharged or carried out by the *President* may, if they are unable to act due to absence or to any other reason, be discharged or carried out by the Registrar of *BTAS*, the Chair of the *Disciplinary Tribunal*, or by any other person nominated in writing by the *President* for any specific purpose.
- 2.7 The powers and functions conferred by these Regulations on a *Directions Judge* may be exercised by any person nominated by the *President*, including any person designated in the *Convening Order* as Chair of the *Disciplinary Tribunal* appointed to hear and determine a charge or *disqualification application* against the *Respondent*.

3. Overriding objective

- 3.1 The overriding objective of these Regulations is to enable the *Disciplinary Tribunal* to deal with cases justly and proportionately.
- 3.2 Dealing with cases justly and proportionately includes, so far as practicable:
- (a) ensuring cases are dealt with efficiently and expeditiously;
 - (b) saving expense;
 - (c) dealing with cases in ways which are proportionate to the nature, importance and complexity of the issues.
- 3.3 The *Disciplinary Tribunal*, the Chair of a *Disciplinary Tribunal*, *BTAS* and *Directions Judges* must seek to give effect to the overriding objective when they:
- (a) exercise any power given by these Regulations;
 - (b) interpret any regulation.
- 3.4 The *parties* are required to help the *Disciplinary Tribunal*, the Chair of a *Disciplinary Tribunal*, *BTAS* and *Directions Judges* further the overriding objective.

4. Regulation of own procedure

- 4.1 Subject to these Regulations and any other enactment the *Disciplinary Tribunal* may regulate its own procedure.
- 4.2 The *Disciplinary Tribunal* may dispense with any requirements of these Regulations in respect of notices, statements, witnesses, service or periods of time in any case where it appears to the *Disciplinary Tribunal* to be just to do so.
- 4.3 Practice notices and practice directions may be promulgated under the authority of the *President* following consultation with the *BSB*.

5. Service and filing of charge or *disqualification application*

- 5.1 Not later than ten weeks after the date on which an *authorised decision-maker* or an *Independent Decision-Making Panel* decides to refer an allegation to a *Disciplinary Tribunal* under the Bar Standards Board Enforcement Decision

Regulations 2027 the *BSB* must ensure that a copy of the charge or *disqualification application* is:

- (a) served on the relevant *Respondent*, together with a copy of these Regulations; and
- (b) at the same time, filed with *BTAS*.

6. Service and filing of evidence

- 6.1 As soon as practicable after the service of the charge or *disqualification application* on the *Respondent*, the *BSB* must serve on the *Respondent* and file with *BTAS* the evidence it intends to rely on.
- 6.2 Where some or all of the evidence referred to in regulation 6.1 is not served on the *Respondent* within 28 days of the service of the charge or *disqualification application*, the *BSB* must provide to the *Respondent* and *BTAS* within that period details of:
 - (a) the evidence that is still being sought; and
 - (b) when it is expected that evidence will be served.
- 6.3 Nothing in regulation 6.1 or 6.2 shall prevent a *Disciplinary Tribunal* or *Directions Judge* from receiving evidence which has not been served on the *Respondent* in accordance with regulations 6.1 or 6.2, provided that the *Disciplinary Tribunal* or *Directions Judge* is of the opinion:
 - (a) the *Respondent* would not be materially prejudiced; or
 - (b) that the evidence is accepted on such terms as are necessary to ensure that no such prejudice occurs.

7. Case management and directions

- 7.1 Following the service of a charge or *disqualification application* under regulation 5.1, *BTAS* shall be responsible for case management in accordance with these Regulations.
- 7.2 Upon the sooner of:
 - (a) the service and filing of evidence under regulation 6.1; or
 - (b) the *BSB* writing under regulation 6.2,

BTAS shall send a case management questionnaire to the *parties*.
- 7.3 The case management questionnaire may include requirements for the *parties* to confirm, address or otherwise identify any matter which *BTAS* considers conducive to the management of the case.

- 7.4 BTAS shall require the *parties* to complete and return the case management questionnaire within 21 days or such other time as it considers conducive to the management of the case.
- 7.5 Upon the expiry of the deadline required under regulation 7.4 for completion of the case management questionnaire, regardless of whether both *parties* have responded, a *Directions Judge* shall set and send to the *parties* case management directions, which may be made with or without an oral hearing.
- 7.6 ~~Directions shall be made and a~~Any oral hearing ~~held~~ under regulation 7.5 shall be held as soon as practicable no later than 21 days from after the expiry of the deadline required under regulation 7.4.
- 7.7 A *Directions Judge*, the Chair of the *Disciplinary Tribunal* or a *Disciplinary Tribunal* may, upon the application of a *party*, direct that the identity of a witness should not be revealed in public.
- 7.8 Directions under regulation 7.5 may include a direction as to the measures for giving evidence under regulation 20.3 or the ~~prohibition of~~ cross-examination on behalf of a *Respondent* under regulation 20.4.
- 7.9 In the case of any witness, where the allegation against the *Respondent* is of a sexual nature and the witness was the alleged victim, their identity will not be revealed to the public unless:
- (a) the witness requests their identity be made public; or
 - (b) that that would be likely to cause the *Respondent* to suffer substantial prejudice in the conduct of their defence~~would cause a material risk of prejudice to the *Respondent*.~~
- 7.10 ~~BTAS shall publish details of the case which may include the *Respondent's* identity and the charge or disqualification application~~ No sooner than 7 days following the setting of case management directions under regulation 7.5, unless a *Directions Judge* or the Chair of the *Disciplinary Tribunal* decides in exceptional circumstances that publication should occur or at such other time or in part or not at all as may be determined. ~~by a *Directions Judge* or the Chair of the *Disciplinary Tribunal*, save in exceptional circumstances, BTAS shall publish details of the case which may include the *Respondent's* identity and the charge or disqualification application.~~
- 7.11 There shall be no right of appeal against a direction made under this regulation, though at any time before the substantive hearing a *party* may apply to BTAS for it to make, amend or withdraw any direction.
- 7.12 A *Directions Judge*, Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* may at any stage:
- (a) make, amend or withdraw a direction;
 - (b) list a preliminary hearing, including before making case management directions under regulation 7.5;

- (c) make such directions for the management of the case or the hearing as they consider will promote dealing with the case in accordance with the overriding objective.

~~(d) — delegate administrative amendments to any directions to BTAS.~~

8. Non-compliance

8.1 Where a *party* has failed to comply with any direction made by a *Directions Judge*, Chair of the *Disciplinary Tribunal* or a *Disciplinary Tribunal*, or has failed to do any act within the time period specified in a direction, a *Directions Judge*, the Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* may:

- (a) exclude evidence;
- (b) award costs against a *party*;
- (c) draw an adverse inference.

9. Applications

9.1 At any time prior to the hearing before the *Disciplinary Tribunal*, either *party* may file with *BTAS* and serve on the other *party* an application with written submissions and any evidence in support.

9.2 The *Directions Judge*, Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* may determine an application under regulation 9.1 with or without a hearing.

9.3 Where a preliminary hearing takes place, a *Directions Judge* or Chair of the *Disciplinary Tribunal* may adjourn any decision to the full *Disciplinary Tribunal*.

9.4 A *Directions Judge* or Chair of the *Disciplinary Tribunal* may, at their discretion, determine any application on the papers or at an oral hearing, which may be in person or remote, and may make such directions as they consider conducive to the determination of the application which may include the service of skeleton arguments.

9.5 There shall be no right of appeal against a decision on an application under this regulation or regulation 10.

10. Applications for adjournment after the Convening Order

10.1 Any application by a *party* for an adjournment of the substantive hearing after the issuing of the *Convening Order* but before the date on which the hearing is scheduled to commence must be in writing and accompanied by any evidence upon which the *party* relies in support of their application.

10.2 An application under regulation 10.1 must be:

- (a) submitted to the Chair of the *Disciplinary Tribunal* which has been convened to hear the case, who will decide how to determine it; and
- (b) served upon the other *party*.

- 10.3 The Chair of the *Disciplinary Tribunal* must make reasonable attempts to seek any representations in response to the application from the other *party*.
- 10.4 The Chair of the *Disciplinary Tribunal* will determine the application for adjournment taking into account any response submitted by the other *party* and may:
- (a) grant the adjournment;
 - (b) direct that the application must be renewed before the *Disciplinary Tribunal* on the first day fixed for the substantive hearing;
 - (c) refuse the application;
 - (d) make such directions as they consider appropriate for the further conduct of the case.

11. Fixing the substantive hearing date, appointing a *Disciplinary Tribunal* and issuing a *Convening Order*

- 11.1 Where a hearing date is not fixed when case management directions are made under regulation 7.5, as soon as practicable thereafter *BTAS* shall fix a date for the hearing.
- 11.2 As soon as reasonably practicable after fixing the date for the substantive hearing, and in any event no later than 28 days before the date of the substantive hearing, the *President* must issue a *Convening Order* specifying:
- (a) the name and professional details of the *Respondent*;
 - (b) the date, time and location, whether in person or remote, of the hearing of the *Disciplinary Tribunal* at which the charge or *disqualification application* will be heard; and
 - (c) the names and status (that is, as Chair, as *lay member*, as *barrister* or other) of those persons constituting the *Disciplinary Tribunal* to hear the case; and
 - (d) the *party's* right to represent themselves or be represented professionally, with or without instructing a solicitor.
- 11.3 *BTAS* shall ~~send~~*issue* copies of that *Convening Order* on the *parties* and the nominated members of the *Disciplinary Tribunal*.
- 11.4 Either *party* may, when they receive the *Convening Order*, give notice to the *President* objecting to any one or more of the members of the *Disciplinary Tribunal* and such notice must:
- (a) be given as soon as is reasonably practicable;
 - (b) specify the grounds of objection; and
 - (c) be served upon the other *party*.

- 11.5 When the *President* receives an objection under regulation 11.4, they must, if satisfied that it is justified and subject to regulation 11.7, exercise the power conferred on them by regulation 13.7 to nominate a substitute member or members of the *Disciplinary Tribunal*, and must notify the *parties* accordingly.
- 11.6 When they receive a notification under regulation 11.5, either *party* may object to any substitute member or members, in the same way as they may object under regulation 11.4.
- 11.7 No objection to any member of the *Disciplinary Tribunal* may be made solely on the grounds they have prior knowledge of a *Respondent's* disciplinary history.

12. Appointment of Panel Secretary

- 12.1 BTAS shall appoint one or more persons ~~Panel Secretaries~~ to perform the functions of the Panel Secretary specified in these Regulations and such other functions as the *President*, *Directions Judge* or the Chair of any *Disciplinary Tribunal* may direct.

13. Composition of *Disciplinary Tribunals*

- 13.1 A *Disciplinary Tribunal* must consist of either three or five persons nominated by the *President*.
- 13.2 A five-person *Disciplinary Tribunal* must include:
- (a) a Chair, who must be a *Judge*;
 - (b) two *lay members*; and
 - (c) two *practising barristers* of not less than seven years' standing.
- 13.3 A three-person *Disciplinary Tribunal* must include:
- (a) a Chair, who must be a King's Counsel or a *Judge*;
 - (b) one *lay member*; and
 - (c) one *practising barrister* of not less than seven years' standing.
- 13.4 With the exception of ~~judicial Chairs~~ a *Judge*, the persons nominated by the *President* to sit on a *Disciplinary Tribunal* must be selected from the pool appointed by the *Tribunal Appointments Body*.
- 13.5 A person shall not be eligible to sit on a *Disciplinary Tribunal* if they were a member of the *BSB*, or any of its committees, or the *Independent Decision-Making Body* at any time when the matter was being considered by the *BSB*.
- 13.6 The person nominated by the *President* to be Chair of the *Disciplinary Tribunal*, may be the *Directions Judge*, unless the *Directions Judge* considers there to be any reason why they should not Chair the hearing.

- 13.7 At any time before the substantive hearing of the charge or *disqualification application* commences, the *President* may cancel any or all of the nominations made under these Regulations, and make such alternative nominations as, in the exercise of their discretion, they deem necessary or expedient provided that the *Disciplinary Tribunal* is properly constituted under regulation 13.2 or 13.3.
- 13.8 If a person nominated to sit on a *Disciplinary Tribunal* becomes unable to sit before or during the substantive hearing of the charge or *disqualification application*, ~~or the *President* cancels any or all of the nominations to the *Disciplinary Tribunal* under regulation 13.7,~~ the *President* must nominate another person so the *Disciplinary Tribunal* is properly constituted under regulation 13.2 or 13.3.
- 13.9 Where alternative nominations are made under regulation 13.7 or 13.8 after the *Convening Order* has been issued:
- (a) the *President* must notify the *parties* of the identity of such alternative nominations as soon as is reasonably practicable;
 - (b) either *party* may object to such substitute members in the same way as they may object under regulation 11.4 and 11.6.
- 13.10 The proceedings of a five-person *Disciplinary Tribunal* shall not be invalidated on the sole ground that after the *Convening Order* has been issued under regulation 11.2 one or more members becomes unable to act or is *disqualified* from acting provided that:
- (a) the Chair and at least one *lay member* and one barrister member are still able to act and are present throughout the substantive hearing; and
 - (b) the number of members present throughout the hearing of the charge or *disqualification application* is not less than three.
- 13.11 A member of a *Disciplinary Tribunal* who has been absent for any time during a hearing shall take no further part in the proceedings.
- 13.12 The validity of the proceedings of a *Disciplinary Tribunal* shall not be affected by a defect in the appointment of a member.

14. Hearing in public

- 14.1 Subject to regulation 14.2, any hearing, which may be in person or remote, ~~takes place~~ following publication under regulation 7.10 must be in public, unless it is ordered by a *Directions Judge*, the Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* that all or part of the hearing is not to be held in public.
- 14.2 Any hearing of a review of an *interim order* or undertaking under regulation 24 shall not be in public unless so requested by the *Respondent*.

15. Joinder

- 15.1 Unless there is a risk of prejudice to the fairness of the proceedings, a *Directions Judge*, the Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* may order that

a charge or *disqualification application* against two or more *Respondents* be considered and determined at the same hearing where:

- (a) the charge or *disqualification application* against each *Respondent* arises out of the same circumstances; or
- (b) a joint hearing is necessary or desirable.

15.2 Where a joint hearing is held:

- (a) these Regulations are to have effect in relation to the hearing with the necessary modifications as directed by the Chair; and
- (b) each *Respondent* concerned is to be able to exercise any of the rights granted to that *Respondent* under these Regulations whether or not any other *Respondent* concerned wishes to exercise that right.

15.3 Unless there is a risk of prejudice to the fairness of the proceedings, the *Disciplinary Tribunal* may consider and determine at a single hearing two or more matters which have been separately referred to the *Disciplinary Tribunal* in respect of the same *Respondent*, whether or not those matters arise from the same circumstances.

16. Amendment and addition of charges or *disqualification applications*

16.1 A *Directions Judge*, the Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* may at any time before or during the hearing grant permission to the *BSB* to amend or withdraw the charge or *disqualification application* against any *Respondent*, or grant permission for a new charge, or *disqualification application* be added, provided that:

- (a) the *Directions Judge*, the Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* is satisfied that the *Respondent* will not by reason of such an amendment, addition or withdrawal suffer any substantial prejudice in the conduct of their defence; and
- (b) the *Directions Judge*, the Chair of the *Disciplinary Tribunal* or *Disciplinary Tribunal* will, if so requested by the *Respondent*, adjourn for such time as it considers reasonably necessary to enable that *Respondent* respond to the amended or additional charge or *disqualification application*.

17. Burden and standard of proof

17.1 Subject to regulation 17.2, the *Disciplinary Tribunal* must apply the civil standard of proof when deciding charges of *professional misconduct* and in deciding whether the *disqualification condition* has been satisfied.

17.2 The *Disciplinary Tribunal* must apply the criminal standard of proof when deciding:

- (a) charges of *professional misconduct* where the conduct alleged within that charge occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019 and forms the basis of a single charge of *professional misconduct*; and

- (b) whether the *disqualification condition* has been satisfied, in relation to an applicable person's alleged breach of duty or other conduct which occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019.

17.3 Where facts relating to an allegation are in dispute, the burden of proving such facts shall rest on the *BSB*.

18. Evidence

18.1 A *Directions Judge*, the Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* may admit any evidence considered fair and relevant, whether or not such evidence would be admissible in a court of law in England or Wales.

18.2 Evidence may be oral or written, given in person or by such other means as a *Directions Judge*, the Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* may direct.

18.3 Where the determination by consent procedure was used prior to the *allegations* being referred to a *Disciplinary Tribunal*, reference may not be made to it:

- (a) unless and until the *Respondent* refers to the substance of the procedure;
or
- (b) where the *Respondent* consents.

19. Decisions of courts or tribunals

19.1 In proceedings before a *Disciplinary Tribunal* which involve the decision of a court or tribunal in previous proceedings to which the *Respondent* was a *party*, or where a wasted costs order was made against the *Respondent*:

- (a) a copy of the certificate or memorandum of conviction relating to the offence shall be conclusive proof that the *Respondent* committed the offence;
- (b) any court record of the findings of fact upon which the conviction was based (which may include any document prepared by the sentencing judge or a transcript of the relevant proceedings) shall be proof of those facts, unless proved to be inaccurate;
- (c) the finding and sanction of any tribunal in or outside England and Wales exercising a professional disciplinary jurisdiction may be proved by producing a copy of the finding and sanction and the findings of fact upon which that finding or sanction was based shall be proof of those facts, unless proved to be inaccurate; ~~and~~
- (d) the judgment of any court or tribunal, or a wasted costs order made in any court or tribunal, may be proved by producing an official copy of the judgment or order, and the findings of fact upon which that judgment or order was based shall be proof of those facts, unless proved to be inaccurate.

- 19.2 In proceedings before a *Disciplinary Tribunal* which involve the decision of a court or tribunal in previous proceedings to which the *Respondent* was not a *party*, with the exception of a wasted costs order that was made against the *Respondent*, the provisions of regulation 19.1 do not apply.

20. Oral evidence and special measures at the *Disciplinary Tribunal*

- 20.1 A witness or *Respondent* shall be required to take an oath or to affirm before giving oral evidence at the hearing.

- 20.2 ~~The Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* may exclude Aa witness of fact shall be excluded from the hearing until they are called to give evidence, failing which they will not be entitled to give evidence without leave of the *Disciplinary Tribunal*.~~

- 20.3 Subject to hearing representations from the *parties*, a *Directions Judge*, Chair of the *Disciplinary Tribunal* or the *Disciplinary Tribunal* may adopt such measures as are considered desirable to facilitate the receipt of evidence from a witness or *Respondent*, which may include a direction under regulation 7.7 that a witness's identity is not made public.

- 20.4 No *Respondent* charged with an allegation of a sexual or violent nature may cross-examine a witness who is the alleged victim, either in connection with:

- (a) that allegation, or
- (b) any other allegation with which the *Respondent* is charged in the proceedings,

and ~~without the need for the *Respondent's* agreement in the absence of the *Respondent's* written consent~~, *BTAS* must, no less than seven days before the hearing, appoint a legally qualified person to cross-examine the witness on the *Respondent's* behalf.

21. Absence of a *Respondent*

- 21.1 Where the *Respondent* has not attended at the time and place appointed for a hearing, the *Directions Judge* or *Disciplinary Tribunal* may nevertheless proceed in their absence if satisfied that it is just to do so.

- 21.2 Where a *Directions Judge* or a *Disciplinary Tribunal* has proceeded under regulation 21.1, ~~*BTAS* must notify the *Respondent* must be notified~~ that the hearing proceeded in their absence and, if applicable, of their right to apply for a fresh hearing under regulation 22.

22. Application for a fresh hearing

- 22.1 Where the substantive hearing before the *Disciplinary Tribunal* proceeded in the *Respondent's* absence, in accordance with regulation 21.1, the *Respondent* may apply to *BTAS* for a *Directions Judge* to consider an application for a fresh hearing before a new *Disciplinary Tribunal*.

- 22.2 The *Respondent's* application under regulation 22.1 must be supported by a statement setting out the facts and circumstances upon which the *Respondent* relies in support of their application.
- 22.3 The *Directions Judge* may grant a new hearing if:
- (a) the *Respondent* submitted their application for a new hearing promptly upon becoming aware of the decision;
 - (b) the *Respondent* had good reason for not attending the hearing; and
 - (c) they consider it just to do so.

23. Order of proceedings at the substantive hearing

- 23.1 The order of proceedings at the substantive hearing shall be as set out in these Regulations unless the *Disciplinary Tribunal* decides, having considered the interests of justice and fairness to the *parties*, that the procedure should be varied.
- 23.2 Where the *Disciplinary Tribunal* determines the procedure should be varied it may then give such directions with regard to the conduct of, and procedure at, the hearing as it considers appropriate.
- 23.3 At any time during the substantive hearing when it considers it desirable, the *Disciplinary Tribunal* may retire in the absence of the *parties* to deliberate.
- 23.4 The *Disciplinary Tribunal* shall consider any applications or submissions from the *parties* in relation to objections to the charge or *disqualification application*, following which the *Disciplinary Tribunal* will retire into private session to consider the submissions and shall thereafter announce its determination.
- 23.5 After the *Disciplinary Tribunal* has dealt with any applications or submissions under regulation 23.4, the Panel Secretary shall read the charge or *disqualification application* in public.
- 23.6 The Panel Secretary shall ask the *Respondent* whether the charge or *disqualification application* is admitted or denied and the *Respondent's* admission or denial will be entered on the record.
- 23.7 Where the *Respondent* admits all or part of the charge or *disqualification application*:
- (a) the Chair of the *Disciplinary Tribunal* shall announce the charge proved or *disqualification condition* satisfied to the extent admitted;
 - (b) the *Disciplinary Tribunal* shall hear any further evidence and submissions from the *parties*;
 - (c) the *Disciplinary Tribunal* shall record in writing its finding on the charge or *disqualification application* and its reasons; and
 - (d) the matter shall then continue in accordance with the procedure set out at regulation 25.

- 23.8 Where the *Respondent* denies the charge or contests the *disqualification application*, the *BSB* will present the case against the *Respondent*, which may include producing any evidence and calling any witness in person.
- 23.9 After the evidence against the *Respondent* has been called:
- (a) the *Respondent* shall be entitled to submit that they have no case to answer, either in whole or in part; and
 - (b) the *BSB* shall be entitled to respond to such a submission.
- 23.10 If such a submission is upheld:
- (a) the *Disciplinary Tribunal* shall dismiss the charge or *disqualification application*, either in whole or in part; and
 - (b) if the entirety of the case against the *Respondent* is not dismissed and some charges or parts of the *disqualification application* remain the proceedings shall continue as set out at regulation 23.11 to 23.13.
- 23.11 The *Respondent* shall then be entitled to call any witness, give evidence on their own behalf and adduce any other evidence in support of the *Respondent* 's defence.
- 23.12 The *BSB* shall be entitled to call witnesses and adduce evidence in rebuttal of any part of the defence case.
- 23.13 After the *Respondent* has called any witness in person and adduced any evidence, the *BSB* may address the *Disciplinary Tribunal*, and thereafter the *Respondent*.

24. Review of interim orders

- 24.1 On application from either party, once a hearing before a *Disciplinary Tribunal* has commenced but prior to *disposal* the *Disciplinary Tribunal* may review any *interim order* or undertaking imposed under the BSB Interim Order Regulations 2027:
- (a) in the event of a significant change in circumstances; or
 - (b) for any other good reason.
- 24.2 Following a review under regulation 24.1, the *Disciplinary Tribunal*, subject to first considering any representations from the *parties*, may:
- (a) confirm, set aside or vary any *interim order* imposed by an *interim panel* under the BSB Interim Order Regulations 2027;
 - (b) confirm, set aside or vary any undertaking from the *Respondent*;
 - (c) accept from the *Respondent* an undertaking in written terms satisfactory to the *Disciplinary Tribunal* (and subject to such conditions as the *Disciplinary Tribunal* may agree) which may include:
 - (i) being immediately *suspended* or *disqualified* by the *BSB*; or

- (ii) carrying out their future activities in accordance with interim *conditions* on their authorisation or licence.
- 24.3 Where an *interim order* or undertaking is confirmed, varied or accepted under regulation 24.2, either *party*:
- (a) may apply to the *President* for it to be varied where they consider due to a significant change in circumstances or for any other good reason the *interim order* or undertaking should be set aside or varied; and
 - (b) where such an application is made, must send a copy to the other *party* and the other *party* may make representations on the application.
- 24.4 Where the *President* receives an application under regulation 24.3, they must refer it to:
- (a) the Chair and to one of the *lay members* of the *Disciplinary Tribunal* which confirmed, varied or accepted the order or undertaking under regulation 24.2; or
 - (b) where under regulation 27.10 a three-person *Disciplinary Tribunal* refers a case to a five-person *Disciplinary Tribunal* for sanction, and that five-person *Disciplinary Tribunal* has been convened by the *President*, to the Chair and to one of the *lay members* of the five-person *Disciplinary Tribunal*.
- 24.5 The persons to whom an application is referred under regulation 24.4 may, subject to first considering any representations from the *parties*, exercise any of the powers in regulation 24.2.
- 24.6 Any *interim order* or undertaking confirmed, varied or accepted under regulation 24.2 or 24.5 shall cease to have effect when the *Disciplinary Tribunal* makes an order for *disposal* of all charges or *disqualification applications*.
- 25. The finding**
- 25.1 At the end of the hearing:
- (a) the *Disciplinary Tribunal* must record in writing its findings on each charge or *disqualification application* with its reasons; and
 - (b) the record must be approvedsigned by the Chair and by all members of the *Disciplinary Tribunal*.
- 25.2 If the members of the *Disciplinary Tribunal* do not agree on any charge or *disqualification application*, the finding to be recorded must be that of the majority.
- 25.3 If the members of the *Disciplinary Tribunal* are equally divided on any charge or *disqualification application*, then, as the burden of proof is on the *BSB*, the finding to be recorded on that charge or *disqualification application* must be that which is the most favourable to the *Respondent*.

- 25.4 The Chair of the *Disciplinary Tribunal* must then announce the *Disciplinary Tribunal*'s finding on the charge or *disqualification application*, and state whether each such finding was unanimous or by a majority.
- 25.5 The *Disciplinary Tribunal* is free to reserve its judgment.
- 25.6 In any case where the *Disciplinary Tribunal* dismisses the charge or *disqualification application*, it may give advice to the *Respondent* about their future conduct.

26. Orders pending a final decision on sanction

- 26.1 In any case where a charge has been found proved or the *disqualification condition* has been found satisfied and the *Disciplinary Tribunal* has decided to adjourn the hearing before deciding what sanction to impose, or where under regulation 27.10 a three-person *Disciplinary Tribunal* refers a case to a five-person *Disciplinary Tribunal* for sanction, the *Disciplinary Tribunal* must consider prior to the adjournment taking effect whether an order in regulation 26.2 is necessary (and if so to make such an order):
- (a) to protect the interests of clients (or former or potential clients);
 - (b) to protect the public; or
 - (c) otherwise in the public interest.
- 26.2 An order imposed by a *Disciplinary Tribunal* under regulation 26.1 may:
- (a) require the *Respondent* to suspend their practice, in which case the *BSB* must suspend that *Respondent's practising certificate*;
 - (b) require the *BSB* to impose such conditions on the *Respondent's* practice as the *Disciplinary Tribunal* deems necessary;
 - (c) prohibit the *Respondent*, either unconditionally or subject to such conditions as the *Disciplinary Tribunal* deems necessary, from accepting or carrying out any *public access instructions*;
 - (d) suspend the *Respondent's* authorisation to *conduct litigation* or make it subject to such conditions as the *Disciplinary Tribunal* deems necessary; or
 - (e) where the *Respondent* does not currently hold a *practising certificate*, require the *BSB* not to issue any *practising certificate* to them.
- 26.3 Any order made under regulation 26.1 will take effect immediately and last until a decision on what sanction to impose has been made unless the *Disciplinary Tribunal* directs otherwise.
- 26.4 Where an order of suspension is made under regulation 26.1 the effect of the suspension will be as set out in regulation 29.
- 26.5 Where an order is made under regulation 26.1, either *party*:

- (a) may apply to the *President* for it to be varied where they consider, due to a change in circumstances, the order should be set aside or varied; and
 - (b) where such an application is made, must send a copy to the other *party* which may make representations on the application.
- 26.6 Where the *President* receives an application under regulation 26.5, they must refer it to:
- (a) the Chair and to one of the *lay members* of the *Disciplinary Tribunal* which made the order under regulation 26.1; or
 - (b) where under regulation 27.10 a three-person *Disciplinary Tribunal* refers a case to a five-person *Disciplinary Tribunal* for sanction, and that five-person *Disciplinary Tribunal* has been convened by the *President*, to the Chair and to one of the *lay members* of the five-person *Disciplinary Tribunal*.
- 26.7 The persons to whom an application is referred under regulation 26.6 may, subject to first considering any representations from the *parties*, confirm, set aside or vary the order to which the application has been made.
- 26.8 Any order imposed under regulation 26.1 or 26.7 shall cease to have effect when the *Disciplinary Tribunal* makes an order under regulation 27 for *disposal* of all charges or *disqualification applications*.

27. The sanction

- 27.1 If the *Disciplinary Tribunal* finds any charge proved or *disqualification condition* satisfied against a *Respondent* it may hear evidence of any previous:
- (a) finding of *professional misconduct* by a *Disciplinary Tribunal* or under the determination by consent procedure;
 - (b) *disqualification order*;
 - (c) finding of a breach of proper professional standards by the *BSB* or any other regulator; or
 - (d) adverse finding on a charge consisting of a *legal aid complaint*;
- made in respect of the *Respondent*, or, where the proved charge concerns a *BSB entity*, in respect of that body or any person employed in the *BSB entity* directly implicated by the charge or *disqualification application*.
- 27.2 After hearing any evidence and representations by or on behalf of the *Respondent* and the *BSB*, the *Disciplinary Tribunal* must decide what sanction to impose on a *Respondent*, taking into account the *Sanctions Guidance* and must record its sanction in writing, together with its reasons.
- 27.3 If the members of the *Disciplinary Tribunal* do not agree on the sanction to be imposed on a *Respondent*, the sanction to be recorded must be that decided by the majority.

- 27.4 If the members of the *Disciplinary Tribunal* are equally divided on the sanction to be imposed on a *Respondent*, the sanction to be recorded must be that which is the most favourable to the *Respondent*.
- 27.5 The Chair of the *Disciplinary Tribunal* must announce the *Disciplinary Tribunal*'s decision on sanction and state whether the decision was unanimous or by a majority.
- 27.6 The *Disciplinary Tribunal* is free to reserve its judgment.
- 27.7 Subject to regulation 27.8 below:
- (a) a *Respondent* against whom a charge of *professional misconduct* has been found proved may be sanctioned by the *Disciplinary Tribunal* as follows:
 - (i) in the case of *barristers*, in accordance with Schedule 1 to these Regulations;
 - (ii) in the case of a *BSB authorised body*, in accordance with Schedule 2 to these Regulations;
 - (iii) in the case of a *BSB licensed body*, in accordance with Schedule 3 to these Regulations;
 - (iv) in the case of *registered European lawyers*, in accordance with Schedule 4 to these Regulations;
 - (v) in the case of all other *BSB regulated persons*, in accordance with Schedule 5 to these Regulations;
 - (vi) where it applies, in accordance with the powers conferred under Sections 41 and 42 of the Administration of Justice Act 1985 (as substituted by Section 33 of the Legal Aid Act 1988 and as amended by Schedule 4 to the Access to Justice Act 1999).
 - (b) in the case of a *Respondent* who is an *applicable person* in respect of whom the *Disciplinary Tribunal* finds the *disqualification condition* satisfied, the *Disciplinary Tribunal* may make a *disqualification order* if the *Disciplinary Tribunal* considers that:
 - (i) the making of such a *disqualification order* is a proportionate sanction; and
 - (ii) it is in the public interest (there being no other available sanction in respect of a *non-authorised individual* (other than an unregistered *barrister*, manager of a *BSB entity* or a *registered European lawyer* who does not have a current practicing certificate) directly or indirectly employed by a *BSB authorised person*).
- 27.8 In any case where a charge of *professional misconduct* has been found proved, the *Disciplinary Tribunal* may decide that no further action should be taken against the *Respondent*.

27.9 A three-person *Disciplinary Tribunal* may not:

- (a) disbar a barrister or suspend a barrister's practising certificate for a period longer than twelve months;
- (b) revoke the authorisation or licence (as appropriate) of a *BSB entity* or suspend it for a period longer than twelve months;
- (c) remove a *registered European lawyer* from the register of European lawyers;
- (d) impose a sanction of suspension on any *BSB regulated person* for a prescribed period longer than twelve months; or
- (e) impose a *disqualification order* for more than twelve months.

27.10 In the event that a three-person *Disciplinary Tribunal* considers that a case before it merits the imposition on a *Respondent* of any of the sentences referred to in regulation 27.9 *Disciplinary Tribunal* the three-person *Disciplinary Tribunal* must:

- (a) refer the case to a five-person *Disciplinary Tribunal* for it to sanction that *Respondent* (but may proceed to sanction any other *Respondent* to the proceedings in respect of whom this regulation does not apply); ~~and~~
- (b) prepare a statement of the facts as found and, where relevant, any sanction imposed on any other *Respondent* to the proceedings and the *Respondent* cannot challenge the facts found by the three-person *Disciplinary Tribunal*; and
- (c) direct within what period of time the sanction hearing before the five-person *Disciplinary Tribunal* is to be held and make appropriate directions for the parties to provide the *President* with their dates of availability.

27.11 Following a referral by a three-person *Disciplinary Tribunal* under regulation 27.10:

- (a) the five-person *Disciplinary Tribunal* must be constituted in accordance with regulation 13.2;
- (b) the *President* must fix the date for the sanction hearing and in so doing shall have regard to the availability of the parties, save that the *President* may disregard the availability of any *party* where that *party* has failed to provide any, or any reasonable, dates of availability; ~~and~~
- (c) as soon as is reasonably practicable after they have fixed the sanction hearing, the *President* must inform the *parties* of that date, the names and status of those who will constitute the panel; and the parties may object to any one or more members of the panel in accordance with regulation 11.

27.12 Whether or not a *Disciplinary Tribunal* finds any charge proven or *disqualification condition* satisfied against a *barrister* who is a pupil supervisor, if the *Disciplinary Tribunal* considers that the circumstances of the allegation are relevant to the *Respondent* in their capacity as a pupil supervisor, it may notify the *Respondent's* AETO or the *BSB* of those concerns in such manner as it sees fit.

27.13 If a *barrister* is a member of more than one *Inn*, each *Inn* of which they are a member must be mentioned in the sanction imposed on them.

28. Findings and sanctions coming into effect

28.1 Subject to regulation 30, any finding or sanction shall come into effect:

- (a) where no appeal is filed under regulation 33, upon the expiration of the appeal period; and
- (b) where an appeal is filed in the High Court upon the date the appeal is finally disposed of or abandoned.

29. Sanction of suspension from practice or from authorisation or licensing or imposition of conditions

29.1 For the purposes of regulation 29.2 and 29.3:

- (a) the effect of a sanction of suspension for a *BSB authorised individual* is that:
 - (i) the *Respondent's practising certificate* is suspended by the *BSB* for the period of the suspension;
 - (ii) the *Respondent* is prohibited from practising as a *barrister*, or holding themselves out as being a *barrister* when providing legal services or as otherwise being authorised by the *BSB* to provide reserved legal activities or when describing themselves as a *barrister* in providing services other than legal services (whether or not for reward) unless they disclose the suspension;
- (b) the effect of a sanction of suspension for a *registered European lawyer* shall mean that the *Respondent* is suspended from the register of European lawyers maintained by the *BSB* and is, for so long as they remain suspended:
 - (i) prohibited from holding themselves out as registered with the *BSB*; and
 - (ii) not authorised to practise.
- (c) the effect of a sanction of suspension for a *BSB entity* shall mean that the body's authorisation or licence is suspended for the period of the suspension such that the *Respondent* is not an authorised person for that period;
- (d) the effect of a sanction on a *BSB authorised individual* or a *registered European lawyer* requiring completion of continuing professional development shall be in addition to the mandatory requirements set out in the continuing professional development rules at Part 4 of the *Handbook*.

- 29.2 In exceptional circumstances, where the total suspension is three months or less, the *Disciplinary Tribunal* may postpone the commencement of the suspension for such a period as it deems fit.
- 29.3 The period for which a sanction of suspension from practice is expressed to run may be:
- (a) a fixed period; or
 - (b) until the *Respondent* has complied with any conditions specified in the order imposing the sanction of suspension.
- 29.4 Conditions may be imposed on a *barrister's practising certificate* or on the authorisation or licence of a *BSB entity*:
- (a) without its being suspended; or
 - (b) to take effect on a *barrister's practising certificate* or on the authorisation or licence of a *BSB entity* when a period of suspension ends.
- 29.5 Conditions may include such other matters as the *Disciplinary Tribunal* may consider appropriate for the purpose of protecting the public or preventing a repetition of the conduct in question.
- 30. Suspension/withdrawal/conditions on practising rights pending the hearing of any appeal**
- 30.1 This regulation applies to any *Respondent* against whom a charge of professional misconduct has been found proved or the *disqualification condition* is satisfied and where the *Disciplinary Tribunal* has made its decision on sanction.
- 30.2 Where regulation 30.1 applies, the *Disciplinary Tribunal* must seek representations from the *Respondent* and from the *BSB* on the appropriateness or otherwise of taking action under regulation 30.3 and 30.4 below.
- 30.3 Subject to regulation 30.4, having heard any representations under regulation 30.2, the *Disciplinary Tribunal* may impose an immediate suspension or such conditions as it considers appropriate pending appeal where it considers it is necessary:
- (a) to protect the interests of clients (or former or potential clients);
 - (b) to protect the public; or
 - (c) otherwise in the public interest.
- 30.4 Where the *Respondent* has been sanctioned to be disbarred, *disqualified* or *suspended* for 12 months or more or had its authorisation or licence revoked the *Disciplinary Tribunal* must:
- (a) require the *Respondent* to suspend their practice immediately (in which case the *BSB* must suspend that *Respondent's practising certificate* or other authorisation or licence with immediate effect); or

- (b) where the *Respondent* does not currently hold a *practising certificate*, require the BSB not to issue a *practising certificate* to them

unless in the circumstances of the case it considers it to be inappropriate to do so.

- 30.5 If the *Disciplinary Tribunal* decides that it would be inappropriate to require immediate suspension or immediate imposition of conditions it may nonetheless require the *Respondent* to suspend their practice or impose conditions, from such date as the *Disciplinary Tribunal* may specify.
- 30.6 Where the *Respondent* is permitted under regulation 30.5 to continue to practise for any period before being suspended the *Disciplinary Tribunal* may require the *BSB* to impose such terms on the *Respondent's* practice as the *Disciplinary Tribunal* deems necessary to protect the public until the suspension comes into effect.
- 30.7 Where an order is made in respect of a *Respondent* under regulation 30.3 and either *party* considers that, due to a change in the circumstances, it would be appropriate for that order to be varied or set aside, they may apply to the *President* in writing for it to be varied or set aside.
- 30.8 When the *President* receives an application made under regulation 30.7 they must refer it to the Chair and to one of the lay members of the *Disciplinary Tribunal* which originally made the order, or any appropriate substitute, to make a decision on the application.
- 30.9 Any application made under regulation 30.7:
- (a) must be sent by the applicant on the day that it is made to the other *party*; and
 - (b) the other *party* may make such representations as they think fit on that application to those to whom the application has been referred by the *President*.
- 30.10 The persons to whom an application made under regulation 30.7 above is referred may confirm, vary or set aside the order in relation to which the application has been made.

31. Report of finding and sanction

- 31.1 As soon as practicable after the *Disciplinary Tribunal* has made its decision, the Chair must prepare a written report with reasons for their findings and any sanction.

- 31.2 ~~BTAS~~The Chair must send copies of the report to:

- (a) the *Respondent*;
- (b) the *BSB*;
- (c) the *President*;

- (d) where a *barrister* has been disbarred, the *Respondent's Inn* of Call and to any other *Inns* of which they are a member;
- (e) where a *HOLP* or *HOFA* or manager or employee of a *licensed body* has been *disqualified*, the *Legal Services Board*;
- (f) in cases where one or more charges of *professional misconduct* have been found proved:
 - (i) the *Respondent's* head of chambers, *HOLP*, or employer (as appropriate); and
 - (ii) in the case of a *registered European lawyer*, their home professional body;
- (g) in cases where one or more charges of *professional misconduct* have been found proved and any such charge constitutes, or arises out of, a legal aid complaint, or the sanction includes an order under regulation 27.7(a)(iv), the *Legal Aid Agency*; and
- (h) any other person or bodies that the *President* deems, in their absolute discretion, to be appropriate, taking into account the circumstances.

32. Publication of finding, sanction and report of the *Disciplinary Tribunal*

32.1 The following provisions apply to the publication of the finding, sanction and report of a *Disciplinary Tribunal*, *BTAS* must publish:

- (a) the finding and any sanction of the *Disciplinary Tribunal* on its website within 14 days of the date of the *Disciplinary Tribunal's* decision, unless the *Disciplinary Tribunal* directs that it is not in the public interest to publish the finding ~~and/or~~ sanction at that time or at all;
- (b) the report of the *Disciplinary Tribunal* decision on its website within seven ~~7~~ days of receipt of the report from the Chair under regulation 31.2, unless the *Disciplinary Tribunal* directs that it is not in the public interest to publish the report in full or in part, at that time -or at all.

32.2 The *BSB* may publish the finding, sanction or report of a *Disciplinary Tribunal* on its website in accordance with regulation 32.1(a).

33. Appeals

33.1 In cases where:

- (a) one or more charges of *professional misconduct* been proved or dismissed, in whole or in part;
- (b) a *disqualification order* has been made or refused,

an appeal may be filed with the High Court in accordance with the Civil Procedure Rules.

- 33.2 An appeal under regulation 33.1 may be made by:
- (a) by the *Respondent* against finding or sanction;
 - (b) by the *BSB* against finding or sanction.
- 33.3 Where a *Respondent* files an appeal under regulation 33.1, they may at the same time file with the High Court an appeal against any requirement imposed under regulation 30.3 – 30.6.
- 34. Action to be taken by the *Inn* (in circumstances where a *barrister* has been sanctioned to be disbarred)**
- 34.1 The Treasurer of the *Respondent's Inn* of Call must as soon as reasonably practicable, and in any event not later than 14 days:
- (a) after the end of the *Disciplinary Tribunal* 's proceedings and once the time for appeal to the High Court has expired; or
 - (b) where the *Respondent* has filed an appeal to High Court against the finding or sanction, after any appeal to the High Court has been disposed of or abandoned,
- pronounce the sanction of disbarment decided by the *Disciplinary Tribunal*, which must take effect within two working days, and take such further action as may be required to carry the sanction into effect.
- 34.2 The Treasurer of the *Respondent's Inn* of Call must inform the persons specified in regulation 31.2 of the date of the effective date of the sanction.
- 35. Action to be taken by *BSB***
- 35.1 Subject to regulation 35.2, the *BSB* must take the appropriate steps to put the finding or sanction of the *Disciplinary Tribunal* into effect, except that in any case in which an applicable person has given notice of appeal to the High Court against the finding or sanction of the *Disciplinary Tribunal* on the charges of *professional misconduct* or *disqualification application*, no action may be taken until the appeal:
- (a) has been heard by the High Court; or
 - (b) is otherwise disposed of without a hearing.
- 35.2 Where the finding or sanction of the *Disciplinary Tribunal* is that the *BSB regulated person* should be subject to an immediate suspension or immediate imposition of conditions the actions of the *BSB* must not be deferred even if the *BSB regulated person* has given notice of appeal to the High Court against the finding or sanction of the *Disciplinary Tribunal* on the charges of *professional misconduct*.
- 36. Costs**
- 36.1 A *Disciplinary Tribunal* or *Directions Judge* may make such orders for costs as they think fit.

- 36.2 A *party* who wishes to make an application for costs must, no later than 24 hours before the commencement of the hearing, serve upon any other *party* and file with *BTAS* a costs schedule; and the other *party* may make representations in response.
- 36.3 Where it exercises its discretion to make an order for costs, a *Disciplinary Tribunal* must either itself decide the amount of such costs or direct *BTAS* to appoint a suitably qualified person to do so on its behalf.
- 36.4 Any costs ordered to be paid by or to a *Respondent* must be paid to or by the *BSB*.
- 36.5 Costs may be awarded to the *BSB* in respect of any costs incurred following referral of an allegation under the BSB Enforcement Decision Regulations 2027.

37. Service of documents

- 37.1 Any documents required to be served on a *Respondent* in connection with proceedings under these Regulations shall be deemed to have been validly served:

(a) if service is given by e-mail where the recipient's e-mail address is known to the *BSB*:

- (i) if the email is sent before 16:30 on a *business day*, on that day; or
- (ii) in any other case, on the next *business day* after the day on which it was sent;

(b) if sent by registered post, or recorded delivery post:

- (i) in the case of a *BSB authorised individual*, to the address notified by such *Respondent* pursuant to the requirements of Part 2 of the [eis Handbook](#) (or any provisions amending or replacing the same) as being their *practising address*;
- (ii) in the case of a *BSB regulated person* or *non-authorised individual* acting as a *manager* or employee of a *BSB entity*, to the address provided by the *BSB entity* as being their home address or, in the absence of such information, to the address of the relevant *BSB entity* notified pursuant to the requirements of Part 2 of the [eis Handbook](#);
- (iii) in either case, to an address to which the *Respondent* may request in writing that such documents be sent; or
- (iv) in the absence of any of the above, to their last known address or; in the case of a *BSB regulated person* or *non-authorised individual* acting as a *manager* or employee of a *BSB entity*, the last known address of the relevant *BSB entity*;

on the second day after it was posted, left with, delivered to or collected by the relevant service provider, provided that that day is a business day; or, if not, the next business day after that day;

- (c) if service is given by personal service:
 - (i) if the document is served personally before 16:30 on a *business day*, on that day; or
 - (ii) in any other case, on the next *business day* after that day;
- (d) if service is given in any other way which may be directed by the *Directions Judge or Chair of the Disciplinary Tribunal*.

38. Exclusion from providing representation funded by the Legal Aid Agency (Application for termination)

- 38.1 A *Respondent* who has been excluded from legal aid work under section 42 of the Administration of Justice Act 1985 may apply for an order ending their exclusion from providing representation funded by the Legal Aid Agency as part of the Community Legal Service or Criminal Defence Service.
- 38.2 Any such application must be in writing and addressed to the *President* who may appoint a Chair of a Disciplinary Tribunal to determine the application.
- 38.3 The Chair may dismiss the application, or may decide that the *Respondent's* exclusion from providing representation funded by the Legal Aid Agency as part of the Criminal Legal Aid or Civil Legal Aid be ended forthwith, or on a specified future date.
- 38.4 The *BTAS* must notify their decision of the Chair in writing to all those persons who received copies of the report of the *Disciplinary Tribunal* under regulation 31.2.
- 38.5 The Chair may make such order for costs as it thinks fit and regulation 36 shall apply with all necessary modifications.

Schedule 1 – Sanction Powers Against *Barristers*

1. When a charge of *professional misconduct* has been found proved against a *barrister* by a *Disciplinary Tribunal*, the *Disciplinary Tribunal* may decide to:
 - (a) order that they be disbarred;
 - (b) order that their practising certificate be suspended for a prescribed period;
 - (c) order that their practising certificate should not be issued or renewed;
 - (d) order that conditions be imposed on their practising certificate;
 - (e) order that they be prohibited, either indefinitely or for a prescribed period and either unconditionally or subject to conditions, from accepting or carrying out any public access instructions;
 - (f) order that their authorisation to *conduct litigation* be removed or suspended, or be subject to conditions imposed;
 - (g) order them to pay a fine of up to £50,000 to the *BSB* (or up to £50,000,000 if the charges relate to his or her time as an employee or manager of a licensed body);
 - (h) order them to complete continuing professional development of such nature and duration as the *Disciplinary Tribunal* may direct, whether outstanding or additional requirements, and to provide satisfactory proof of compliance with this order to the supervision team;
 - (i) reprimand them;
 - (j) give them advice about their future conduct;
 - (k) order them to attend on a nominated person to be reprimanded; or
 - (l) order them to attend on a nominated person to be given advice about their future conduct.
2. If an application to *disqualify* the *Barrister* from acting as *HOLP*, manager or employee of an authorised person is made in the same proceedings, the *Disciplinary Tribunal* may also *disqualify* the *Barrister* in accordance with the provisions of Schedule 5.

Schedule 2 – Sanction Powers Against BSB Authorised Bodies

1. If a *Disciplinary Tribunal* finds a charge of *professional misconduct* proved against a *BSB authorised body*, the *Disciplinary Tribunal* may decide to:
 - (a) order that its authorisation to practise as a *BSB authorised body* be removed;
 - (b) order that conditions be imposed on its authorisation to practise as a *BSB authorised body*;
 - (c) order that its authorisation to practise for a prescribed period be suspended (either unconditionally or subject to conditions);
 - (d) order that it be re-classified as a *BSB licensed body* (either unconditionally or with conditions imposed on its licence to practise as a *BSB licensed body*);
 - (e) order that its authorisation to *conduct litigation* be withdrawn or suspended, or be subject to conditions on it;
 - (f) order it to pay a fine of up to £250,000 to the [BSB Bar Standards Board](#);
 - (g) order that its managers or employees complete continuing professional development of such nature and duration as the *Disciplinary Tribunal* may direct and to provide satisfactory proof of compliance with this order to the supervision team;
 - (h) reprimand it;
 - (i) give it advice about its future conduct; or
 - (j) order it to attend (by its *HOLP* or other person identified in the order) on a nominated person to be given advice about its future conduct.

Schedule 3 – Sanction Powers Against *BSB Licensed Bodies*

1. If a *Disciplinary Tribunal* finds a charge of *professional misconduct* proved, against a *BSB licensed body* the *Disciplinary Tribunal* may decide to:
 - (a) revoke its licence to practise;
 - (b) suspend its licence to practise for a prescribed period (either unconditionally or subject to conditions);
 - (c) impose conditions on its licence to practise;
 - (d) withdraw or suspend its right to *conduct litigation* or to impose conditions on it;
 - (e) order it to pay a fine of up to £250,000,000 to the *BSB*;
 - (f) order it to ensure that its managers or employees 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 supervision team;
 - (g) reprimand it;
 - (h) give advice to it about its future conduct; or
 - (i) order it to attend (by its *HOLP* or other person identified in the order) on a nominated person to be given advice about its future conduct.

Schedule 4 – Sanction Powers Against *Registered European lawyers*

1. If a *Disciplinary Tribunal* finds a charge of *professional misconduct* proved against a *registered European lawyer*, the *Disciplinary Tribunal* may decide to:
 - (a) order that they be removed from the register of European lawyers;
 - (b) order that they be suspended from the register of European lawyers for a prescribed period (either unconditionally or subject to conditions);
 - (c) order a condition to be imposed on them prohibiting them, either indefinitely or for a prescribed period and either unconditionally or subject to conditions, from accepting or carrying out any public access instructions;
 - (d) order them to pay a fine of up to £50,000 to the *BSB* (or of up to £50,000,000 if, the charges relate to their time as an employee or manager of a licensed body);
 - (e) order them to complete continuing professional development of such nature and duration as the *Disciplinary Tribunal* shall direct, whether outstanding or additional requirements, and to provide satisfactory proof of compliance with this order to the supervision team;
 - (f) reprimand them;
 - (g) give them advice about their future conduct;
 - (h) order them to attend on a nominated person to be reprimanded; or
 - (i) order them to attend on a nominated person to be given advice about their future conduct.

Schedule 5 – Sanction Powers Against All Other *BSB regulated persons*

1. If a *Disciplinary Tribunal* finds a charge of *professional misconduct* proved against any other *BSB regulated person* the *Disciplinary Tribunal* may decide to:
 - (a) order them to pay a fine of up to £50,000 to the *BSB* (or up to £50,000,000 if the charges relate to their time as an employee or manager of a licensed body);
 - (b) reprimand them;
 - (c) give them advice about their future conduct;
 - (d) order them to attend on a nominated person to be reprimanded;
 - (e) order them to attend on a nominated person to be given advice about their future conduct.
2. If an application to *disqualify* is made in the same proceedings, the *Disciplinary Tribunal* may also *disqualify* a *BSB regulated person* in accordance with these Regulations.

Bar Standards Board Interim Orders Regulations 2027

Introduction

These Regulations set out the powers we have to make interim orders to suspend the authorisation of a person or entity, put conditions on their authorisation, or to disqualify a person from acting in certain specific authorised roles, pending disposal by a Disciplinary Tribunal. These Regulations also set out the procedure to be followed in such cases.

They apply to all BSB authorised persons (including practising barristers) and any Heads of Legal Practice (HOLP), Heads of Finance and Administration (HOFA) and managers and other employees of BSB authorised persons.

This introduction does not form part of the Interim Orders Regulations 2027.

1. Citation and commencement

- 1.1 These Regulations shall be known as the 'BSB Interim Orders Regulations 2027'.
- 1.2 These Regulations shall come into effect on [1 February] 2027 and shall also apply to all referrals to an *interim panel* made prior to that date under the Regulations then applying, and any step taken in relation to any referral pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these Regulations.

2. Interpretation and authorisation

- 2.1 In these Regulations the words and expressions which are italicised shall be interpreted in accordance with the definitions in Part 6 of the *Handbook*, save that "*Respondent*" shall mean a *BSB authorised person* or any *applicable person* acting as a *HOLP* or a *HOFA* or working as a *manager* or employee of a *BSB authorised person*.
- 2.2 In these Regulations, any reference to the singular shall include the plural and vice versa.
- 2.3 The *BSB* shall have the power to delegate to any person, group or body any function or power exercisable by the *BSB* under these Regulations; any such delegation must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.
- 2.4 The *President* and the Chair of the *Independent Decision-Making Body* shall have the power to authorise any person, group or body to fulfil any function or exercise any power exercisable by the *President* or the Chair of the *Independent Decision-Making Body* respectively under these Regulations; any authorisations given must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.

3. Powers to impose *interim orders*

3.1 Subject to the criteria and procedures outlined in regulations 6 to 9, at any time pending *disposal* by a *Disciplinary Tribunal* under the BSB Disciplinary Tribunals Regulations 2027, the *BSB* may take interim action to impose one or more of the following *interim orders*:

- (a) interim *suspension*;
- (b) interim *disqualification*;
- (c) interim *conditions*;
- (d) interim *directions*.

4. Composition of *interim panels* and *review panels*

4.1 An *interim panel* and a *review panel* shall each consist of three persons nominated by the *President* comprising:

- (a) a Chair, who shall be a King's Counsel, and
- (b) two other members, at least one of whom must be a *lay member*.

4.2 The persons nominated by the *President* to sit on an *interim panel* or a *review panel* must be selected from the pool appointed by the *Tribunal Appointments Body*.

4.3 No *person* shall be appointed to serve on an *interim panel* or a *review panel* if they were a member of the *BSB* or any of its committees or the *Independent Decision-making Body* at any time when the matter was being considered by the *BSB*.

4.4 The proceedings of an *interim panel* or a *review panel* shall be valid notwithstanding that one of the members becomes unable to act or is *disqualified* from acting, so long as the number of members present throughout the substantive hearing is not reduced below two and continues to include the Chair and one *lay member*.

4.5 The validity of the proceedings of an *interim panel* or a *review panel* shall not be affected by a defect in the appointment of a member.

5. Composition of appeal panels

5.1 An appeal panel shall each consist of three persons nominated by the *President* comprising:

- (a) two King's Counsel, one of whom shall be nominated as the Chair; and
- (b) one *lay member*.

5.2 The persons nominated by the *President* to sit on an appeal panel must be selected from the pool appointed by the *Tribunal Appointments Body*.

- 5.3 No *person* shall be appointed to serve on an appeal panel if they were a member of the *BSB* or any of its committees or the *Independent Decision-making Body* at any time when the matter was being considered by the *BSB*.
- 5.4 No person who is appointed to sit on an appeal panel shall have sat on either the *interim panel* or the *review panel* considering the same matter.
- 5.5 The proceedings of an appeal panel shall be valid notwithstanding that one of the members becomes unable to act or is *disqualified* from acting, so long as the number of members present throughout the substantive hearing is not reduced below two and continues to include the Chair and one *lay member*.
- 5.6 The validity of the proceedings of an appeal panel shall not be affected by a defect in the appointment of a member.

6. Referral to interim panel and immediate *interim orders*

- 6.1 At any time on or after receipt of a *report* or any other information, the *BSB* may refer a *Respondent* to an *interim panel* if it considers that an *interim order* may be necessary:
- (a) to protect the interests of clients (or former or potential clients);
 - (b) to protect the public; or
 - (c) otherwise in the public interest
- pending the *disposal* of any charge or *disqualification application* relating to the *Respondent* by a Disciplinary Tribunal.
- 6.2 If the *BSB* refers a *Respondent* to an *interim panel* under regulation 6.1, the Chair of the *Independent Decision-Making Body* shall consider whether or not the *Respondent* should be subject to an immediate *interim order* pending *disposal* by the *interim panel*.
- 6.3 The Chair of the *Independent Decision-making Body* may impose an immediate *interim suspension, disqualification or conditions* order if they are satisfied that such a course of action is justified having considered the risk to the *public* if such an immediate *interim order* is not imposed having regard to the *regulatory objectives*.
- 6.4 Any immediate *interim order* imposed by the Chair of the *Independent Decision-Making Body* shall:
- (a) take immediate effect;
 - (b) be notified in writing by the *BSB* to the *Respondent* with reasons;
 - (c) remain in force until the earlier of:
 - (i) such time as an *interim panel* has considered the matter;

- (ii) the removal or qualification of the immediate *interim order* by the *BSB* upon acceptance by the *BSB* of a written undertaking by the *Respondent* in accordance with regulation 6.5; or
 - (iii) the date falling four weeks after the date on which the immediate *interim order* is originally imposed, following which no further immediate *interim order* shall be imposed on the *Respondent* in respect of the same *report* or information that gave rise to the referral under regulation 6.1;
 - (d) be published on the *BSB's* website; and
 - (e) be annotated on the *BSB's* register of *BSB authorised persons* which is to be maintained by the *BSB* or be included on the *BSB's* register of individuals that are the subject of a *disqualification order* (as appropriate).
- 6.5 If, following the imposition of an immediate *interim order* under regulation 6.3 the *Respondent* agrees to provide to the *BSB* an undertaking in written terms in accordance with the provisions of regulation 7.2(d) below which is satisfactory to the *BSB* and which is subject to such conditions as the *BSB* may agree:
- (a) the *BSB* may elect to remove or qualify the immediate *interim order* imposed under regulation 6.3 above, and
 - (b) the referral to the *interim panel* shall also be withdrawn.

7. Procedure after referral to an *interim panel*

- 7.1 As soon as practicable after the *BSB* has made a decision to refer a *Respondent* to an *interim panel* under regulation 6.1, the *BSB* shall:
- (a) notify the *President* of the decision and inform them whether or not an immediate *interim order* has also been imposed on the *Respondent*; and
 - (b) notify the *Respondent* in writing of the decision to refer them to an *interim panel*.
- 7.2 The written notice to the *Respondent* under regulation 7.1(b) shall:
- (a) include a summary of the details that have caused the referral to the *interim panel*;
 - (b) be accompanied by copies of any documents or other evidence relied on in support of the referral;
 - (c) be accompanied by a copy of these Regulations;
 - (d) inform the *Respondent* that they may give an undertaking in writing to the *BSB*, pending the *disposal* of any disciplinary charge or *disqualification application* by a *Disciplinary Tribunal*, in written terms satisfactory to the *BSB*, which may include:
 - (i) being immediately *suspended* or *disqualified* by the *BSB*; or

- (ii) carrying out their future activities in accordance with interim *conditions* on their authorisation or licence.

7.3 As soon as practicable after receipt of the notice referred to in regulation 7.1(a), the *President* shall:

- (a) convene an *interim panel* in accordance with regulation 4 on a date no more than twenty-one days from the date of that notice;
- (b) give reasonable notice in writing to the *Respondent* and the *BSB* of the date, time and venue of the *interim panel* hearing;
- (c) inform the *Respondent* that they are entitled to make representations at the *interim panel* hearing in writing or orally, by themselves or by others on their behalf.

7.4 If the *Respondent* is the manager or employee of a *BSB authorised person*, then the *President* shall also give notice in writing to the *BSB authorised person* of the date, time and venue of the *interim panel* hearing and inform the *BSB authorised person* that they are entitled to make representations at the interim panel hearing in writing or orally, by themselves or by others on their behalf, in relation to the imposition of any interim order on the *Respondent*.

7.5 The *President* may, at any time, whether of their own initiative or on the application of the *Respondent* or the *BSB*, fix a new date or time for the *interim panel* hearing provided it is fixed less than four weeks after the date on which any immediate *interim order* was originally imposed by the Chair of the *Independent Decision-Making Body* or as soon as practicable thereafter.

7.6 If a *Respondent* gives an undertaking in writing to the *BSB* in accordance with regulation 7.2(d) above which is satisfactory to the *BSB*, the *President* shall accept the written undertaking by the *Respondent* in place of any hearing by the *interim panel* pending the *disposal* of any disciplinary *charge* or *disqualification application*.

8. Procedure of *interim panels*

8.1 At any hearing of an *interim panel*:

- (a) the procedure shall be informal, the details being at the discretion of the Chair of the *interim panel*;
- (b) no witnesses may be called without the prior consent of the Chair of the *interim panel*;
- (c) no witnesses may give evidence without the submission of a proof of evidence, save with the consent of the Chair;
- (d) if the *Respondent* fails to attend, the hearing may proceed in their absence if the *interim panel* is satisfied that this course is appropriate; alternatively, the hearing may be adjourned;

- (e) the hearing shall not be in public unless so requested by the *Respondent* and a record shall be taken electronically; and
 - (f) if the *interim panel* decides an adjournment is necessary for any reason, it may adjourn the hearing for such period and to such time and place, and upon such terms, including the imposition of any *interim order* pending the hearing, as it may think fit;
 - (g) the *Respondent* shall be entitled to attend and make representations to the *interim panel* in writing or orally, by themselves or by another on their behalf.
- 8.2 If the members of the *interim panel* are not unanimous as to any decision, the decision made shall be that of the majority of them. If the members of the *interim panel* are equally divided the decision shall be that which is most favourable to the *Respondent*.
- 9. Powers of *interim panels***
- 9.1 At the conclusion of the hearing the *interim panel*:
- (a) may decide not to impose any *interim order*;
 - (b) may impose an *interim order* on the *Respondent*;
 - (c) may give interim *directions* to a *BSB authorised person* to whom notice has been given under regulation 7.4, to take any steps in relation to a *Respondent who is their manager or employee*, which may include limits on the type of work the *Respondent* is to be permitted to do, or on requirements as to their supervision or training; or
 - (d) may accept from the *Respondent* an undertaking in written terms satisfactory to the *interim panel* (and subject to such conditions as the *interim panel* may agree) which may include:
 - (i) being immediately *suspended* or *disqualified* by the *BSB*; or
 - (ii) carrying out their future activities in accordance with interim *conditions* on their authorisation or licence.
- 9.2 The *interim panel* may only impose an *interim order* under regulation 9.1 (b) or (c) if the *interim panel* considers that such an order is necessary:
- (i) to protect the interests of clients (or former or potential clients);
 - (ii) to protect the public; or
 - (iii) otherwise in the public interest.
- 9.3 The *interim panel* may only accept an undertaking from a *Respondent* under regulation 9.1(d) if the *Respondent* has confirmed in writing that they accept that the following consequences may arise as a result of such an undertaking being provided, depending on the nature of the undertaking being provided:

- (a) the removal of the relevant *BSB authorised individual's practising certificate, litigation extension* and/or right to undertake *public access* work;
- (b) the imposition of *conditions* on the relevant *BSB authorised person's* authorisation and/or licence;
- (c) publication of the fact of such interim *suspension* or *disqualification* or *conditions* on the *BSB's* website; and
- (d) either the inclusion of a note on the *BSB's* register of *BSB authorised persons* to the effect that such *BSB authorised person* is temporarily *suspended* from *practice* or the inclusion of the fact of such interim *disqualification* on the *BSB's* register of individuals that are the subject of a *disqualification order*.

9.4 The *interim panel* shall, if any *interim order* is imposed under these Regulations:

- (a) inform the *Respondent* and any *BSB authorised person* of their right to request a review as provided in regulation 10; and
- (b) inform the *Respondent* and any *BSB authorised person* of their right of appeal as provided in regulation 12.

10. Right to request a review

10.1 At any time while an *interim order* or undertaking is in place under these Regulations, ~~the BSB or~~ the *Respondent*, ~~or a BSB authorised person~~ made subject to an interim *directions* order under regulation 9.1(c) or, the BSB may make a request in writing to the *President* to convene a *review panel* to review the interim order or undertaking:

- (a) in the event of a significant change in circumstances; or
- (b) for any other good reason.

10.2 A request in writing under regulation 10.1 must set out the details of any alleged significant change in circumstances or any other good reason.

10.3 On receipt of such a request in writing, the *President* must invite representations in writing from ~~the BSB,~~ the *Respondent* or the *BSB authorised person* (if any) or the BSB respectively and thereafter the *President* may in their discretion convene a *review panel* or refuse the request.

10.4 In either case, the *President* shall notify the *Respondent*, the *BSB authorised person* (if any) and the *BSB* in writing of the decision whether or not to convene a *review panel* and the reasons.

10.5 There shall be no right of appeal from a decision to refuse to convene a *review panel*.

11. Procedure and powers of review panels

11.1 If the *President* decides to convene a *review panel*, the *President* shall:

- (a) convene a *review panel* in accordance with regulation 4 on a date no more than twenty-one days from the date of the decision to convene a *review panel*;
 - (b) give reasonable notice in writing to the *Respondent*, the *BSB authorised person* (if any) and the *BSB* of the date, time and venue of the *review panel* hearing;
 - (c) inform the *Respondent*, the *BSB authorised person* (if any) and the *BSB* that they are entitled to make representations at the *review panel* hearing in writing or orally, by themselves or by others on their behalf.
- 11.2 The *President* may, at any time, whether of their own initiative or on the application of the *Respondent*, the *BSB authorised person* (if any) or the *BSB*, fix a new date or time for the *review panel* hearing.
- 11.3 The proceedings before a *review panel* shall be by way of a rehearing and regulations 8.1 and 8.2 above shall apply to the procedure of the *review panel* as if the references to the *interim panel* and the Chair of the *interim panel* in regulations 8.1 and 8.2 were references to the *review panel* and the Chair of the *review panel* respectively.
- 11.4 At the conclusion of the hearing the *review panel* may:
- (a) confirm, set aside or vary an *interim order* imposed by an *interim panel* under these Regulations;
 - (b) confirm, set aside or vary an undertaking from the *Respondent*;
 - (c) accept from the *Respondent* an undertaking in written terms satisfactory to the Chair of the *review panel* (and subject to such conditions as the Chair of the *review panel* may agree) which may include:
 - (i) being immediately *suspended* or *disqualified* by the *BSB*; or
 - (ii) carrying out their future activities in accordance with interim *conditions* on their authorisation or licence.
- 11.5 If the hearing before a *Disciplinary Tribunal* of any charge or *disqualification application* related to the referral to an *interim panel* has commenced before the date fixed for a *review panel*, the date fixed for the *review panel* hearing shall be vacated and any *interim order* made or undertaking accepted by the *interim panel* shall continue until they are reviewed by the *Disciplinary Tribunal* or until the *disposal* of any such charge or *disqualification application* by the *Disciplinary Tribunal* in accordance with the BSB Disciplinary Tribunals Regulations 2027.

12. Right to appeal

- 12.1 A *Respondent*, or a *BSB authorised person* made subject to an interim *directions* order under regulation 9.1(c), has a right to appeal against an *interim order* imposed by an *interim panel* or a *review panel* by giving notice of appeal in writing to the *President* and the *BSB* not more than 14 days after the date of the decision of the *interim panel* or *review panel*, which must include their grounds of appeal.

- 12.2 As soon as practicable after receipt of a notice of appeal in accordance with regulation 12.1 above, the *President* shall:
- (a) convene an appeal panel in accordance with regulation 5 on a date no more than twenty-one days from the date of the receipt of the notice of appeal;
 - (b) give reasonable notice in writing to the *Respondent*, the *BSB authorised person* (if any) and the *BSB* of the date, time and venue of the appeal panel hearing;
 - (c) inform the *Respondent*, the *BSB authorised person* (if any) and the *BSB* that they are entitled to make representations at the appeal panel hearing in writing or orally, by themselves or by others on their behalf.
- 12.3 The *President* may, at any time, whether of their own initiative or on the application of the *Respondent*, the *BSB authorised person* (if any) or the *BSB*, fix a new date or time for the appeal panel hearing.

13. Procedure and powers of appeal panels

- 13.1 The proceedings before an appeal panel shall be by way of a rehearing and regulations 8.1 and 8.2 shall apply to the procedure of the appeal panel as if the references to the *interim panel* and the Chair of the *interim panel* in regulations 8.1 and 8.2 were references to the appeal panel and the Chair of the appeal panel respectively.
- 13.2 At the conclusion of the hearing the appeal panel may:
- (a) revoke the *interim order* imposed by an *interim panel* or a *review panel* under these Regulations;
 - (b) confirm or vary the *interim order*;
 - (c) accept from the *Respondent* in terms satisfactory to the Chair of the appeal panel an undertaking in writing in accordance with regulation 9(1)(d).
- 13.3 A pending appeal to an appeal panel shall not operate as a stay of any *interim order* which is the subject of the appeal.
- 13.4 The decision of an appeal panel is final and shall not be subject to any further appeal or reconsideration.
- 13.5 If the hearing before a *Disciplinary Tribunal* of any charge or *disqualification application* related to the referral to an *interim panel* has commenced before the date fixed for an appeal panel, the date fixed for the appeal panel hearing shall be vacated and any *interim order* made or undertaking accepted by the *interim panel* shall continue until they are reviewed by the *Disciplinary Tribunal* or until the *disposal* of any such charge or *disqualification application* by the *Disciplinary Tribunal* in accordance with the BSB Disciplinary Tribunals Regulations 2027.

14. Interim order ceases to have effect

- 14.1 Any *interim order* imposed or undertaking accepted under these Regulations shall cease, and the *Respondent* and any *BSB authorised person* shall cease to be bound by the terms of any *interim order* made or undertaking accepted under these Regulations, immediately upon:
- (a) the *BSB* deciding to conclude its initial assessment or investigation of the matter which led to the referral to an *interim panel* relating to the *Respondent* with no action;
 - (b) the *BSB* or the Independent Decision-Making Panel deciding not to refer an *allegation* relating to the *Respondent* which led to the referral to an *interim panel* to a *Disciplinary Tribunal*; or
 - (c) a *Disciplinary Tribunal* making an order for *disposal* of all charges or *disqualification applications* relating to the *Respondent* which arose from the matter which led to the referral to an *interim panel*.

15. Costs

- 15.1 An *interim panel*, *review panel* and an appeal panel shall have no power to award costs.

16. Report and Publication of Decisions

- 16.1 As soon as practicable after the conclusion of an *interim panel*, *review panel* or appeal panel hearing:
- (a) the decision of the panel shall be set down in writing and signed by the Chair; and
 - (b) the President shall send a copy of the written decision to all the parties to the hearing.
- 16.2 In any case where an *interim order* is imposed under these Regulations or an undertaking from a *Respondent* is accepted by the President, an *interim panel*, a *review panel* or an *appeal panel* the *President* may communicate as appropriate brief details in writing of that outcome to:
- (a) the Commissioner for Conduct;
 - (b) the *Respondent's* head of *chambers*, *HOLP* or *employer*;
 - (c) in the case of a registered European lawyer, their home professional body;
 - (d) the Treasurers of the *Respondent's Inn* of Call and of any other Inns of which they are a member;
 - (e) other Approved Regulators, the Legal Services Board and the Legal Aid Agency; and
 - (f) any other person or bodies that the *President* deems, in their absolute discretion, to be appropriate, taking into account the circumstances and the interim orders made.

16.3 The *BSB* shall:

- (a) keep a record of those who are subject to an *interim order* or undertaking under the procedures in these Regulations; and
- (b) publish the fact of any *interim order* or undertaking on its website and in such of its registers as it considers appropriate, for as long as they remain in effect.

17. Notices

17.1 Any notice which is required to be given to a *Respondent* or other person or body arising out of or in connection with proceedings under these Regulations shall be deemed to have been validly given:

(a) if notice is given by e-mail where the recipient's e-mail address is known to the *BSB*:

- (i) if the email is sent before 16:30 on a *business day*, on that day; or
- (ii) in any other case, on the next *business day* after the day on which it was sent;

(b) if sent by registered post, or recorded delivery post:

(i) in the case of a *BSB authorised individual*, to the address notified by such *Respondent* pursuant to the requirements of Part 2 of the *Handbook* (or any provisions amending or replacing the same) as being their *practising address*;

(ii) in the case of a *BSB regulated person* or *non-authorised individual* acting as a *manager* or employee of a *BSB entity*, to the address provided by the *BSB entity* as being their home address or, in the absence of such information, to the address of the relevant *BSB entity* notified pursuant to the requirements of Part 2 of the *Handbook*;

(iii) in either case, to an address to which the *Respondent* may request in writing that such documents be sent; or

(iv) in the absence of any of the above, to their last known address or; in the case of a *BSB regulated person* or *non-authorised individual* acting as a *manager* or employee of a *BSB entity*, the last known address of the relevant *BSB entity*;

on the second day after it was posted, left with, delivered to or collected by the relevant service provider, provided that that day is a business day; or, if not, the next business day after that day;

(c) if notice is given by personal service:

(i) if the document is served personally before 16:30 on a *business day*, on that day; or

- (ii) in any other case, on the next *business day* after that day;
- (d) if notice is given in any other way which may be directed by the *President*.

Bar Standards Board Health Panel and Procedure Regulations 2027

Introduction

These regulations provide for a non-disciplinary regime where the *BSB* is notified of health issues which may affect a barrister's ability to practise.

They apply to practising barristers, pupils with a provisional practising certificate, and other *BSB Authorised Individuals* when concerns under these regulations are raised.

This introduction does not form part of the Bar Standards Board Health [Panel and Procedure Regulations 2027](#).

1. Citation and commencement and interpretation

- 1.1 These regulations shall be known as the 'BSB Health [Panel and Procedure Regulations 2027](#)' and have been approved as an alteration to the regulatory arrangements of the Bar Council as an approved regulator by the Legal Services Board under Schedule 4, Part 3 of the Legal Services Act 2007.
- 1.2 These regulations shall take effect on [1 February] 2027 and shall apply to all cases referred to a Fitness to Practise Panel or an Appeal Panel prior to that date under the Fitness to Practise Regulations then applying, and any step taken in relation to any Fitness to Practise Panel or Appeal Panel pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these regulations.

2. Interpretation and authorisation

- 2.1 In these Regulations the words and expressions which are italicised shall be interpreted in accordance with the definitions in Part 6 of the *Handbook* and, for the purpose of these Regulations, references to:
 - (a) an "*Individual*" shall be construed in accordance with the definition of a "*BSB authorised Individual* " in Part 6 of the *Handbook*;
 - (b) a "*Panel*" shall be construed as a reference to a *Health Panel* or Appeal Panel, or both, as the context requires.
- 2.2 In these Regulations, any reference to the singular shall include the plural and vice versa.
- 2.3 The *BSB* shall have the power to delegate to any person, group or body any function or power exercisable by the *BSB* or an *authorised decision-maker* under these Regulations; any such delegation must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.
- 2.4 The *President* shall have the power to authorise any person, group or body to fulfil any function or exercise any power exercisable by the *President* under these Regulations; any authorisations given must be in writing and may be either or both

retrospective and prospective, and either or both general and for a particular purpose.

3. Referral to a *Health Panel*

3.1 Where the *BSB* receives information raising a concern that an *Individual* has a *health condition* impairing their ability to practise the matter shall be considered under regulation 3.3.

3.2 Prior to taking the steps in regulation 3.3 or 3.4, the *BSB* may carry out any investigation appropriate to the consideration of the criteria in regulation 3.3.

3.3 The *BSB* shall, following receipt of information under regulation 3.1, including during the *BSB*'s consideration of referral under the BSB Enforcement Decision Regulations 2027, refer the matter to a *Health Panel* for determination where they consider there is a realistic prospect that an *Individual*:

- (a) has a *health condition* impairing their ability to practise; and
- (b) the imposition of a *restriction* or condition is necessary for the protection of the public or is otherwise in the public interest.

3.4 No decision under regulation 3.3 shall be taken without the *Individual* having been provided with an opportunity, as is reasonable in the circumstances, to comment on the matter.

4. Undertakings prior to referral to a *Health Panel*

4.1 Where information is received under regulation 3.1 or a referral under regulation 3.3 is being considered, the *BSB* may accept an undertaking from an *Individual* instead of making a referral to a *Health Panel* under regulation 3.3 where the *BSB* considers that is sufficient:

- (a) for the protection of the public; or
- (b) in the public interest.

4.2 For the purpose of this regulation, an undertaking is an agreement by the *Individual* to such a period of *restriction* or such conditions as the *BSB* may accept, in accordance with regulation 4.1.

4.3 A referral to a *Health Panel* under regulation 3.3 may still take place at any stage, where an undertaking has:

- (a) been proposed but not agreed;
- (b) been agreed by the *Individual* but the *BSB* considers it has not been complied with;
- (c) been agreed but, as a result of new information, is no longer sufficient; or
- (d) expired.

5. Convening a *Health Panel*

5.1 Where a referral is made under regulation 3.3:

- (a) the *President* shall:
 - (i) convene a *Health Panel* in accordance with Schedule 1;
 - (ii) as soon as reasonably practicable, fix a date for any preliminary meeting or a full meeting;
- (b) *BTAS* shall notify both the *Individual* and the *BSB* of the date, time and location of any meeting fixed.

5.2 Where an appeal is made under regulation 12, the *President* shall convene an Appeal Panel in accordance with Schedule 1 ~~and *BTAS* shall notify the *Individual* and the *BSB* as described in regulation 5.1(b).~~

5.3 Regulation 5.1(a) and (b) shall also apply in respect of any review meeting under regulation 10 or 11.

6. Preliminary meetings

6.1 A notice of a preliminary meeting sent under regulation 5.1(b) shall:

- (a) contain a summary of the case and the reasons why it has been referred to a *Health Panel*;
- (b) inform the *Individual* of their right to attend and be represented at the preliminary meeting, and to produce evidence at the preliminary meeting, in accordance with regulations 13.1(b) and 13.1(c)(ii);
- (c) inform the *Individual* of the *Health Panel*'s powers at a preliminary meeting under regulation 6.2 to give directions and under regulation 8 make an interim measure; and
- (d) inform the *Individual* of their right to appeal under regulation 12.

6.2 At a preliminary meeting, the *Health Panel* may give such directions as it considers appropriate in respect of the full meeting, which may include that:

- (a) the *Individual*, within a specified period of time, submit to a relevant medical examination or other assessment to be carried out by a *Medical Examiner* or other expert with appropriate expertise as may be specified by the Panel;
- (b) the *BSB* instruct a *Medical Examiner* or other expert to conduct such medical examination or other assessment and to provide a report setting out an opinion as to whether the *Individual's* ability to practise is impaired as a result of a *health condition* or any other matters as may be specified by the Panel;

- (c) the *Individual* authorise disclosure to the *BSB* and the *Medical Examiner* or other expert, of such of their relevant medical or other records as may be reasonably required for the purposes of the medical examination or other assessment and subsequent report;
- (d) the *BSB* carry out such other investigations or seek such advice or assistance as the Panel considers appropriate to the matters for consideration at the full meeting, and where it gives a direction under regulation 6.1(a) or (c) above, it shall inform the *Individual* that failure to comply with the direction may be taken into account by the Panel in accordance with regulation 9.3(b).

7. Medical Examinations or other assessments

7.1 Where a relevant medical examination or other assessment is directed by a *Health Panel* under regulation 6.2 or 9.4(b):

- (a) the relevant medical examination or other assessment of the *Individual* shall be arranged in accordance with any directions from the Panel;
- (b) the *Medical Examiner* or other expert shall, where an examination or other assessment has been undertaken, prepare a report which expresses an opinion as to:
 - (i) whether the *Individual* has a health condition;
 - (ii) whether the *Individual's* ability to practise is impaired on the basis of a health condition;
 - (iii) how such impairment could be managed, including by the provision of any reasonable adjustments; or
 - (iv) any other matters which they have been instructed to address, in accordance with any directions of the Panel; and
- (c) where requested by the *BSB* to do so, the *Medical Examiner* or other expert shall attend a meeting to present their findings.

8. Interim measures

- 8.1 At a preliminary meeting held under regulation 6 or a full meeting held under regulation 9, a *Health Panel* may, where it is satisfied that it is necessary to protect the public or is otherwise in the public interest, direct that the *Individual* is subject to an interim *restriction* or interim conditions.
- 8.2 An interim measure imposed under regulation 8.1 shall have effect pending the determination of the matter at a full meeting before the *Health Panel*.
- 8.3 Instead of imposing an interim measure under regulation 8.1, the Panel may accept from the *Individual* an undertaking in writing on terms satisfactory to the Panel:

- (a) agreeing to an immediate interim *restriction* for such period as may be agreed; or
 - (b) as to the *Individual*'s conduct or behaviour pending the conclusion of the full meeting.
- 8.4 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons and the terms of any interim measure imposed or undertaking accepted.
- 9. Full meetings**
- 9.1 As soon as reasonably practicable after receipt of any report prepared by a *Medical Examiner* or other expert, or where no report has been prepared and the *BSB* considers that the case is ready for a full meeting, *BTAS* shall send a notice under regulation 5.1(b) in writing of the meeting to the *Individual* and the *BSB* which shall:
 - (a) contain a summary of the case, a copy of any report and any other documents;
 - (b) inform the *Individual* of their right to attend and be represented at the meeting, and to produce evidence at the meeting, in accordance with regulation 13.1(b) and 13.1(c)(ii);
 - (c) inform the *Individual* of the Panel's powers at a full meeting to make an order under regulation 9.4 and accept an undertaking under regulation 9.5; and,
 - (d) inform the *Individual* of their right to appeal under regulation 12.
- 9.2 At a full meeting, the *Health Panel* shall decide:
 - (a) whether the *Individual* has a *health condition* impairing their ability to practise; and
 - (b) if so, whether the imposition of a *restriction* or conditions under regulation 9.4 or the acceptance of an undertaking under regulation 9.5 is necessary for the protection of the public or is otherwise in the public interest.
- 9.3 In reaching its decision under regulation 9.2, the Panel shall be entitled to take into account:
 - (a) the *Individual's* current *health condition*, any continuing or episodic condition experienced by the *Individual*, or any condition experienced by the *Individual* which, although currently in remission, may be expected to cause impairment if it recurs; and
 - (b) any failure by the *Individual* to comply with:
 - (i) any undertaking accepted under regulation 4.1 or 8.3;

- (ii) a direction to undergo a relevant medical examination or other assessment made under regulation 6.2;
- (iii) any interim measure made under regulation 8.1;
- (iv) any other direction by the Panel.

9.4 Where the Panel has decided that an *Individual's* ability to practise is impaired by a *health condition* and the imposition of a *restriction* or conditions is necessary for the protection of the public or is otherwise in the public interest, the Panel may order:

- (a) that the *Individual* be subject to a *restriction* with such conditions as the Panel may consider appropriate, and which may be imposed for a period not exceeding 36 months;
- (b) that the *Individual's* right to continue to practise, or to resume practice after any period of *restriction* shall be subject to such conditions as the Panel may think fit, including that the *Individual*:
 - (i) submit for regular examination or other assessment before a *Medical Examiner* or other expert nominated by the Panel and follow any treatment they recommend in respect of any *health condition*, which the *Panel* consider is impairing the *Individual's* ability to practise;
 - (ii) authorise disclosure to the *BSB* and the *Medical Examiner* or other expert such of their medical or other records as may be reasonably required for the purposes of the medical examination or other assessment and subsequent report.

9.5 In lieu of imposing any order under regulation 9.4 above, the *Health Panel* may accept from the *Individual* a written undertaking in which the *Individual* agrees to a period of *restriction* or conditions.

9.6 Where it has made an order under regulation 9.4 or accepted an undertaking under regulation 9.5, the Panel shall inform the *Individual*:

- (a) of their right to request a Panel to review any order made, or undertaking agreed, under regulation 10;
- (b) of their right of appeal against an order under regulation 12; and
- (c) that a failure to comply with the order or undertaking may result in a charge of *professional misconduct* being brought against the *Individual* before a *Disciplinary Tribunal*.

9.7 A *Health Panel* may give directions in respect of a full meeting which may include any of the matters at regulation 6.2.

9.8 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons and the terms of any order made or undertaking accepted.

10. Review of decisions made by a *Health Panel*

- 10.1 At any time during which an *Individual* is subject to a period of *restriction* or conditions ordered or undertaken under these Regulations either the *Individual* or the *BSB* may make a request in writing for a review to the *President* where they consider that there:
- (a) has been a significant change in the *Individual's* circumstances; or
 - (b) there is some other good reason for a review to be undertaken.
- 10.2 Upon receipt of a request under regulation 10.1, the *President* shall consider the information provided as to any significant change or other good reason and may refer the matter to a *Health Panel* for a review.
- 10.3 Where a case has been referred to a *Health Panel* for a review meeting under regulation 10.2, regulation 9 shall apply with necessary modifications and the Panel shall also have the power to impose an interim measure under regulation 8.
- 10.4 At the conclusion of a review meeting, the *Health Panel* may:
- (a) confirm or revoke the order made or undertakings agreed;
 - (b) extend or vary (or further extend or vary) the period for which the order has effect, or agree with the *Individual* an extension or variation of the period for which an undertaking has been agreed;
 - (c) replace the order or undertaking, exercising any of the powers available to a *Health Panel* under regulation 9.
- 10.5 Where a case has been referred to a *Health Panel* for a review under regulation 10.2 and the review meeting cannot be concluded before the expiry of any period of *restriction* or conditions imposed under regulation 8 or 9.4 or undertaking accepted under regulation 8.3 or 9.5, the ~~Chair~~ of the *Health Panel* may extend the *restriction*, conditions or undertaking for such period as they consider necessary to allow for the conclusion of the review.

11. Continuation of *restriction* or conditions

- 11.1 Where an *Individual* is subject to a period of *restriction* or conditions (which has been imposed for more than 12 months but less than 36 months~~or more~~), then prior to the expiry of that period *BTAS* shall arrange a review meeting by a *Health Panel* for the purpose of considering whether:
- (a) the *Individual* continues to have a *health condition* impairing their ability to practise; and
 - (b) the imposition of a *restriction* or conditions continues to be necessary for the protection of the public or is otherwise in the public interest.
- 11.2 At a review meeting under regulation 11.1, the *Health Panel* may revoke, vary, confirm or extend a period of *restriction* or conditions, or substitute a *restriction* for conditions.

- 11.3 In lieu of imposing any order under regulation 11.2 above, the *Health Panel* may accept from the *Individual* a written undertaking in which the *Individual* agrees to a period of *restriction* or conditions.
- 11.4 A *Health Panel* may hold a further review meeting at any stage and make any of the orders in regulation 11.2 or accept undertakings under regulation 11.3.
- 11.5 Where an *Individual* ~~is will be~~ subject to a period or periods of *restriction* or conditions, which when taken together or otherwise for a total a period of 36 months, then prior to the expiry of that period *BTAS* shall arrange a ~~further~~ review meeting by a *Health Panel* for the same purpose as regulation 11.1 and at such a meeting the Panel may:
- (a) make any of the orders in regulation 11.2 or accept undertakings under regulation 11.3; or
 - (b) order that a *restriction* or condition takes effect indefinitely, in which case the *Health Panel* must inform the *Individual* of their right to request a review under regulation 10.1.
- 11.6 At a review meeting following an order being made under regulation 11.5, a *Health Panel* may:
- (a) make any of the orders in regulation 11.2; or
 - (b) maintain the order under regulation 11.5(b).
- 11.7 A *Health Panel* conducting a review under this regulation may make such directions as it thinks fit, which may include any of those listed at regulation 6.2.

12. Appeals before an Appeal Panel

- 12.1 An *Individual* or the *BSB* may appeal a decision of a *Health Panel* under regulation 9.4, 10.4, 11.2, 11.4, 11.5 and 11.65 to impose, extend, vary, replace a period of *restriction* or conditions, or not to make an order, by notifying the *President* and the other party in writing that they wish to do so and stating the grounds of appeal, no more than 14 days after the date of the decision subject to appeal.
- 12.2 As soon as reasonably practicable after receipt of an appeal under regulation 12.1, *BTAS* shall send a notice in writing of the appeal meeting to the *Individual*, which shall inform the *Individual* of:
- (a) the time, ~~and~~ date and location of the appeal meeting;
 - (b) their right to attend and be represented at the meeting, and to produce evidence at the meeting, make representations and ask questions, in accordance with regulation 13.1(b) and 13.1(c)(~~ii~~); and
 - (c) the Panel's powers under regulation 12.4 below.
- 12.3 *BTAS* shall also send a copy of notice referred to in regulation 12.2 to the *BSB*.
- 12.4 At the conclusion of an appeal meeting, the Appeal Panel may:

- (a) allow the appeal;
- (b) confirm the decision that is subject to appeal;
- (c) exercise any of the powers of a *Health Panel*.

12.5 The Appeal Panel shall inform the *Individual*:

- (a) of their right to request a *Health Panel* to review any order made, or undertaking accepted, under regulation 10; and
- (b) that failure to comply with a *restriction* or condition imposed under regulation 12.4 may result in a charge of professional misconduct being brought before a *Disciplinary Tribunal*.

12.6 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons, and the terms of any *restriction* or conditions imposed or undertakings accepted.

12.7 An appeal under regulation 12.1 shall not prevent the decision being appealed from taking effect.

12.8 There shall be no right of appeal against a decision of an Appeal Panel.

13. Conduct of *Health Panel* and Appeal Panel meetings

13.1 Any *Health Panel* or Appeal Panel meeting:

- (a) shall be informal, with the Panel regulating its own procedure;
- (b) the *Individual* shall attend and may be represented, save that where the *Individual* does not attend and is not represented, the Panel may nevertheless proceed if it is satisfied:
 - (i) that all reasonable efforts have been made to serve the *Individual* with notice in writing of the meeting in accordance with these Regulations; and
 - (ii) that it is appropriate to do so;
- (c) the *Individual* may, on their own behalf or through their representative:
 - (i) make representations in writing or orally,
 - (ii) produce evidence, provided (but subject to the discretion of the Panel) that such evidence has been submitted no less than 24 hours prior to the date fixed for the meeting, and
 - (iii) put questions to any *Medical Examiner* or other expert whose report is in evidence before the Panel;
- (d) shall be in private, unless the *Individual* requests the meeting to be held in public; and

- (e) shall be recorded electronically.
- 13.2 Decisions of a *Health Panel* and Appeal Panel shall take decisions by simple majority and where the votes are equal the issue shall be decided:
- (a) at a meeting before a *Health Panel*, in the *Individual* 's favour; and
 - (b) in a meeting before an Appeal Panel, against the party who brought the appeal.
- 13.3 If at any time it appears to a Panel that it would be appropriate to do so, the Panel may refer the case to the *BSB* for consideration of whether to refer any matter for a hearing before a *Disciplinary Tribunal*.
- 13.4 Where it considers it necessary, a Panel may appoint a medical advisor to assist with any decision under these Regulations:
- (a) by providing independent advice either orally or in writing; and
 - (b) such advice must be provided in the presence of the parties or, where the parties are not present at the meeting, copied to the parties as soon as reasonably practicable.
- 13.5 At any review meeting before a *Health Panel* or appeal meeting before an Appeal Panel, copies of the report of any expert or any proof of evidence referred to at any previous meeting of the Panel in respect of the same case may be referred to by the Panel.
- 13.6 *Health Panels* and Appeal Panels shall have no power to award costs.
- 13.7 Proceedings before an Appeal Panel shall be by way of a rehearing.
- 14. Postponement, adjournment and cancellation**
- 14.1 Before the opening of any meeting in which notice has been served in writing in accordance with these Regulations, the Chair of the *Health Panel* or Appeal Panel may, of their motion or on the application of the *BSB* or the *Individual*, postpone the meeting until such time and date as they think fit.
- 14.2 Where any meeting under these Regulations has commenced, the *Health Panel* or Appeal Panel considering the matter may, at any stage in the proceedings, whether of its own motion or on the application of the *BSB* or the *Individual*, adjourn the meeting until such time and date as it thinks fit.
- 14.3 No meeting shall be postponed or adjourned under regulations 14.1 or 14.2 unless the *Individual* has been given reasonable opportunity to make representations on the matter.
- 14.4 Where a meeting has been postponed or adjourned, the parties shall be notified as soon as reasonably practicable of the time, of the date and place at which the meeting is to take place or to resume.

- 14.5 Where notice of meeting has been served in writing under these Regulations, the Chair of the Health Panel or Appeal Panel may, on application of the *BSB* or the *Individual*, cancel the meeting where the Chair considers that there are no reasonable grounds for questioning whether the *Individual's* ability to practise is impaired as a result of a *health condition*.

15. Notice and publication of decisions

- 15.1 Where a decision has been taken by a *Health Panel* or an Appeal Panel under these Regulations, *BTAS* shall, as soon as reasonably practicable, serve notice in writing of the decision on the *Individual* concerned.

15.2 Where a decision is taken at a full meeting of a *Health Panel* or at an Appeal Panel, unless the decision is to take no action and the *Individual* is permitted to continue to practise without *restriction* or conditions, *BTAS* shall provide notice in writing of the decision to the *BSB* -and any person to who the Panel Chair considers it to be in the public interest to do so.

15.3 The BSB may as appropriate:

- (a) keep a record of those who are subject to an order or undertaking under the procedures in these Regulations; and
- (b) –annotate the fact of any order or undertaking under these Regulations on the BSB's register of BSB authorised persons, which is to be maintained by the BSB or include on the BSB's register of individuals that are the subject of a disqualification order.

16. Service of documents

- 16.1 Any documents required to be served on an *Individual* in connection with meetings under these Regulations shall be deemed to have been validly served:

- (a) if service is given by e-mail where the recipient's e-mail address is known to the *BSB*:
 - (i) if the email is sent before 16:30 on a *business day*, on that day; or
 - (ii) in any other case, on the next *business day* after the day on which it was sent;
- (b) if sent by registered post, or recorded delivery post pursuant to the requirements of Part 2 of the Handbook (or any provisions amending or replacing the same) as being their *practising address*, on the second day after it was posted, left with, delivered to or collected by the relevant service provider, provided that that day is a business day; or, if not, the next business day after that day;
- (c) if service is given by personal service:
 - (i) if the document is served personally before 16:30 on a *business day*, on that day; or

- (ii) in any other case, on the next *business day* after that day;
- (d) if service is given in any other way which may be directed by the *President*.

Schedule 1 – Constitution of *Health Panels* and Appeal Panels

1. *BTAS* shall appoint and ensure that arrangements are in place to be able to access suitably qualified medical advisors to *Health Panels* and Appeal Panels.
2. A *Health Panel* shall consist of three members nominated by the *President* comprising:
 - (a) a Chair, who shall be a King's Counsel;
 - (b) a *practising barrister*; and
 - (c) a *lay member*.
3. An Appeal Panel shall consist of three members nominated by the *President* comprising:
 - (a) a Chair, who shall be a King's Counsel;
 - (b) a *practising barrister*; and
 - (c) a *lay member*.
4. The persons nominated by *the President* to sit on a *Health Panel* or Appeal Panel must be selected from the pool appointed by the *Tribunal Appointments Body*.
5. No person shall be selected to sit on a *Health Panel* or an Appeal Panel if they are a member of the *BSB*, any of its other Committees or the *Independent Decision-Making Body*.
6. No person who is appointed to sit on an Appeal Panel shall have sat on either the *Health Panel*, whether at a preliminary or full meeting, including a review, considering the same matter
7. The proceedings of a *Health Panel* or an Appeal Panel shall be valid notwithstanding that one or more members of the Panel become unable to sit or are disqualified from sitting on the Panel, or are replaced by another member from the appropriate list, subject to there being a minimum of two Members which shall include a Chair and a lay member.
8. The validity of the proceedings of a Panel shall not be affected by any defect in the appointment of a member.
9. Any function exercisable by a Panel Chair in these Regulations shall be exercised by a person nominated from time to time by the *President*.

List of Part 6 revisions

<u>Definitions to be added:</u>	
<u>Term</u>	<u>Proposed definition</u>
<i>authorised decision-maker</i>	means a person authorised by the <i>BSB</i> under a scheme of delegation to make a specific type of decision under the Enforcement Regulations.
<i>BSB</i>	means the <i>Bar Standards Board</i> .
<i>business day</i>	means any day except Saturday, Sunday, Good Friday, Christmas Day or a bank holiday under the Banking and Financial Dealings Act 1971 in England or Wales.
<i>Commissioner for Conduct</i>	means the Commissioner for Conduct appointed by the <i>Bar Council</i> to address issues of bullying, harassment and sexual harassment.
<i>conditions (order)</i>	means an order directing <i>an applicable person</i> to carry out their future activities in accordance with conditions on their authorisation or licence.
<i>directions (order)</i>	means an order directing a <i>BSB authorised person</i> to take steps in relation to a <i>manager</i> or employee of that <i>BSB authorised person</i> which may include limits on the type of work the <i>manager</i> or employee is to be permitted to do, or on requirements as to their supervision or training.
<i>disqualification application</i>	means an application for a <i>disqualification order</i> .
<i>disposal</i>	means the dismissal or making of a final order or sanction by a <i>Disciplinary Tribunal</i> in relation to a charge of professional misconduct or a <i>disqualification application</i> .
<i>Enforcement Regulations</i>	means the BSB Enforcement Decision Regulations 2027, BSB Disciplinary Tribunals Regulations 2027, BSB Interim Order Regulations 2027 and BSB Health Panel and Procedure Regulations 2027.
<i>health condition</i>	means a physical or mental health condition (including addiction).

Health Panel	means a panel constituted under the BSB Health Panel and Procedure Regulations 2027.
interim order	means an order for interim <i>suspension</i> , interim <i>disqualification</i> , interim <i>conditions</i> , interim <i>directions</i> or an interim <i>restriction</i> made under the <i>Enforcement Regulations</i>
Judge	~~may~~ means a person who holds or has held a judicial office in England and Wales and includes, for the avoidance of doubt, a retired judge <u>or a judge sitting in retirement.</u>
litigation extension	means extension to a <i>practising certificate</i> or an authorisation or licence permitting the <i>conduct of litigation</i> .
party	in the BSB Disciplinary Tribunals Regulations 2027 means, as the case may be, either the Respondent or the <i>BSB</i> .
regulatory obligation	means any obligation under any part of the <i>BSB Handbook</i> or <i>Code of Conduct</i> or the <i>Enforcement Regulations</i> <u>or under any rules, regulations or other regulatory arrangements of the BSB that replace or supplement them, however described.</u>
Sanctions Guidance	means Guidance published by <i>BTAS</i> from time to time on the application of sanctions.
<u>Definitions to be amended:</u>	
allegation	means a <i>report</i> , or part of a <i>report</i> , which discloses a potential breach of a <i>regulatory obligation</i> by an <i>applicable person</i> or potentially satisfies the <i>disqualification condition</i> and is treated as an allegation under the BSB Enforcement Decisions Regulations 2027.
Convening order	means an order made by the <i>President</i> under regulation 10.2 of the BSB Disciplinary Tribunals Regulations 2027.
lay member	means either: (a) a <i>lay person</i> appointed to be a member of the <i>Bar Standards Board</i> , one of its regulatory committees or the <i>Independent Decision-Making Body</i> ; or,

	(b) a <i>lay person</i> appointed by the <i>President</i> to serve on <i>Disciplinary Tribunals</i> , <i>interim panels</i> , <i>review panels</i> and <i>appeal panels</i> therefrom, and <i>Health Panels</i> and <i>Appeal Panels</i> therefrom.
<u>realistic prospect of a finding of professional misconduct being made</u>	<u>means that the Commissioner or an Independent Decision-Making Panel considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an <i>allegation</i>, that it is more likely than not that a finding of professional misconduct will be made</u>
<i>realistic prospect of the disqualification condition being satisfied</i>	<u>means that the Commissioner or an Independent Decision-Making Panel considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an <i>allegation</i>, that it is more likely than not that it shall be determined that the <i>disqualification condition</i> has been satisfied</u>
<i>suspended/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 person may have to <i>conduct litigation</i> or to carry out public access work, which power when exercised on an interim basis, shall be exercised in accordance with the BSB Interim Order Regulations and when exercised in health proceedings shall be exercised in accordance with the BSB Health Panel and Procedure Regulations 2027.
restriction	means a <i>suspension</i> or <i>disqualification</i> , imposed, extended, varied or replaced by a panel under the Health Panel and Procedure Regulations 2027
consequential amendments	We note that any cross-references to the current regulations (Parts 5A-D) will need to be updated in Part 6 and other Parts of the Handbook to refer to the correct sections of the new Regulations, once approved.
<u>Definitions to be deleted or moved:</u>	
'an association' move in index to 'association'	

'the standard directions' move in index to *'standard directions'*

Appeal panel - **remove definition**

Fitness to practice panel – **remove definition**

'Professional misconduct' -**remove definition**

Unfit to practise - **remove definition**

BTAS ~~Draft Guidance~~Policy on access to tribunal documents by non-parties**Introduction**

1. This ~~document~~policy sets out BTAS' ~~Guidance on~~approach to providing access ~~by~~to non-parties (that is, any person who is not the BSB or the respondent barrister) to documents that relate to Disciplinary Tribunal proceedings.
2. ~~It~~The policy ~~applies to requests to access~~provides for the automatic publication of certain categories of documents served or filed during proceedings (see 'Publication of Public Domain Documents' below) and the handling of requests made by non-parties, including members of the public and the press, ~~for other documents (see 'Applications for disclosure of other documents' below).~~
3. This Policy is separate and additional to BTAS' Publication Policy and the publication requirements set out in the BSB Disciplinary Tribunals Regulations 2027. In accordance with those regulations and BTAS' Publication Policy, certain other documents relating to Disciplinary Tribunal proceedings will be routinely published, including the charge sheet and the report of finding and sanction, but are not covered by this Policy.

4.

Principles of Open Justice

- 2.4. Open justice is a common law principle that requires justice to be administered in public. It involves the following key elements:
 - Proceedings must be held in public;
 - Evidence must be communicated publicly; and
 - Fair, accurate and contemporaneous media reporting of proceedings should not be restricted, unless strictly necessary.
- 3.5. BTAS aims to act within the spirit of open justice, particularly having regard to the regulatory objectives in section 1 of the Legal Services Act 2007 (including protecting and promoting the public interest and improving access to justice), as well as the need for regulatory activities to be transparent under s28 Legal Services Act 2007.
- 4.6. Access to documents is a key part of open justice as it ensures that the information communicated to the ~~tribunal~~Tribunal by the parties is available to the public. Providing access enables members of the public and the press, who are not party to the proceedings, to understand the issues in a case and the conclusions reached. In many cases, this understanding cannot be properly or reliably achieved without access to some of the written material placed before the

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~~tribunal~~Tribunal. This enhances public confidence and understanding of the justice system, which supports better quality of decision-making and the proper administration of justice. It also builds trust with the profession as to the conduct and outcome of cases.

~~5.7.~~ However, the principle of open justice is not absolute. Limitations may be required where unrestricted transparency would risk undermining the interests of justice or cause harm or prejudice to individuals or disrupt efficient conduct of a case. Such limitations may arise, for example, where it is necessary to protect vulnerable individuals, preserve confidentiality or safeguard other legitimate interests. However, personal or reputational embarrassment of the parties is not a reason to justify any limitation.

Open justice and BTAS disciplinary tribunal proceedings

~~6.8.~~ While this policy establishes a framework for the application of the principle of open justice, the Disciplinary Tribunal retains the discretion to determine how that principle should be applied, having regard to the circumstances of any particular case.

~~7.9.~~ In applying this policy, the Disciplinary Tribunal will routinely consider the interests of the public and the press, including the importance of freedom of expression. This includes, for example, decisions concerning anonymity, restrictions on reporting or applications for a substantive hearing to be in private. In all cases, the Tribunal will also have regard to the rights of individuals, including the individual right to privacy under Article 8 of the European Convention on Human Rights: and under data protection. Any departure from the principle of open justice must be justified and proportionate in the circumstances.

~~8.10.~~ The Disciplinary Tribunal will also consider what steps, if any, are necessary to enable the public and the press to follow, understand and report proceedings effectively. This consideration applies irrespective of whether a member of the public or the press is observing the case, either in person or remotely, or at all. Remote observers must need to be able to access the same documents that would be available if attending the hearing in-person.

~~9.11.~~ Certain documents will therefore be routinely published and made available to non-parties (see ‘*Publication of Public Domain Documents*’ below). Non-parties may also request access to other documents, which are not subject to automatic publication. However, before, in accordance with this Policy. Before making a request, non-parties should consider whether the document is already publicly available through the process for publishing certain documents other means.

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~~10. Where a request for access to documents is made, the requesting non-party must explain the basis of the request, including why the requested documents are needed and how access would advance open justice. The Disciplinary Tribunal will determine the request by carrying out a fact-specific balancing exercise, balancing the principle of open justice against any risk of prejudice or harm to the administration of justice or to the legitimate interests of others (including the parties). For further information see 'Applications for disclosure of documents' below.~~

Costs of accessing documents

~~11. BTAS aims to minimise barriers to access and promote public engagement so access to documents is generally free of charge when shared electronically.~~

Fees

~~12. For physical copies of documents, BTAS may charge a small fee to cover copying and printing costs.~~

Fee Waivers

~~13. Physical copies of documents may be supplied free of charge to individuals who cannot access them electronically or afford to pay the copying and printing fees.~~

~~14. Requests for fee waivers should be submitted when making a request for a document under this policy. Where possible, any fee waiver request should include information and evidence to address financial hardship and why electronic access is not practicable.~~

Publication of Public Domain Documents

~~15. Unless the Disciplinary Tribunal orders otherwise, for the purposes of this Policy the documents referred to in paragraph 21 below are Public Domain Documents.~~

~~16.~~ 12. In addition to the information and documents published in accordance with the BTAS Publication Policy, During the course of Disciplinary Tribunal proceedings, certain other categories of documents will normally be routinely published in accordance with the timing and method set out below, subject to any objections and unless the Disciplinary Tribunal decides otherwise. For the purposes of this Policy, the documents referred to in paragraph 16 below are Public Domain Documents and their publication will, unless the Disciplinary Tribunal decides otherwise, occur without the need for a non-party (including the press) to make a request.

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~~47.13.~~ The purpose of publishing these documents is to ensure that the public and the press are able to follow proceedings as they take place and understand the nature of the case and the key issues of fact and law.

~~18.~~ Under this process, publication will occur without the need for a non-party (including the press) to make a request to access Public Domain Documents, unless the Disciplinary Tribunal decides otherwise.

~~49.14.~~ The requirement expectation of routine publication to publish applies only applies to Public Domain Documents (seespecified at paragraph 2416 below) and is subject to the limitations set out in this policy. It applies to all new cases or substantive hearings which take place in public before the Disciplinary Tribunal after 1 February 2027.

Categories of Public Domain Documents to be published

~~20.15.~~ The following documents are Public Domain Documents and will normally be published, subject to any objections and unless the Disciplinary Tribunal decides otherwise, in accordance with the timing, method and format specified below.

Public Domain Document	Timing of publication	Method <u>and period</u> of publication
Charge sheet	~~Within one week following the setting of the case management hearing.~~	
Skeleton arguments and <u>any</u> written submissions <u>for made in substantive hearings that occur held in public</u>	~~Within one day of~~ <u>At the start commencement</u> of the <u>substantive hearing in public</u> or <u>during the</u> hearing day at which the skeleton argument or written submission, is relied upon <u>and to be removed seven days after the end of the substantive hearing.</u>	On the BTAS website, <u>and to be removed 7 days after the end of the substantive hearing.</u>

~~21.16.~~ If a Public Domain Document refers to another document, that other document does is will not be need to be published, unless it also falls within the categories of documents Public Domain Documents specified above.

~~22.17.~~ The classes of Public Domain Documents that are subject to the this publication process may be reviewed and amended from time to time.

Method of publication Non-party access to hard copies

~~23. The documents subject to this process~~ Public Domain Documents ~~will be published on the BTAS website.~~

~~24.~~ 18. Non-parties attending the disciplinary hearing in person may want hard copies of the skeleton arguments and written submissions to facilitate immediate access to published documents. Parties should therefore consider bringing additional copies to the hearing.

~~25. Subject to any exceptions or other limitations, any person (including a non-party) may obtain copies of these Public Domain Documents.~~

Exceptions to the publication of ~~documents~~ Public Domain Documents

~~26.~~ 19. ~~Save for~~ For the Charge Sheet, avoidance of doubt, the publication only applies to documents that enter the public domain via a public hearing. ~~It of~~ Public Domain Documents does not apply where a hearing is conducted in private.

~~27. Where the Disciplinary Tribunal has directed or ordered that publication should be restricted or the identity of a person should not be disclosed or anonymisation is otherwise required under the regulations or by law, any document released under this policy must comply with such directions, orders or restrictions.~~

~~28. The publication of documents does not override any anonymity orders or impact the Disciplinary Tribunal's power to make such orders in a case.~~

~~20. The publication of documents~~ Public Domain Documents may also be restricted, for example where disclosure would reveal:

~~29.~~

- confidential information;
- legally privileged information;
- sensitive personal information;
- other private ~~or~~ and materially prejudicial information; or
- the identity of persons otherwise protected by law, including by operation of section 1 of the Sexual Offences (Amendment) Act 1992, the Children and Young Persons Act 1933 and the Youth Justice and Criminal Evidence Act 1999.

21. Where the Disciplinary Tribunal has ordered that the publication of Public Domain Documents should be restricted, or the identity of a person should not be disclosed, or anonymisation is otherwise required under the Regulations or by law, any document released under this Policy must comply with such orders or restrictions.

22. The publication of Public Domain Documents under this Policy also does not override any anonymity orders or impact the Disciplinary Tribunal's power to make such orders in a case.

~~30-23.~~ In appropriate cases, such concerns may be addressed through redaction (see 'Redacted Disclosure' Publication' below).

~~31-24.~~ In addition to restrictions on publication, the Disciplinary Tribunal may make any other order in relation to a document that it would otherwise be able to make and any obligation, right or permission in this ~~policy~~ Policy is subject to any such order.

Objections to publication

~~32.~~ Any party may object to the publication of a ~~document covered by this policy.~~

~~33-25.~~ Public Domain Document. An objection ~~may be made at any time but~~ should be made prior to the commencement of the hearing or as soon as reasonably practicable thereafter.

~~34-26.~~ Although a formal application is not required, an objection should normally be made ~~by a written request~~ in writing to BTAS and on notice to the other parties. Requests Objections made by other methods may also be considered, as appropriate and in accordance with the Equality Act 2010 and BTAS' Reasonable Adjustments Policy.

~~27. The written request~~ Written objections should refer to the following:

~~35.~~

- the document(s) to which the objection relates;
- the reasons why publication should not occur (in part or full) or should be delayed;
- any evidence in support; and
- any harm that would be caused by publication.

~~36-28.~~ The party making the objection must bear in mind (and, where necessary, address) the tests set out in the authorities on derogations from open justice.

Determination of objections to the publication of documents

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~~37-29.~~ Any objection to the publication of Public Domain Documents will be determined by the Chair of the Disciplinary Tribunal, or a Directions Judge,⁴ as appropriate, which may be on the papers or at a hearing. For ease, we will refer to ‘the Chair’ as the decision-maker in this Policy but these decisions can also be taken by a Directions Judge or a Disciplinary Tribunal panel, where the Chair is not available or as appropriate.

~~38-30.~~ The ~~default starting position will be~~presumption is that ~~the public should be allowed access to certain documents, as specified in this policy, and referred to during a public hearing~~Public Domain DocumentsPublic Domain Documents should be published, to provide public access.

~~39-31.~~ When determining objections to the publication of Public Domain Documents, the Chair must consider any submissions from the parties and balance the open justice principle against the potential risk of harm or prejudice to individuals or the administration of justice, based on the circumstances of the case.

~~40-32.~~ In ~~deciding such~~determining an application objection, the Chair may:

~~Grant the application in full and direct~~

- a. Direct that the ~~document~~Public Domain Document(s) should not be published;
- b. Permit publication of the ~~document~~Public Domain Document(s) subject to conditions, including redaction or anonymisation or delay;
- c. ~~Refuse~~Reject the application objection so that publication of the ~~documents~~Public Domain Documents takes place; or
- d. Make such other orders as they see fit.

~~41-33.~~ Any ~~restrictions on the publication of documents made by the Chair~~decision not to publish a Public Domain Document will be ~~published~~noted on ~~BTAS’the~~BTAS website.

Redacted publication

~~42-34.~~ When determining objections, the Chair may decide that any risk of harm or prejudice may be addressed by appropriate redactions.

~~43-35.~~ However, redactions in themselves are likely to amount to a derogation from the principle of open justice. Therefore, only redactions that are strictly necessary should be applied to the documents.

~~44-36.~~ Examples of redactions may include removing references to:

⁴~~For ease, we will refer to the Chair in this Guidance but these decisions can also be taken~~ Directions Judge, ~~where the Chair is not available or as appropriate.~~

- matters relating to Legal Professional Privilege;
- individual's personal or identifiable details, such as home addresses;
- information relating to minors;
- commercially sensitive and irrelevant financial matters;
- health information;
- information identifying bystanders or third parties; ~~and~~
- as required by law (e.g. under section 1 of the Sexual Offences (Amendment) Act 1992 or by Court Order; and
- other confidential matters which do not touch directly upon the substantive issues to be decided.

~~45. Where publication is subject to redactions, the parties will be expected to agree the appropriate redactions. However, the Chair will have ultimate responsibility for determining whether the proposed redactions are necessary and proportionate, including where they have been agreed by the parties. Where agreement cannot be reached between, the Chair will determine the extent of the redactions necessary.~~

37. Redactions should not typically be permitted simply because they are sought or agreed by the parties, or to avoid reputational risk or embarrassment, although consideration may be given to the impact that reputation may have on an individual's wellbeing and/or circumstances if the unredacted material was to be published.

38. Where redactions are necessary, the parties will be expected to propose and agree appropriate redactions. The Chair will then confirm or vary the redactions to ensure they are necessary and proportionate.

~~46.~~

Deferral of ~~disclosure~~publication

~~47.~~39. In certain circumstances, the Chair may defer publication of a ~~document~~Public Domain Document that would otherwise be published, in accordance with this ~~policy~~Policy.

~~48.~~40. When deciding whether publication should be deferred, the Chair may have regard to the following factors:

- whether it is appropriate to defer while an objection is under consideration;
- the potential risk of harm or prejudice caused to individuals or the proceedings if immediate publication was to occur.

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~~49.~~ Where disclosure/publication is deferred, the Chair will determine when the document/Public Domain Document should be published and for how long.

~~50.41.~~ In accordance with open justice, there is a need to ensure that information communicated to the Disciplinary Tribunal is publicly available. Publication improves access for the public and the press, which furthers the principles However, Publication of transparency and fairness and also promotes accurate and contemporaneous reporting, in the interests of justice. Therefore, the disclosure of documents/Public Domain Documents should not only be deferred to a later stage in the proceedings on the sole basis that it would be more convenient for the parties or the Tribunal.

Applications for disclosure of other documents

~~51.42.~~ Consistent with open justice, BTAS aims to make as much information about its cases/public hearings publicly available as possible. Open justice and disclosure of case documents is a means of ensuring the best quality of justice and securing the confidence of the public.

~~52.43.~~ Case documents that do not fall within the scope of the Public Domain Documents set out in Paragraph 24/paragraph 16 above may still be disclosed to non-parties upon request. The/However, the disclosure of such documents to non-parties is not automatic and will be determined on a case-by-case basis.

Requests by non-parties

~~53.44.~~ A non-party seeking access to other case documents may make a written request to BTAS.

~~54.45.~~ While no formal application form is required, the written request should include, where possible:

- details of the case that the request relates to;
- the document or category of documents sought;
- details of the requestor and proof of identity and, if a member of the press, proof that they are a member of the press (e.g. UK press card);
- the purpose and reasons for the request; and
- how the request advances the principle of open justice.

46. Applications made by other methods may also be considered, as appropriate and in accordance with the Equality Act 2010 and BTAS' Reasonable Adjustments Policy.

Determination of requests

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~~55-47.~~ Requests for disclosure under this section will be considered by the Chair (or a Directions Judge as per paragraph 29). The request may be determined on the papers or following a hearing.

~~56-48.~~ Before reaching a decision, the Chair will invite and consider the views of the parties in relation to the request.

~~57-49.~~ The Chair may:

- a. Grant the request;
- b. Grant the request in part or subject to conditions, including redaction or anonymisation or delay;
- c. Refuse the request;
- d. Make such ~~others~~ other orders as they see fit.

~~58-50.~~ When determining a request for disclosure made by non-parties, the Chair will need to exercise their discretion based on the facts of the case and an assessment of proportionality. Each application request should be considered on its merits, balancing the principle of open justice, on the one hand, against any risk of harm or ~~to the legitimate interests of arising prejudice~~ that may arise from disclosure.

~~59-51.~~ The decision-maker should take into account the following:

- the nature and reason for the request;
- the public interest in disclosure;
- the risk of harm or prejudice that disclosure may cause to the administration of justice or the legitimate interests of individuals; and
- any other relevant factor.

52. In furtherance of the open justice principle, where documents have been placed in the public domain as before the Tribunal and referred to during a public hearing, the presumption should be that they are available for public access.

~~60-53.~~ There is ~~aan~~ additional presumption in favour of granting media requests for disclosure of material referenced in public proceedings, unless there is a compelling reason against it. This presumption applies where the applicant is a bona fide journalist (e.g. by producing a UK Press Card) and the request is made for proper journalistic purposes.

~~61-54.~~ However, the presumption in favour of granting media access to documents does not mean that disclosure should take place by default. Requests for

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disclosure made by the press will need to be considered in each case and may be refused where there are compelling and countervailing reasons.

~~62.55.~~ Any determination made by the Chair in relation to ~~the~~ disclosure to non-parties will be published on the BTAS website.

~~63.56.~~ Where a request is refused, reasons will be provided. It should be noted that reasons will only be provided to the extent that they do not undermine the refusal to disclose and reasons may be redacted, as necessary.

Method of disclosure for other documents

57. While the Chair will have the overall responsibility for determining whether documents should be disclosed, BTAS will be responsible for providing any documents which are approved for disclosure directly to the requesting non-party. Unlike Public Domain Documents, documents disclosed following a request by a non-party will not be published on the BTAS website.

58. Where redactions are required, the parties should agree and make the redactions, in accordance with any directions given by the Chair. Once the Chair is satisfied with the redactions, BTAS will provide the redacted documents to the requesting non-party.

Limitations and restrictions on non-party access to documents

~~64. Confidential documents will generally not be disclosed to~~ As above, requests made by non-parties. Those for access to documents that are not referred may be subject to in a public hearing are likely the same limitations and restrictions that apply to be regarded as confidential.

~~65.59.~~ However, where a document contains confidential or sensitive information, disclosure may still be permitted in redacted form. Any redactions should be limited the publication of Public Domain Documents. Please refer to a test of necessity, in order to protect confidential or sensitive information. The the sections on 'Redacted Disclosure' section 'Publication' and 'Deferral of publication' above applies and provides for further detail on how these limitations may operate.

Preliminary, directions or interlocutory hearings

60. This part of the policy also applies to preliminary, directions ~~or~~ and interlocutory hearings ~~where they occur~~ held in public, ~~save provided that the hearings must be dispositive of substantive or determinative~~ determines substantive or otherwise determinative issues in ~~at~~ the case. Requests will ~~, and that the request is~~ generally be determined by the Directions Judge with conduct of the hearing, unless unavailable.

3. Process and Costs of accessing documents

Appeal

61. There is no right of appeal by a party or non-party against any decision made under this policy.

Fees

62. BTAS aims to minimise barriers to access and promote public engagement so access to documents is generally free of charge when shared electronically.

63. For physical copies of documents, BTAS may charge a small fee to cover copying and printing costs.

Fee Waivers

64. Physical copies of documents may be supplied free of charge to individuals who cannot access them electronically or afford to pay the copying and printing fees.

65. Requests for fee waivers should be submitted to BTAS when making a request for a document under this policy. Where possible, any fee waiver request should include information and evidence to address financial hardship and why electronic access is not practicable.

~~66. Where there is an order protecting the identity of a person (as directed by the Disciplinary Tribunal or by operation of the regulations or law), any documents released to non-parties under this policy must comply with the anonymisation order. As a result, additional redactions or anonymisation before disclosure may be required.~~

Review of the ~~Guidance~~Policy

~~67.~~66. The President may review this policy from time to time, in consultation with BSB and others as appropriate, to ensure that it continues to operate effectively and appropriately balances the principles of open justice, transparency, accountability and fairness.

Existing BSB Provision - v.4.8	Status	New provision reference
Part 5 - A. The Enforcement Decision Regulations 2019		
Regulation E1		
These regulations set out the powers and functions in relation to: the assessment of <i>reports</i> and the investigation of <i>allegations</i> which may indicate a potential breach of the <i>Handbook</i> or require regulatory action; the decisions available to the <i>Commissioner</i> and an <i>Independent Decision-Making Panel</i> at the conclusion of an investigation; the reconsideration of <i>allegations</i> that have been disposed of; and the disclosure of <i>reports</i> or <i>allegations</i> by the <i>Bar Standards Board</i> . These regulations also set out the operation of the <i>administrative sanction</i> appeal procedure and the <i>determination by consent procedure</i>	Amended	Introduction
Part 5 - A1. The assessment of reports		
Powers of the Commissioner in relation to the assessment of reports		
rE2 The powers of the <i>Commissioner</i> include (but are not limited to): .1 gathering information relating to <i>applicable persons</i> from any source for the purposes of assessing whether there has been a potential breach of the <i>Handbook</i> ; and .2 exercising the power under rE12 to determine that a report or part of a <i>report</i> may be treated as an <i>allegation</i> .	Amended	In regulation 3 and 8.1
rE3 The <i>Commissioner</i> shall have the power to authorise any <i>person</i> , group or body to fulfil any function or exercise any power given to the <i>Commissioner</i> by this Section 5.A. Any authorisations given must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.	Amended to BSB	Regulation 2.3
Reference to the Legal Ombudsman		
rE4 If a <i>report</i> is received by the <i>Bar Standards Board</i> from a person entitled to complain to the <i>Legal Ombudsman</i> about the subject of the <i>report</i> , the <i>Commissioner</i> must refer the <i>report</i> without further consideration to the <i>Legal Ombudsman</i> or signpost the provider of the <i>report</i> to the <i>Legal Ombudsman</i> .	Amended	Regulation 4
Reference where an applicable person acting in judicial or quasi-judicial capacity		
rE5 If it appears to the <i>Commissioner</i> that a <i>report</i> relates to an <i>applicable person</i> 's actions in a part-time or temporary judicial or <i>quasi-judicial</i> capacity, the <i>Commissioner</i> must refer the <i>report</i> to the person or body responsible for the appointment of the <i>applicable person</i> to the judicial or <i>quasi-judicial</i> office concerned or another person or body responsible for considering such reports ("the appropriate body"), where it appears that the appropriate body should consider the <i>report</i> , requesting notification of the outcome of the appropriate body's consideration as soon as it has been dealt with, subject to rE6 to rE8 below.	Amended	Regulation 5.1
rE6 Where: .1 the appropriate body refuses to deal with the <i>report</i> ; or .2 it appears there is no appropriate body the <i>Commissioner</i> may consider the <i>report</i> in accordance with the provisions of this Section 5.A.	Amended	Regulation 5.2
rE7 When the appropriate body has dealt with the <i>report</i> , or the <i>Commissioner</i> considers that the appropriate body has not dealt with it within a reasonable time or fully or satisfactorily, the <i>Commissioner</i> may consider the <i>report</i> in accordance with the provisions of this Section 5.A. and may consider any finding made and any action taken by the appropriate body.	Amended	Regulation 5.2 and 5.3
rE8 The <i>Commissioner</i> must not consider or take action in relation to a <i>report</i> arising in substance from dissatisfaction or disagreement with anything decided, done or said by the <i>applicable person</i> in the proper exercise of their judicial or <i>quasi-judicial</i> functions.	Retained	Regulation 5.4
Reference to the Lord Chancellor or other appropriate body		
rE9 If it appears to the <i>Commissioner</i> that the <i>report</i> relates to the conduct of an <i>applicable person</i> who, since the events giving rise to the <i>report</i> took place, has been appointed to and continues to hold full-time judicial office and has ceased to practise, the <i>Commissioner</i> shall not consider the <i>report</i> further and must direct the person from whom the <i>report</i> is received to the Lord Chancellor or the Judicial Conduct Investigations Office or to such other person or appropriate body with responsibility for addressing complaints about judges.	Amended	Regulation 6.1
Reference to any other person		

Existing BSB Provision - v.4.8	Status	New provision reference
rE10 If it appears to the <i>Commissioner</i> that a <i>report</i> in respect of an <i>applicable person</i> might more appropriately be dealt with by another body (e.g. an <i>Inn</i> , Circuit, employer, a complaint handling body or any other professional or regulatory body), the <i>Commissioner</i> may refer the <i>report</i> to such other body.	Amended	Regulation 7
rE11 If, having referred a <i>report</i> to another body under rE10, the <i>Commissioner</i> subsequently considers that the <i>report</i> has not been dealt with by that other body within a reasonable time or fully or satisfactorily, the <i>Commissioner</i> may choose to exercise the powers set out in rE2.1 and rE2.2 above.	Retained	Regulation 7.2
Initial assessment of reports		
rE12 Where the <i>Commissioner</i> , having regard to rE13, considers that a <i>report</i> : .1 discloses a potential breach of the <i>Handbook</i> by an <i>applicable person</i> ; and/or .2 potentially satisfies the <i>disqualification condition</i> the <i>Commissioner</i> may treat the <i>report</i> as an <i>allegation</i> .	Amended	Regulation 8.3
rE13 In determining whether to treat a <i>report</i> as an <i>allegation</i> under rE12 the <i>Commissioner</i> must have regard to: .1 whether the conduct disclosed in the <i>report</i> or its consequences presents sufficient risk to the <i>regulatory objectives</i> to justify further action; .2 whether the conduct disclosed in the <i>report</i> can be properly and fairly investigated; and .3 whether the conduct disclosed in the <i>report</i> could not more appropriately be dealt with under one or more of the provisions set out at rE4 to rE11 above.	Retained	Regulation 8.4
Part 5 - A2. Investigation of allegations		
Powers of the <i>Commissioner</i> in relation to the investigation of <i>allegations</i>		
rE14 The powers of the <i>Commissioner</i> include (but are not limited to) the power at any time: .1 to carry out the investigation of <i>allegations</i> as appropriate; and .2 to withdraw any <i>allegation</i> and treat it as if a decision under rE12 had not been made.	Title amended Amended	rE 14.1 in Reg 8.1 and 9.1; rE14.2 in new Reg 11.3
Investigating <i>allegations</i>		
rE15 The <i>Commissioner</i> must not conclude any investigation of an <i>allegation</i> without taking reasonable steps to ensure that the <i>applicable person</i> has been informed of the <i>allegation</i> and given a reasonable opportunity to comment on the <i>allegation</i> .	Amended	Reg 8.2: early notice of investigation; Reg 10.1: sending full allegations for response
rE16 If a new <i>report</i> comes to light during an investigation of an <i>allegation</i> that meets the criteria of rE12, it may be treated as a new <i>allegation</i> and investigated in accordance with the provisions of Section 5.A.	Retained	Regulation 9.2
rE17 The <i>Commissioner</i> may defer further consideration of the original <i>allegation</i> until a new <i>allegation</i> has been investigated.	Retained	Regulation 9.3
rE18 No further investigation or opportunity to respond is required where the subject matter of a new <i>allegation</i> has already been investigated by the <i>Commissioner</i> and the <i>applicable person</i> has already been given an opportunity to comment on it during the original investigation.	Retained	regulation 11.2
Part 5 - A3. Possible outcomes of the investigation of an <i>allegation</i>		
Powers of the <i>Commissioner</i> in relation to the conclusion of investigations		

Existing BSB Provision - v.4.8	Status	New provision reference
rE19 At the conclusion of an investigation of an <i>allegation</i> the <i>Commissioner</i> has the power to decide: .1 that the conduct alleged did not constitute a breach of the <i>Handbook</i> , or that there was insufficient evidence of a breach of the <i>Handbook</i> (on the civil standard of proof) ; .2 that the conduct alleged did constitute a breach of the <i>Handbook</i> (on the civil standard of proof) but that, in all the circumstances, no enforcement action should be taken in respect of the breach; .3 that the conduct alleged did constitute a breach of the <i>Handbook</i> (on the civil standard of proof) and that the breach should be dealt with by the imposition of an <i>administrative sanction</i> ; .4 that the conduct alleged may constitute a breach of the <i>Handbook</i> and, if the breach were to be proved, that an <i>administrative sanction</i> under rE19.3 would not be appropriate in all the circumstances, and that the subject matter of the <i>allegation</i> against an <i>applicable person</i> involves: .a a conviction for an offence of dishonesty or deception; or .b a conviction for an offence under Section 4, Section 5 or Section 5A Road Traffic Act 1988 (Driving or being in charge of a motor vehicle with alcohol concentration/concentration of a controlled drug above prescribed limit); or .c a breach of Part 3 or 4 of the <i>Handbook</i> ; or .d any failure to pay an administrative fine within the relevant time; or .e a failure to comply with any requirements of a sanction imposed following <i>Disciplinary Action</i> ; in which case the <i>allegation</i> may form the subject matter of a referral to <i>Disciplinary Action</i> ; or .5 to refer an <i>allegation</i> to an <i>Independent Decision-Making Panel</i> for a decision.	Amended	Regulation 12.1 - 12.4
rE20 In conjunction with a decision under rE19, or following a recommendation from an <i>Independent Decision-Making Panel</i> under rE23, the <i>Commissioner</i> may refer any <i>allegation</i> for supervisory action.	Removed	
rE21 In conjunction with a decision under rE19.1 or rE19.2 the <i>Commissioner</i> may issue the <i>applicable person</i> with advice. Powers of an <i>Independent Decision-Making Panel</i> in relation to <i>allegations</i> referred to it	Amended	Reg 12.5 - authorised decision maker
rE22 Where an <i>allegation</i> has been referred to an <i>Independent Decision-Making Panel</i> under rE19.5 the <i>Independent Decision-Making Panel</i> has the power to decide: .1 that, on the evidence before it, the conduct alleged did not constitute a breach of the <i>Handbook</i> , or that there was insufficient evidence of a breach of the <i>Handbook</i> (on the civil standard of proof); or .2 that, on the evidence before it, the conduct alleged did constitute a breach of the <i>Handbook</i> (on the civil standard of proof) but that, in all the circumstances, no enforcement action should be taken in respect of the breach; or .3 that, on the evidence before it, the conduct alleged did constitute a breach of the <i>Handbook</i> (on the civil standard of proof) and that the breach should be dealt with by an <i>administrative sanction</i> ; or .4 that .a there is a <i>realistic prospect of a finding of professional misconduct being made</i> or there is a <i>realistic prospect of the disqualification condition being satisfied</i> , and	Amended	Regulation 13.2 -13.4
rE23 In conjunction with a decision under rE22 the <i>Independent Decision-Making Panel</i> may recommend the matter be referred for supervisory action.	Amended	Regulation 13.4(b)
rE24 In conjunction with a decision under rE22.1 or rE22.2 the <i>Independent Decision-Making Panel</i> may issue the <i>applicable person</i> with advice. <i>Independent Decision-Making Panel</i> and <i>Commissioner</i> powers/requirements	Retained	Regulation 13.5
rE25 In exercising its powers under Section 5.A, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must have regard to the <i>Bar Standards Board enforcement strategy</i> and any published <i>Bar Standards Board</i> policy and guidance that appear to be relevant. <i>Administrative sanction</i>	Moved	Regulation 21 Regulation 21.1

Existing BSB Provision - v.4.8	Status	New provision reference
rE26 Pursuant to rE19.3 and rE22.3 above, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may impose an <i>administrative sanction</i> on an <i>applicable person</i> where there is sufficient evidence on the balance of probabilities of a breach of the <i>Handbook</i> by that <i>applicable person</i> .	Amended	Regulation 14.1
rE27 The <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may only impose an <i>administrative sanction</i> on an <i>applicable person</i> pursuant to rE26 where: .1 the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> considers that to impose an <i>administrative sanction</i> is proportionate and sufficient in the public interest; or .2 where the matter falls to be considered under rE209 of Section 5.B of the <i>Handbook</i> .	Amended	Regulation 14.1
rE28 In determining the level of <i>administrative sanction</i> to be imposed, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must have regard to any published <i>Bar Standards Board</i> policy that appears to the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> to be relevant.	Retained	Regulation 14.2
rE29 The maximum level of a fine which can be imposed by the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> under rE19.3 and rE22.3 is: .1 £1,000 (one thousand pounds) where the fine is to be imposed on an <i>applicable person</i> who is not a BSB entity; or .2 £1,500 (one thousand and five hundred pounds) where the fine is to be imposed on a <i>BSB entity</i> .	Retained	Regulation 14.3
rE30 Any decision to impose an <i>administrative sanction</i> will be recorded and may, where appropriate, be considered for continued monitoring and supervision but will not be disclosed to any third parties except in accordance with Section A.7 of these regulations.	Retained with minor amends	Regulation 14.4
rE31 The <i>applicable person</i> may appeal a decision of the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> to impose an <i>administrative sanction</i> in accordance with Section 5.A of the <i>Handbook</i>	Retained with minor amends	Regulation 14.5
rE32 In the case of a <i>non-authorised individual</i> (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 <i>BSB authorised person</i> the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may only: .1 decide that no further action should be taken in relation to the <i>allegation</i> ; or .2 make an application to the <i>Disciplinary Tribunal</i> that the <i>non-authorised individual</i> be subject to a <i>disqualification order</i> .	Retained but moved	Regulation 12.6 and 13.6
Part 5 - A4. Professional misconduct proceedings	Amended	
Disciplinary Action	Amended	
rE33 Where rE19.4 or rE22.4 is applicable, the <i>allegation</i> shall be referred to <i>Disciplinary Action</i> only where the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> is satisfied that: .1 there is a <i>realistic prospect of a finding of professional misconduct being made</i> or there is a <i>realistic prospect of the disqualification condition being satisfied</i> ; and .2 having regard to the <i>regulatory objectives</i> , it is in the public interest to pursue <i>Disciplinary Action</i> .	Split up and moved	Regulation 12.4 - authorised decision-maker; Regulation 13.3 - IDB
rE34 Where the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> is satisfied that the requirements of rE33 are met, an <i>allegation</i> which the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> is otherwise intending to refer to the <i>Disciplinary Tribunal</i> may, with the consent of the <i>applicable person</i> against whom the <i>allegation</i> is made, be finally determined by an <i>Independent Decision-Making Panel</i> . This is referred to as the “ <i>determination by consent procedure</i> ”.	Amended	Regulation 15.1.

Existing BSB Provision - v.4.8	Status	New provision reference
The <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must, in deciding whether to refer an <i>allegation</i> to the <i>determination by consent procedure</i>, consider all the circumstances. However, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may only make the <i>allegation</i> subject to the <i>determination by consent procedure</i> if: .1 the <i>applicable person</i> submits to the jurisdiction of an <i>Independent Decision-Making Panel</i>; and .2 the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> considers that: .a there are no substantial disputes of fact which can only fairly be resolved by oral evidence being taken; and .b having regard to the <i>regulatory objectives</i>, it is in the public interest to resolve the <i>allegation</i> under the <i>determination by consent procedure</i>; and .c the potential <i>professional misconduct</i> or <i>disqualification condition</i>, if proved, combined with the <i>applicable person</i>'s previous disciplinary history, does not appear to be such as to warrant a period of <i>suspension</i> or disbarment, the withdrawal of an <i>authorisation</i> or <i>licence</i> (as	Amended	Regulation 15.2
rE36 <i>Disciplinary Action</i> will be conducted in accordance with such procedures as the <i>Bar Standards Board</i> may prescribe from time to time, including in Section 5.B of the Handbook, and will apply the appropriate standard of proof as described in rE37, rE38, rE164, and rE261A.	Moved to DT section	Regulation 16.1
rE37 Where a matter is to be considered under the <i>determination by consent procedure</i> as per rE34, the standard of proof to be applied is the civil standard of proof, except when rE38 applies.	Moved and amended	Regulation 20.1
rE38 In considering <i>allegations</i> under the <i>determination by consent procedure</i>, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must apply the criminal standard of proof when deciding charges of <i>professional misconduct</i> where the conduct alleged within that charge occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019 and forms the basis of a single charge of <i>professional misconduct</i>.	Moved and amended	Regulation 20.2
Determination by Consent	Moved up	
rE39 Where the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> has decided to refer an <i>allegation</i> to the <i>determination by consent procedure</i> in accordance with rE35, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> (as the case may be) may terminate the <i>determination by consent procedure</i> at any time if it no longer considers that the requirements of rE35 are satisfied, or for any other good reason.	Retained	Regulation 15.3
rE40 If the <i>determination by consent procedure</i> ends other than by a finding and sanction to which the <i>applicable person</i> consents, then an <i>allegation</i> may be referred to a three-person <i>Disciplinary Tribunal</i>.	Amended and moved to end of section	Regulation 15.9
rE41 An <i>Independent Decision-Making Panel</i> may impose on an <i>applicable person</i> against whom a charge of <i>professional misconduct</i> has been found proved under the <i>determination by consent procedure</i> any one or more the following: .1 an order to pay a fine to the <i>Bar Standards Board</i> (the amount of such fine to be determined having regard to the relevant sanctions guidance) on such terms as to payment as the <i>Independent Decision-Making Panel</i> thinks fit; .2 the imposition of any conditions on their licence or authorisation (where appropriate); .3 a reprimand by the <i>Bar Standards Board</i>; .4 advice by the <i>Independent Decision-Making Panel</i> as to their future conduct; and .5 an order to complete (or, in the case of a <i>BSB entity</i>, an order to procure that any relevant <i>managers</i> or employees complete) continuing professional development of such nature and duration as an <i>Independent Decision-Making Panel</i> shall direct and to provide satisfactory proof	Amended	Regulation 15.4
rE42 In determining what sanction, if any, to impose under the <i>determination by consent procedure</i>, an <i>Independent Decision-Making Panel</i> shall have regard to any relevant policy or guidelines issued by the <i>Bar Standards Board</i> and/or by the <i>Council of the Inns of Court</i> from time to time.	Amended	Regulation 15.5
rE43 An <i>Independent Decision-Making Panel</i> may not make an award of costs when dealing with an <i>allegation</i> under the <i>determination by consent procedure</i>.	Retained	Regulation 15.6

Existing BSB Provision - v.4.8	Status	New provision reference
rE44 The <i>Commissioner</i> must publish any finding and sanction resulting from the <i>determination by consent procedure</i> to the same extent as such publication would have taken place on a finding and sanction by a <i>Disciplinary Tribunal</i> , as provided for in the Disciplinary Tribunal Regulations.	Replaced with provisions from DT regs	Regulation 15.7 - 15.8
rE45 If the <i>applicable person</i> accepts the outcome of the <i>determination by consent procedure</i> , no one may appeal against it. Disciplinary Tribunal	Retained	Regulation 15.10
Disciplinary Tribunal		
rE46 At the same time as the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> directs that an <i>allegation</i> shall form the subject matter of a disciplinary charge and/or <i>disqualification</i> application before a <i>Disciplinary Tribunal</i> , the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must also decide whether a three-person panel or a five-person panel is to be constituted.	Retained	Regulation 16.2
rE47 In deciding whether to direct the constitution of a three-person or a five-person panel, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</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: .1 any indicative sanctions guidance published by <i>BTAS/COIC / Bar Standards Board</i> from time to time; and .2 the previous disciplinary record of the <i>applicable person</i> .	Retained	Regulation 16.3
rE48 The <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may direct that a five-person panel is to be constituted if it considers that: .1 having regard to any indicative sanctions guidance published by <i>BTAS/COIC / Bar Standards Board</i> , in all the circumstances, a sanction of disbarment or <i>suspension</i> from <i>practice</i> for more than twelve months may be appropriate; or .2 having regard to any indicative sanctions guidance published by <i>BTAS/COIC / Bar Standards Board</i> , in all the circumstances, a sanction of indefinite <i>disqualification</i> or <i>disqualification</i> for a defined term of more than twelve months may be appropriate; or .3 having regard to any indicative sanctions guidance published by <i>BTAS/COIC / Bar Standards Board</i> , in all the circumstances, a sanction of a <i>BSB entity</i> having its authorisation or licence revoked or <i>suspended</i> for a period of more than twelve months may be appropriate; or .4 the <i>allegation</i> involves a conviction for dishonesty or deception	Amended	Regulation 16.4
rE49 The <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> must inform the <i>applicable person</i> of the direction that it has made pursuant to rE46. There is no appeal against the decision to refer a matter to a three or a five-person panel.	Retained and split	Regulation 16.5 and 16.6
rE50 The <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> may: .1 refer to the same <i>Disciplinary Tribunal</i> any charges and/or <i>disqualification</i> applications which they consider may conveniently be dealt with together; and .2 refer any additional charges or <i>disqualification</i> applications relating to the same <i>applicable person</i> to the <i>Disciplinary Tribunal</i> which is dealing with the original disciplinary charge or <i>disqualification</i> application (as the case may be), even if the additional charge or application, by	Amended	Regulation 16.7
When the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> has directed that an <i>allegation</i> shall form the subject matter of a charge or application before a <i>Disciplinary Tribunal</i> , the <i>Commissioner</i> is responsible for bringing the charge or application on behalf of the <i>Bar Standards Board</i> and prosecuting that charge before such <i>Disciplinary Tribunal</i> . If so: .1 the <i>Commissioner</i> may arrange for the appointment of a representative to settle the charge and to present the case before the <i>Disciplinary Tribunal</i> ; and .2 any charges shall be brought in the name and on behalf of the <i>Bar Standards Board</i> .	Amended	Regulation 16.8.
rE52 Section 5.B applies in respect of the procedure to be followed by the <i>Disciplinary Tribunal</i>	Not retained.	
rE53 Where a <i>Disciplinary Tribunal</i> directs that matter(s) be referred to <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> under rE209 to consider whether an <i>administrative sanction</i> should be imposed, the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> shall consider the matter in accordance with rE26 to rE32 or take no enforcement action in accordance with rE19.2 and rE22.2.	Removed	N/A
Part 5 - A5. Appeals	Amended	

Existing BSB Provision - v.4.8	Status	New provision reference
rE54 An <i>applicable person</i> has a right to appeal from a decision to impose an <i>administrative sanction</i> . That appeal is to an <i>appeal panel</i> nominated by the <i>President</i> in the same composition as <i>athree-person panel</i> constituted under rE141 of the <i>Disciplinary Tribunal Regulations</i> .	Amended	Regulation 17.1.
rE55 An appeal, if made, shall be made by the <i>applicable person</i> sending to the <i>Commissioner</i> , within 28 days of the imposition of the <i>administrative sanction</i> , a notice identifying the decision appealed against, the decision the <i>applicable person</i> contends for, the grounds of such appeal and a statement whether the <i>applicable person</i> requires their appeal to be disposed of at an oral hearing. If the <i>applicable person</i> does not expressly request an oral hearing, the appeal will be dealt with by a review of the papers. The appeal is a review of the original decision, not a re-hearing.	Amended and split up	Regulation 17.2, 17.4 and 17.7
rE56 The notice must be accompanied by a sum as prescribed by the <i>Bar Standards Board</i> from time to time. The sum will be payable to the <i>Bar Standards Board</i> to cover expenses.	Amended	Regulation 17.3
rE57 Where the appeal is to be dealt with at an oral hearing then: .1 at least 5 working days before the time set for the appeal, the <i>Bar Standards Board</i> will provide each member of the <i>appeal panel</i> and the <i>applicable person</i> with a paginated bundle of the correspondence and other documents on its files relating to the original decision; and .2 the <i>applicable person</i> and <i>Bar Standards Board</i> may be represented at the hearing.	Amended	Regulation 17.6
rE58 The decision of an <i>appeal panel</i> is final and shall not be not subject to any further appeal or reconsideration.	Moved down	Regulation 17.9
rE59 The <i>appeal panel</i> must decide whether to set aside or to vary the original decision.	Amended	Regulation 17.7
rE60 If the <i>appeal panel</i> allows the appeal in whole or in part, the <i>appeal panel</i> may direct that any administrative fine or appeal fee already paid by the <i>applicable person</i> be refunded either in whole or in part, but the appeal panel has no power to award costs.	Retained	Regulation 17.8
Part 5 - A6. Reconsidering allegations which have been disposed of	Amended	Regulation 18
rE61 The Commissioner or an Independent Decision-Making Panel may reconsider an allegation which has been disposed of by the Commissioner or an Independent Decision-Making Panel respectively where: .1 new evidence becomes available which leads it to conclude that it should do so, or .2 for some other good reason.	Amended and new provisions added	Regulation 18.2 and 18.3
rE62 Following such reconsideration, the <i>Commissioner</i> may take any further or different action the <i>Commissioner</i> thinks fit, as if any earlier decision had not been made.	Retained	Regulation 18.5
Part 5 - A7. Confidentiality		
rE63 The <i>Bar Standards Board</i> must keep <i>reports</i> and <i>allegations</i> assessed or investigated under these regulations confidential. The <i>Bar Standards Board</i> must not disclose the fact that a <i>report</i> exists, or details of the <i>report</i> or of its treatment as an <i>allegation</i> or otherwise, or of its disposal save as specified in this Section 5.A, or as otherwise required by law.	Retained	Regulation 19.1

Existing BSB Provision - v.4.8	Status	New provision reference
Disclosure may be made: .1 for the purpose of the <i>Bar Standards Board's</i> regulatory assurance, supervision or authorisations functions; or .2 for the purpose of keeping the <i>applicable person</i> , or any source of information relating to the <i>applicable person</i> , informed of the progress of the consideration of a <i>report</i> or <i>allegation</i> ; or .3 for the purpose of publicising any forthcoming public hearing of charges arising from the <i>allegation</i> ; or .4 where the <i>applicable person</i> consents; or .5 in response to a request from the selection panel or a member of its secretariat in respect of an application by a <i>barrister</i> 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 <i>BSB authorized individual</i> for a <i>certificate of good standing</i> in respect of a <i>barrister</i> ; or .6 for the purposes of providing examples of the types of behaviour that may constitute breaches of the <i>Handbook</i> either externally or internally within the <i>Bar Standards Board</i> , provided that where disclosure occurs in these circumstances although details of the individual <i>reports</i> or <i>allegations</i> may be published, any relevant party's identities will remain anonymous; or .7 with the approval of the <i>Commissioner</i> , where the <i>Commissioner</i> considers it is in the public interest to disclose some or all of the details of	Amended	Regulation 19.2
Part 5 - A8. Interpretation		
rE65 For the avoidance of doubt, this Section 5.A does not prevent the immediate operation of the <i>Interim Suspension and Disqualification Regulations</i> or the <i>Fitness to Practise Regulations</i> , where appropriate.	Amended and moved down	Regulation 22
Part 5 - A9. Commencement		
rE66 This Section 5.A shall come into force in accordance with the provisions of Part 1 of this Handbook.	Moved and amended	Regulation 1.2
rE67 – rE100		
Removed.		
Schedule 1 - Proceedings and Composition of the Independent Decision-Making Panels		
1) An <i>Independent Decision-Making Panel</i> shall: a) for the purposes of Part 5A, consist of five members of the <i>Independent Decision-Making Body</i> ; b) for all other purposes, consist of three members of the <i>Independent Decision-Making Body</i> ; and shall have a lay majority of at least one. 2) <i>Independent Decision-Making Panel</i> meetings shall be held in private. 3) Decisions of <i>Independent Decision-Making Panels</i> must be recorded in writing. 4) <i>Independent Decision-Making Panel</i> meetings shall be held at a frequency to be determined by the <i>Bar Standards Board</i> . 5) <i>Independent Decision-Making Panels</i> may, at any time, invite any person to attend an <i>Independent Decision-Making Panel</i> meeting in an advisory or consultative capacity. 6) <i>Independent Decision-Making Panel</i> meetings may be held in person, by email, by telephone or via videoconference.	Amended	Schedule 1
Part 5 - B. The Disciplinary Tribunals		
Part 5 – B1. The Regulations		
Regulation E101		
rE101 These Regulations will apply following the referral of an <i>allegation</i> by the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> to a <i>Disciplinary Tribunal</i> , in accordance with Part 5 Section A.	Amended	Regulation 2.1
Regulation E102 - Service of Charges and/or Applications		
rE102 The Bar Standards Board must ensure that a copy of the charge(s) and/or application(s): .1 is served on the relevant <i>respondent</i> (s), together with a copy of these Regulations not later than ten weeks after the date on which the <i>Commissioner</i> or an <i>Independent Decision-Making Panel</i> decides to refer the matter to a <i>Disciplinary Tribunal</i> ; and .2 at the same time, ensure that copies of the charge(s) and/or application(s) are sent to <i>BTAS</i> .	Amended	Regulation 5
Regulations E103-E105 - Documents to be served on the respondent		

Existing BSB Provision - v.4.8	Status	New provision reference
rE103 As soon as practicable after the issue of the charge(s) and/or application(s) to the <i>respondent(s)</i> , the Bar Standards Board must serve on the <i>respondent(s)</i> and file with <i>BTAS</i> : .1 a copy of the evidence of any witness intended to be called in support of any charge(s) or application(s) (which, for the avoidance of doubt, may be a formal witness statement or an informal document such as a letter or attendance note); and .2 a copy of any other documents intended to be relied on by the <i>Bar Standards Board</i> ; and .3 the <i>standard directions</i> and/or non- <i>standard directions</i> , which, subject to rE111, the Bar Standards Board proposes to apply to the case and which must include such timetable as may be considered reasonable by the Bar Standards Board, having regard to the facts of that case.	Amended	Regulation 6.1
rE104 If the documents referred to in rE103.1 and/or rE103.2 are not sent to the <i>respondent(s)</i> within 28 days of the service of the charges on the <i>respondent(s)</i> in accordance with rE102 above, then the <i>Bar Standards Board</i> must provide to the <i>respondent(s)</i> within that period: .1 details of the <i>evidence</i> that is still being sought; and .2 details of when it is believed that it will be practicable to supply that evidence to the <i>respondent(s)</i> .	Amended	Regulation 6.2
Nothing in rE103 or rE104 above shall prevent a <i>Disciplinary Tribunal</i> from receiving the evidence of a witness which has not been served on the <i>respondent(s)</i> in accordance with rE103 or rE104, provided that the <i>Disciplinary Tribunal</i> is of the opinion either that this does not materially prejudice the <i>respondent(s)</i> , or that the evidence is accepted on such terms as are necessary to ensure that no such prejudice occurs.	Amended	Regulation 6.3
Regulations E106-E107 - Directions		
rE106 Within 21 days of the date of service of the directions under rE103.3, the <i>respondent(s)</i> must: .1 agree the <i>standard directions</i> and/or non- <i>standard directions</i> ; or .2 provide to the <i>Bar Standards Board</i> written submissions explaining why the directions sought by the <i>Bar Standards Board</i> , should be amended, withdrawn or added to; and/or .3 indicate to the <i>Bar Standards Board</i> whether they intend to make any of the applications referred to in rE127.	Not retained.	Regulation 7 ('Case management and directions')
rE107 Within 14 days of the date when the <i>Bar Standards Board</i> receives any written submissions from a <i>respondent</i> in accordance with rE106.2, the <i>Bar Standards Board</i> must consider them and must during that 14 day period: .1 inform the <i>respondent(s)</i> of those changes to the standard directions or non- <i>standard directions</i> (as appropriate) which the <i>Bar Standards Board</i> is able to agree; and .2 seek to agree with the <i>respondent(s)</i> such other changes to the standard directions or non- <i>standard directions</i> (as appropriate) as may be acceptable to all parties.	Not retained.	As above.
Regulations E108-E109 - No reply from respondent		
rE108 Where standard directions are sought by the Bar Standards Board and the <i>respondent</i> does not reply to a request to agree directions within the relevant 21 day period referred to in rE106, the <i>respondent</i> will be deemed to have accepted the <i>standard directions</i> and they shall be deemed to apply to the particular matter, save and in so far as they may have been modified on the application of any other <i>respondent</i> to the same proceedings which was made within the relevant 21 day period. The <i>Bar Standards Board</i> must forthwith serve on the <i>respondent</i> and file with <i>BTAS</i> any directions which are deemed to apply to the matter.	Not retained.	As above.
rE109 Where non- <i>standard directions</i> are sought by the Bar Standards Board and the <i>respondent</i> does not reply within the 21 day period referred to in rE106, the Bar Standards Board must send to the President a copy of the non- <i>standard directions</i> and invite them to appoint a Directions Judge to endorse the directions in accordance with rE114 to rE126.	Not retained.	As above.
Regulations E110-E112 - Agreement of directions		
rE110 Where <i>standard directions</i> are sought in a case by the <i>Bar Standards Board</i> and the parties agree the directions within the relevant 21 day period referred to in rE106, or within the 14 day period referred to in rE107, those directions will apply to the case and the Bar Standards Board must forthwith serve the agreed directions on the <i>respondent</i> and file them with <i>BTAS</i> .	Not retained.	As above.

Existing BSB Provision - v.4.8	Status	New provision reference
rE111 The parties may agree non- <i>standard directions</i> , save that where any non- <i>standard directions</i> would have the effect of preventing <i>BTAS</i> from carrying out any function given to it by these Regulations, the said direction cannot be agreed without endorsement of a Directions Judge. In these circumstances, the <i>Bar Standards Board</i> must send to the President a copy of the non- <i>standard directions</i> and invite them to appoint a Directions Judge to endorse the directions in accordance with rE114 to rE126.	Not retained.	As above.
rE112 Where non- <i>standard directions</i> , which do not include matters under rE111, are sought by the Bar Standards Board in a case and the parties agree those directions within the relevant 21 day period referred to in rE106, or within the 14 day period referred to in rE107, those directions will apply to the case. The Bar Standards Board must forthwith serve the agreed directions on the <i>respondent</i> and file them with <i>BTAS</i> .	Not retained.	As above.
Regulation E113 - Non-agreement of directions		
rE113 Where <i>standard directions</i> and/or non- <i>standard directions</i> are sought in a case by the Bar Standards Board and the <i>respondent</i> does not agree those directions within the relevant 21 day period referred to in rE106, or within the 14 day period referred to in rE107, the <i>Bar Standards Board</i> must write to the <i>respondent</i> to confirm that the directions have not been agreed and must send to the <i>President</i> the following (where relevant): .1 a copy of the directions, including any <i>standard directions</i> and/or non- <i>standard directions</i> which have been agreed; .2 any written submissions received from the <i>respondent(s)</i> in accordance with rE106.2; .3 any notice from the <i>respondent(s)</i> that they may be intending to make an application referred to at rE106.3; and .4 the <i>Bar Standards Board's</i> response to any such request(s) and/or submissions.	Not retained.	As above.
Regulations E114-E126 - Agreement/endorsement of directions by a Directions Judge		
rE114 When the <i>President</i> has received the documents referred to in rE109, rE111 or rE113 above, the <i>President</i> must designate either a King's Counsel or <i>Judge</i> , to be determined at the <i>President's</i> sole discretion ("the <i>Directions judge</i> "), to exercise the powers and functions conferred on the <i>Directions Judge</i> in these Regulations.	Not retained.	As above.
rE115 The <i>President</i> must ensure that copies of the charge(s) or application(s), together with the documentation referred to at rE109, rE111 or rE113 above, are sent to the <i>Directions Judge</i> once the <i>Directions Judge</i> has been designated.	Not retained.	As above.
rE116 When they receive the relevant documents, the <i>Directions Judge</i> must consider any submissions about the directions and will determine whether an oral directions hearing is necessary.	Amended	Regulation 7.5 & 7.12(b)
rE117 If the <i>Directions Judge</i> considers that no oral hearing is necessary, then: .1 they must make an order setting out those directions which are to apply in the case taking into account all the relevant circumstances, including any written submissions of the parties and the <i>Directions Judge's</i> own findings; and .2 they may consider and decide any other issues which may be necessary in accordance with rE129.	Not retained.	Regulation 7
rE118 If the <i>Directions Judge</i> considers that an oral hearing is necessary, the <i>Directions Judge</i> must give written notice to the <i>Bar Standards Board</i> and the <i>respondent(s)</i> that an oral hearing is to be held for the purpose of giving directions and taking such other steps as the <i>Directions Judge</i> considers suitable for the clarification of the issues before the <i>Disciplinary Tribunal</i> and generally for the just and expeditious handling of the proceedings. The <i>Directions Judge</i> shall also provide the <i>Bar Standards Board</i> and the <i>respondent(s)</i> with a time estimate for the oral directions hearing.	Not retained.	As above.
rE119 Within seven days of receiving the notice referred to in rE118 above, the <i>Bar Standards Board</i> and the <i>respondent(s)</i> must notify the <i>President</i> and the other party of their and, where relevant, their representative's available dates and times during the six week period immediately after the date of that notice.	Not retained.	As above.
rE120 The <i>Directions Judge</i> must try to find a date and time within that six week period which are convenient for all parties. If that is not possible, the <i>Directions Judge</i> must fix a date and time for the oral directions hearing within that six week period and must notify the <i>Bar Standards Board</i> and the <i>respondent(s)</i> of that date and time.	Not retained.	As above.

Existing BSB Provision - v.4.8	Status	New provision reference
Once the <i>Directions Judge</i> has set a date for the oral hearing, <i>BTAS</i> must appoint a <i>person(s)</i> in accordance with rE136 to act as Clerk at the hearing to take a note of the proceedings; draw up a record of the directions given and/or any admissions made at it.	Not retained.	As above.
rE122 <i>BTAS</i> must arrange for a record of the oral hearing before a <i>Directions Judge</i> to be made.	Not retained.	As above.
rE123 The oral hearing before a <i>Directions Judge</i> will be in private.	Not retained.	Regulation 14.1
rE124 After the oral directions hearing (or, if one was not required, after the review of the papers by the <i>Directions Judge</i>) <i>BTAS</i> must ensure that copies of the directions order are served on the <i>Bar Standards Board</i> and on the <i>respondent(s)</i> .	Not retained.	Regulation 7.5.
rE125 The directions order served under rE124 is final, and there is no appeal against it.	Not retained.	Regulation 7.11
rE126 Any variation sought by a party to an order for <i>standard directions</i> made and served under rE108 or rE110, or to an order for non- <i>standard directions</i> made and served under rE112, must be endorsed by a, who shall be designated by the in accordance with the requirements of rE114.	Not retained.	Regulation 7.11
Regulations E127-E128 - Applications At any time before the hearing, either party can make any of the following applications and thereafter file with <i>BTAS</i> and serve on the opposing party written submission in support of the applications, namely: .1 an application to sever the charges and/or applications; .2 an application to strike out the charges and/or applications which relate to the respondent who makes the application; .3 an application to stay the proceedings; .4 an application about the admissibility of documents; .5 an application for disclosure of documents; .6 an application to extend or abridge any relevant time limits; .7 an application for the hearing to be held in private; .8 an application for separate hearings or an application that proceedings pending against separate respondent s be dealt with at the same hearing; or .9 any other application to vary standard directions or non-standard directions (which either party considers reasonable, having regard to the facts of the case).	Amended	Regulation 9.1.

Existing BSB Provision - v.4.8	Status	New provision reference
rE128 The <i>Directions Judge</i> or <i>Chair of the Disciplinary Tribunal</i> or the <i>Disciplinary Tribunal</i> will consider how any of the applications referred to rE127 are to be dealt with.	Amended	Regulation 9.2.
Regulation E129 - Extent of powers to order directions		
rE129 The <i>Directions Judge</i> or the <i>Chair of the Disciplinary Tribunal</i> designated in the <i>Convening Order</i> (or failing the <i>Directions Judge</i> or the <i>Chair of the Disciplinary Tribunal</i> , any other <i>Judge</i> nominated by the <i>President</i>) may, at any stage, make such directions for the management of the case or the hearing as they consider will expedite the just and efficient conduct of the case.	Not retained.	Regulation 7
Regulations E130-E131 - Setting the hearing date		
rE1130 This regulation applies where, after the deemed acceptance, later agreement of directions, or the service of a directions order by <i>the President</i> , the date of the hearing has not been fixed. Where this Regulation applies, each party must submit details of their availability for the substantive hearing to <i>BTAS</i> in accordance with the directions. After they receive such details, or, where no such details are provided, once the time for providing such details has expired, the <i>President</i> must fix the date of the substantive hearing, having regard to the availability of the parties (if provided) and the need for the prompt determination of any charges and/or application(s) made against the <i>respondent(s)</i> , in accordance with the provisions of these Regulations.	Not retained.	Regulation 11.1.
rE131 <i>BTAS</i> must inform all parties of the date fixed for the hearing as soon as reasonably practicable after the <i>President</i> has fixed the date.	Removed	Regulation 11.2.
Regulations E132-E135 - Appointing a Disciplinary Tribunal and issuing a Convening order		
rE132 On .1 the deemed acceptance or later agreement of directions by the parties; or .2 the service of the directions order by <i>BTAS</i> ; or .3 the fixing of the date of the hearing in accordance with rE130 above, the <i>President</i> must, in all cases, .a appoint an appropriate <i>Disciplinary Tribunal</i> to sit on the relevant date(s), taking into account the requirements of these Regulations; .b appoint a person or persons to act as Clerk or Clerks to the <i>Disciplinary Tribunal</i> in accordance with rE136; .c not less than 14 days before the date of the substantive hearing, serve an order on the respondent(s) ("the Convening order") specifying: .i the name of the respondent(s) to the proceedings and such other information as may be relevant to the respondent(s), for example: (1) where any respondent is a barrister, details of the barrister's Inn, their date of call and (if appropriate) the date of their appointment as King's Counsel, and details of whether or not the barrister was acting as a self-employed barrister or an employed barrister (and, in the latter case, details of their employer, including whether or not it is a BSB entity) and if the barrister was acting as a HOLP or manager of a regulated entity, identifying this fact and identifying the regulated entity and whether or not it is a BSB entity; (2) where any respondent is a BSB entity, details of the date when that body was so authorised or licensed with a summary of the number of barristers and other individuals working within that BSB authorised body; (3) where any respondent is another type of BSB regulated person, details of whether or not the BSB regulated person is an authorised (non-BSB) person or is otherwise subject to regulation by any other regulator and, if so, the identity of that regulator, and the role of that individual, including whether they were acting as a HOLP, HOFA, manager or employee of a regulated entity and identifying that regulated entity and its Approved Regulator; and, (4) where any respondent is a non-authorised individual employed by a BSB authorised person, details of the role of that individual and identifying the BSB authorised person who directly or indirectly employs the respondent; .ii the date and time of the sitting of the <i>Disciplinary Tribunal</i> at which it is proposed the charge(s) and/or application(s) should be heard; and .iii the names and status (that is, as Chair, as lay member, as barrister or other) of those persons who it is proposed should constitute the <i>Disciplinary Tribunal</i> to hear the case; and .iv the name of the Clerk,	Amended	Regulation 11.
rE133 The <i>respondent(s)</i> may, when they receive the <i>Convening Order</i> , give notice to the <i>President</i> objecting to any one or more of the proposed members of the <i>Disciplinary Tribunal</i> . The respondent must give this notice as soon as is reasonably practicable and must specify the grounds for their objection.	Amended	Regulation 11.4.

Existing BSB Provision - v.4.8	Status	New provision reference
rE134 When the <i>President</i> receives such an objection, they must, if satisfied that it is justified (but subject to rE135), exercise the power conferred on them by rE148 to nominate a substitute member or members of the <i>Disciplinary Tribunal</i> , and must notify the <i>respondent(s)</i> accordingly. When they receive that notification, the <i>respondent(s)</i> may object to any substitute member or members, in the same way as they may object under rE133.	Amended	Regulation 11.5 and 11.6
rE135 No objection to any member of the <i>Disciplinary Tribunal</i> may be made, or if made, may be upheld, on the grounds only that they know, or might have known, about a charge of <i>professional misconduct</i> , or of a breach of proper professional standards, or a previous application to <i>disqualify</i> , or a charge consisting of a <i>legal aid complaint</i> , against the <i>respondent(s)</i> , or any finding on any such application or charge, or any sanction imposed on the respondent(s) in connection with any such application or charge.	Amdended	Regulation 11.7
Regulations E136-E138 - Appointment of Clerk(s)		
rE136 <i>BTAS</i> shall appoint a Clerk(s) to perform the functions specified in these Regulations and such other functions as the <i>President</i> , <i>Directions Judge</i> or the Chair of any <i>Disciplinary Tribunal</i> may direct.	Amended	Regulation 12.1.
rE137 The <i>President</i> may publish qualifications or other requirements for those appointed to be Clerks.	Not retained.	
rE138 No person who has been engaged in the investigation of a <i>allegation</i> or application against a <i>respondent</i> in accordance with the relevant procedure or otherwise shall act as Clerk of proceedings under these Regulations arising out of that <i>allegation</i> or application.	Not retained.	
Regulations E139-E150 - The Disciplinary Tribunal - Composition of Disciplinary Tribunals		
rE139 A <i>Disciplinary Tribunal</i> must consist of either three persons or five persons.	Retained	Regulation 13.1.
rE140 A five-person panel must include the following persons nominated by the <i>President</i> : .1 as Chair, a <i>Judge</i> ; and .2 <i>two lay members</i> ; and .3 <i>two practising barristers</i> of not less than seven years' standing.	Retained	Regulation 13.2.
rE141 A three-person panel shall include the following <i>persons</i> nominated by the <i>President</i> : .1 as Chair, a King's Counsel or a <i>Judge</i> ; and .2 <i>one lay member</i> ; and .3 <i>one practising barrister</i> of not less than seven years' standing .	Retained	Regulation 13.3.
rE142 With the exception of judicial Chairs, the persons nominated by the <i>President</i> to sit on a <i>Disciplinary Tribunal</i> must be selected from the pool appointed by the <i>Tribunal Appointments Body</i> .	Retained	Regulation 13.4.
rE143 In deciding who will sit on the panel, the <i>President</i> may have regard to the nature of the charge(s) and/or application(s) being determined and to the identity of the <i>respondent (s)</i> against whom the charges have been made. When constituting the panel, the <i>President</i> shall take into account the requirements of rE140 and rE141 above, and rE144 and rE145 below.	Not retained.	
rE144 A person must not be nominated to serve on a <i>Disciplinary Tribunal</i> if they: .1 are a member of the <i>Bar Council</i> or of any of its committees or the <i>Independent Decision-Making Body</i> ; or .2 are a member of the <i>Bar Standards Board</i> or of any of its committees or the <i>Independent Decision-Making Body</i> ; or .3 were a member of the <i>Bar Standards Board</i> or of any of its committees or the <i>Independent Decision-Making Body</i> at any time when the matter was being considered by the <i>Bar Standards Board</i> .	Retained with minor amendments	Regulation 13.5.
rE145 The person nominated by the <i>President</i> , in accordance with rE140 and rE141, to be Chair of the <i>Disciplinary Tribunal</i> , may be the <i>Directions Judge</i> as appointed under rE114, unless the <i>Directions Judge</i> considers there to be any reason why they should not Chair the hearing.	Retained	Regulation 13.6.

Existing BSB Provision - v.4.8	Status	New provision reference
rE146 The <i>President</i> may publish qualifications or other requirements made for those appointed to serve on a <i>Disciplinary Tribunal</i> .	Removed	
rE147 If a vacancy in the <i>Disciplinary Tribunal</i> arises before the substantive hearing of the charge, the <i>President</i> must choose another member of the relevant class to fill that vacancy.	Retained with minor amendments	Regulation 13.8.
rE148 At any time before the substantive hearing of the charge starts, the President may cancel any or all of the nominations made pursuant to these Regulations, and make such alternative nominations as, in the exercise of their discretion, they deem necessary or expedient, provided always that the President notifies the respondent(s) of the identity of such substitutes as soon as is reasonably practicable after they have chosen them. The <i>respondent(s)</i> may object to such substitute members in the same way as they may object under rE133.	Retained with minor amendments	Regulation 13.7.
rE149 The proceedings of a five-person panel will not be invalidated on the sole ground that after the <i>Convening Order</i> has been issued (in accordance with rE132 above), one or more of the members becomes unable to act or is disqualified from acting, provided that: .1 the Chair and at least one <i>lay member</i> and one barrister member are still able to act and are present throughout the substantive hearing; and .2 the number of members present throughout the substantive hearing of the charge is not reduced below three.	Retained	Regulation 13.10.
rE150 A member of a <i>Disciplinary Tribunal</i> who has been absent for any time during a sitting shall take no further part in the proceedings.	Retained.	Regulation 13.11.
Regulations E151-E153 - Provision of documents to the Disciplinary Tribunal		
rE151 The <i>Bar Standards Board</i> and the respondent must send to <i>BTAS</i> , at least 14 days before the hearing: .1 in the case of a five-person <i>Disciplinary Tribunal</i> , six copies of the evidence they intend to rely on at the hearing; .2 in the case of a three-person <i>Disciplinary Tribunal</i> , four copies of the evidence they intend to rely on at the hearing.	Removed.	
rE152 The evidence referred to in rE151 must be indexed and paginated.	Removed	
rE153 <i>BTAS</i> shall provide to each member of the <i>Disciplinary Tribunal</i> before the start of the substantive hearing copies of the following documents: .1 the <i>Covening Order</i> ; .2 the charge(s) and/or application(s) and any particulars of them; .3 any documents which the <i>Bar Standards Board</i> or the respondent(s) propose to rely on, unless a direction has been made that copies of such documents be withheld; .4 any written answer to the charge(s) and/or application(s) submitted by or on behalf of the <i>respondent(s)</i> ; .5 such other documents as have been agreed or directed to be laid before the <i>Disciplinary Tribunal</i> before the start of the hearing; and .6 all orders for directions which have been made in relation to the case.	Removed	
Regulations E154-E155 - Applications for adjournment before the commencement of the hearing		
rE154 Any application by a party for an adjournment of the substantive hearing before the date on which the hearing is scheduled to commence must be in writing and accompanied by any evidence upon which the party relies in support of their application.	Retained with amendments.	Regulation 10.1.
rE155 An application under rE154 must be submitted to the Chair of the <i>Disciplinary Tribunal</i> which has been convened to hear the case and served upon the other party. The Chair must make reasonable attempts to seek any representations in response to the application from the other party. The Chair must consider the application for adjournment taking into account any response submitted by the other party and may: .1 grant the adjournment; or .2 direct that the application must be renewed before the <i>Disciplinary Tribunal</i> on the first day fixed for the hearing; or .3 refuse the application; and .4 may make such directions as they consider appropriate for the further conduct of the case.	Retained with amendments.	Regulation 10.2 - 10.4
Regulation E156 - Hearing in public		

Existing BSB Provision - v.4.8	Status	New provision reference
The hearing before a Disciplinary Tribunal must be in public, unless it has been directed that all or part of the hearing is not to be held in public, and that direction has not been over-ruled by the Disciplinary Tribunal.	Retained with amendments.	Regulation 14.
Regulation E157 - Recording of proceedings		
rE157 BTAS must arrange for a verbatim record of the proceedings before a Disciplinary Tribunal to be made.	Removed	
Regulations E158-E160 - Joinder		
rE158 Unless it is of the view that there is a risk of prejudice to the fairness of the proceedings, the <i>Disciplinary Tribunal</i> may consider and determine charges against two or more <i>respondent s</i> at the same hearing where: .1 the charge(s) against each respondent arises out of the same circumstances; or .2 in the view of the <i>Disciplinary Tribunal</i> , a joint hearing is necessary or desirable.	Retained.	Regulation 15.1
rE159 Where a joint hearing is held: .1 these Regulations are to have effect in relation to the hearing with the necessary modifications as directed by the Chair; and .2 each <i>respondent</i> concerned is to be able to exercise any of the rights granted to that <i>respondent</i> under these Regulations whether or not any other <i>respondent</i> concerned wishes to exercise that right.	Retained.	Regulation 15.2
rE160 Unless it is of the view that there is a risk of prejudice to the fairness of the proceedings, the <i>Disciplinary Tribunal</i> may consider and determine at a single hearing two or more matters which have been separately referred to the <i>Disciplinary Tribunal</i> in respect of the same <i>respondent</i> , whether or not those matters arise from the same circumstances.	Retained.	Regulation 15.3.
Regulation E161 - Amendment and addition of charge(s) and/or application(s)		
rE161 A <i>Disciplinary Tribunal</i> may at any time before or during the hearing grant permission to the Bar Standards Board to amend the charge(s) and /or application(s) against any respondent , or grant permission for new charge(s) and/or application(s) be added, provided that: .1 the <i>Disciplinary Tribunal</i> is satisfied that no respondent will by reason of such an amendment or addition suffer any substantial prejudice in the conduct of their defence; and .2 the <i>Disciplinary Tribunal</i> will, if so requested by a respondent, adjourn for such time as the <i>Disciplinary Tribunal considers</i> reasonably necessary to enable that respondent to meet the amended charge(s) or application(s).	Retained with minor amendments.	Regulation 16.1.
Regulations E162-E163 - Adjournment of the hearing		
rE162 Subject to rE163, the <i>Disciplinary Tribunal</i> must sit from day to day until it has made a finding and, if any charge or application is found proved, until sanction has been determined.	Removed.	
rE163 A <i>Disciplinary Tribunal</i> may, if they decide an adjournment is necessary for any reason, adjourn the hearing for such period or periods as it may decide.	Removed.	
Regulation E164 - Standard of proof		
rE164 The <i>Disciplinary Tribunal</i> must apply the civil standard of proof when deciding charges of professional misconduct and in deciding whether the <i>disqualification condition</i> has been established	Amended	Regulation 17.
Regulation E165 - Rules of natural justice		
rE165 The rules of natural justice apply to proceedings of a <i>Disciplinary Tribunal</i> .	Removed	
Regulations E166-E168 - Evidence		

Existing BSB Provision - v.4.8	Status	New provision reference
rE166 The <i>Disciplinary Tribunal</i> may: .1 (subject to rE167 below) admit any evidence, whether oral or written, whether given in person, or over the telephone, or by video link, or by such other means as the <i>Disciplinary Tribunal</i> may deem appropriate, whether direct or hearsay, and whether or not it would be admissible in a court of law; .2 give such directions with regard to the admission of evidence at the hearing as it considers appropriate, ensuring that a respondent has a proper opportunity of answering the charge(s) and/or application(s) made against them; .3 exclude any hearsay evidence if it is not satisfied that reasonable steps have been taken to obtain direct evidence of the facts sought to be proved by the hearsay evidence.	Retained, with ammendment.	Regulation 18.1 & 18.2
rE167 Any party may refer to the fact (if relevant) that the <i>determination by consent procedure</i> was used before the allegation was referred as a charge before a <i>Disciplinary Tribunal</i> . However, no reference may be made to the substance of the procedure (including, without limitation, any reference to the contents of any report produced in the course of such procedure, or to the circumstances in which the determination by consent procedure ended), unless and until the respondent refers to the substance of the procedure in the course of presenting their case, or when they are being sanctioned.	Retained, with ammendment.	Regulation 18.3.
rE168 Where a party has previously failed to comply with any direction made by the Directions Judge, or has failed to do any act, including the submission of evidence, within the time period specified in a direction, the <i>Disciplinary Tribunal</i> may, at its discretion: .1 decide to exclude the relevant evidence; or .2 draw an adverse inference against that party.	Amended	Regulation 8.
Regulations E169-E170 - Decisions of courts or tribunals		
rE169 In proceedings before a <i>Disciplinary Tribunal</i> which involve the decision of a court or tribunal in previous proceedings to which the respondent was a party, or where a wasted costs order was made against the respondent , the following Regulations shall apply: .1 a copy of the certificate or memorandum of conviction relating to the offence shall be conclusive proof that the respondent committed the offence; .2 any court record of the findings of fact upon which the conviction was based (which may include any document prepared by the sentencing judge or a transcript of the relevant proceedings) shall be proof of those facts, unless proved to be inaccurate; .3 the finding and sanction of any tribunal in or outside England and Wales exercising a professional disciplinary jurisdiction may be proved by producing an official copy of the finding and sanction and the findings of fact upon which that finding or sanction was based shall be proof of those facts, unless proved to be inaccurate; and .4 the judgment of any civil court , or a wasted costs order made in any court , may be proved by producing an official copy of the judgment or order, and the findings of fact upon which that judgment or order was based shall be proof of those facts, unless proved to be inaccurate.	Retained with minor amendments	Regulation 19.1
rE170 In proceedings before a <i>Disciplinary Tribunal</i> which involve the decision of a court or tribunal in previous proceedings to which the respondent was not a party, with the exception of a wasted costs order that was made against the respondent , the provisions of rE169 do not apply.	Retained.	Regulation 19.2.
Regulations E171-E175 - Witness evidence at the Disciplinary Tribunal		
rE171 Witnesses shall be required to take an oath, or to affirm, before giving oral evidence at the hearing.	Retained.	Regulation 20.1
rE172 Subject to rE176, witnesses: .1 if giving oral evidence-in-chief, shall first be examined by the party calling them; .2 may be cross-examined by the opposing party; .3 may be re-examined by the party calling them; and .4 may at any time be questioned by the <i>Disciplinary Tribunal</i> .	Removed.	
rE173 Any further questioning of the witnesses by the parties shall be at the discretion of the <i>Disciplinary Tribunal</i> .	Removed.	
rE174 The <i>Disciplinary Tribunal</i> may, upon the application of a party, agree that the identity of a witness should not be revealed in public.	Retained with minor amendments	Regulation 20.3 / regulation 7.7.

Existing BSB Provision - v.4.8	Status	New provision reference
rE175 A witness of fact shall be excluded from the hearing until they are called to give evidence, failing which they will not be entitled to give evidence without leave of the <i>Disciplinary Tribunal</i>	Retained.	Regulation 20.2.
Regulations E176-E182 - Vulnerable Witnesses		
rE176 For the purpose of Part 5: Section B, any person falling into one or more of the following categories may be treated by the Disciplinary Tribunal as a vulnerable witness in proceedings before it: .1 any witness under the age of 18 at the time of the hearing; .2 any witness with a mental disorder within the meaning of the Mental Health Act 1983; .3 any witness who is significantly impaired in relation to intelligence and social functioning; .4 any witness with physical disabilities who requires assistance to give evidence; .5 any witness, where the allegation against the respondent is of a sexual or violent nature and the witness was the alleged victim; and .6 any witness who complains of intimidation.	Amended.	Regulation 20.3.
rE177 Subject to hearing representations from the parties, the Chair of the <i>Disciplinary Tribunal</i> or the <i>Disciplinary Tribunal</i> may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness.	Amended.	Regulation 20.3.
rE178 Any witness who is not regarded as a vulnerable witness under rE176 may apply for one or more of the measures set out in rE179 to be put into place on the ground that the measure(s) is desirable to enable the <i>Disciplinary Tribunal</i> to receive the witness's evidence.	Removed.	Regulation 20.3.
rE179 Measures adopted by the <i>Disciplinary Tribunal</i> for receiving evidence from a vulnerable witness may include, but are not to be limited to: .1 use of video links; .2 use of pre-recorded evidence as the evidence-in-chief of a witness, provided always that such a witness is available at the hearing for cross-examination and questioning by the <i>Disciplinary Tribunal</i> ; .3 use of interpreters (including signers and translators) or intermediaries; .4 use of screens or such other measures as the <i>Disciplinary Tribunal</i> consider necessary in the circumstances in order to prevent: .a the identity of the witness being revealed to the press or the general public; or .b access to the witness by the respondent .5 the hearing of evidence (either whole or in part) by the Disciplinary Tribunal in private.	Removed.	Regulation 20.3.
rE180 No <i>respondent</i> charged with an allegation of a sexual or violent nature may cross-examine in person a witness who is the alleged victim, either: .1 in connection with that allegation, or .2 in connection with any other allegation (of whatever nature) with which the said respondent is charged in the proceedings.	Retained with minor amendments	Regulation 20.4.
rE181 In the circumstances set out in rE180, in the absence of the respondent's written consent, <i>BTAS</i> must, no less than seven days before the hearing, appoint a legally qualified person to cross-examine the witness on the <i>respondent's</i> behalf.	Retained	Regulation 20.4.
rE182 Removed from 1 November 2017.	Removed.	
Regulations E183-E184 - Absence of Respondent		
rE183 Where the respondent has not attended at the time and place appointed for the hearing, the <i>Disciplinary Tribunal</i> may nevertheless, subject to compliance with rE234.1 in respect of that respondent, proceed to hear and determine the charge(s) or application(s) relating to that respondent, if it considers it just to do so and it is satisfied that the relevant procedure has been complied with (that is, the respondent has been duly served (in accordance with rE249 of these Regulations) with the documents required by rE102, rE103, and rE132.3.c (as appropriate)).	Retained with amendments.	Regulation 21.

Existing BSB Provision - v.4.8	Status	New provision reference
rE184 If the relevant procedure has not been complied with, but a <i>Disciplinary Tribunal</i> is satisfied that it has not been practicable to comply with the relevant procedure, the Tribunal may hear and determine the charge(s) or application(s) in the absence of that <i>respondent</i> , if it considers it just to do so, subject to compliance with rE234.2 in respect of that <i>respondent</i> if the <i>Disciplinary Tribunal</i> finds any charge or application proved.	Retained with amendments.	Regulation 21.
Regulations E185-E187 - Application for a fresh hearing		
rE185 Where the <i>Disciplinary Tribunal</i> proceed in the respondent's absence, in accordance with rE183 or rE184, the <i>respondent</i> may apply to <i>BTAS</i> for a <i>Directions Judge</i> , appointed by the <i>President</i> , to consider an application for a fresh hearing before a new <i>Disciplinary Tribunal</i> .	Retained with amendments.	Regulation 22.1
rE186 The respondent's application under rE185 must be supported by a statement setting out the facts and/or circumstances upon which the respondent relies in support of their application.	Retained.	Regulation 22.2.
rE187 The <i>Directions Judge</i> may grant a new hearing if they consider it just to do so and if they are satisfied that: .1 the respondent submitted their application for a new hearing promptly upon becoming aware of the decision of the <i>Disciplinary Tribunal</i> ; and .2 the respondent had good reason for not attending the hearing.	Retained with amendments.	Regulation 22.3.
Regulations E188-E198 - Order of proceedings at a hearing		
rE188 The order of proceedings at a hearing shall be as set out in these regulations unless the <i>Disciplinary Tribunal</i> decides, having considered the interests of justice and fairness to the parties, that the procedure should be varied. The <i>Disciplinary Tribunal</i> may then give such directions with regard to the conduct of, and procedure at, the hearing as it considers appropriate.	Retained, with minor amendments.	Regulation 23.1 23.2.
rE189 At any time during the hearing when it considers it desirable, the <i>Disciplinary Tribunal</i> may retire into private to deliberate.	Retained	Regulation 23.3.
rE190 The <i>Disciplinary Tribunal</i> shall consider any submissions from the parties in relation to objection(s) to the charge(s) or preliminary applications, following which the <i>Disciplinary Tribunal</i> will retire into private session to consider the submissions and shall thereafter announce its determination.	Retained	Regulation 23.4
rE191 After the <i>Disciplinary Tribunal</i> has dealt with any submissions or applications under rE190, the Clerk shall read the charge(s) in public.	Amended	Regulation 23.5
rE192 The Clerk shall ask the respondent (s) whether the charge(s) is admitted or denied. The respondent (s) plea to the charge(s) will be entered on the record.	Retained with minor amendments	Regulation 23.6
rE193 Where the <i>respondent (s)</i> admit the charges(s), the Chair of the <i>Disciplinary Tribunal</i> shall announce the charge(s) proved and the <i>Disciplinary Tribunal</i> shall record in writing its finding on the charge(s) and its reasons. The matter shall then continue in accordance with the procedure set out at paragraph rE199 onwards.	Retained with minor amendments	Regulation 23.7
rE194 Where the <i>respondent (s)</i> denies the charge(s), the Bar Standards Board will present the case against the <i>respondent (s)</i> , which may include producing any evidence and calling any witness in person.	Retained	Regulation 23.8
rE195 After the evidence against the <i>respondent</i> has been called, the respondent shall be entitled to submit that they have no case to answer. The Bar Standards Board shall be entitled to respond to such a submission. If such a submission is upheld the <i>Disciplinary Tribunal</i> shall dismiss the charge(s), either in whole or in part. If the entirety of the case against the respondent is not dismissed and some charges remain the proceedings shall continue as set out at rE196 to rE198.	Retained with minor amendments	Regulation 23.9 and 23.10
rE196 The <i>respondent</i> shall then be entitled to call any witness, give evidence on their own behalf and adduce any other evidence in support of the respondent's defence.	Retained	Regulation 23.11

Existing BSB Provision - v.4.8	Status	New provision reference
rE197 The <i>Bar Standards Board</i> shall be entitled to call witnesses and adduce evidence in rebuttal of any part of the defence case.	Retained	Regulation 23.12
rE198 After the <i>respondent</i> has called any witness in person and adduced any evidence, the <i>Bar Standards Board</i> may address the <i>Disciplinary Tribunal</i> , and thereafter the <i>respondent</i> .	Retained	Regulation 23.13
Regulations E199-E202 - The finding		
rE199 At the end of the hearing, the <i>Disciplinary Tribunal</i> must record in writing its finding(s) on each charge or application, and its reasons. That record must be signed by the Chair and by all members of the Disciplinary Tribunal.	Retained with minor amendments	Regulation 25.1
rE200 If the members of the <i>Disciplinary Tribunal</i> do not agree on any charge or application, the finding to be recorded on that charge or application must be that of the majority. If the members of the Disciplinary Tribunal are equally divided on any charge or application, then, as the burden of proof is on the <i>Bar Standards Board</i> , the finding to be recorded on that charge or application must be that which is the most favourable to the respondent.	Retained with minor amendments	Regulation 25.2 and 25.3
rE201 The Chair of the <i>Disciplinary Tribunal</i> must then announce the <i>Disciplinary Tribunal</i> 's finding on the charge(s) or application(s), and state whether each such finding was unanimous or by a majority. The <i>Disciplinary Tribunal</i> is free to reserve its judgment.	Retained with minor amendments	Regulation 25.4 and 25.5.
rE202 In any case where the <i>Disciplinary Tribunal</i> dismisses the charge(s) and/or application(s), it may give advice to the respondent about their future conduct.	Retained	Regulation 25.6.
Regulations E202A – 202F - Interim suspension/withdrawal of practising rights pending a final decision on sanction		
rE202A In any case where charge(s) or application(s) have been found proved against the respondent and the Disciplinary Tribunal have decided to adjourn the hearing before deciding what sanction to impose, or where under rE211 a three-person panel refers a case to a five-person panel for sanction, the <i>Disciplinary Tribunal</i> must consider prior to the adjournment taking effect whether it is in the public interest to make an order and if so to make an order that: .1 requires the <i>respondent</i> to suspend their practice, in which case the <i>Bar Standards Board</i> must suspend that <i>respondent's</i> practising certificate; or .2 requires the <i>Bar Standards Board</i> to impose such conditions on the respondent's practice as the <i>Disciplinary Tribunal</i> deems necessary; or .3 prohibits the <i>respondent</i> , either unconditionally or subject to such conditions as the <i>Disciplinary Tribunal</i> deems necessary, from accepting or carrying out any public access instructions; or .4 the respondent's authorisation to conduct litigation be suspended or be subject to such conditions as the Disciplinary Tribunal deems necessary; or .5 where that <i>respondent</i> does not currently hold a practising certificate, requires the Bar Standards Board not to issue any practising certificate to them	Retained with amendments	Regulation 26.1 - 26.2.
rE202B Any order made under rE202A will take effect immediately and last until a decision on what sanction to impose has been made unless the <i>Disciplinary Tribunal</i> directs otherwise. Where an order is made under rE202A.1 the effect of the suspension will be as set out in rE220.	Retained with amendments	Regulation 26.3 and 26.4.
rE202C Where an order is made in respect of a <i>respondent</i> under rE202A and that <i>respondent</i> considers that, due to a change in the circumstances, it would be appropriate for that order to be varied, they may apply to the <i>President</i> in writing for it to be so varied.	Amended	Regulation 26.5.
rE202D When the <i>President</i> receives an application made under rE202C, they must refer it to the Chair and to one of the <i>lay members</i> of the <i>Disciplinary Tribunal</i> which originally made the order to make a decision on the application or where under rE211 a three-person panel refers a case to a five-person panel for sanction and that five-person panel has been convened by the President to the Chair and to one of the lay members of the new five-person panel.	Retained with amendments	Regulation 26.6.
rE202E Any application made under rE202C must be sent by the applicant, on the day that it is made, to the <i>Bar Standards Board</i> . The Bar Standards Board may make such representations as they think fit on that application to those to whom the application has been referred by the President.	Removed.	

Existing BSB Provision - v.4.8	Status	New provision reference
rE202F The persons to whom an application made under rE202C above is referred may vary or confirm the order in relation to which the application has been made.	Retained with amendments.	Regulation 26.7.
Regulations E203-E219 - The sanction		
rE203 If the Disciplinary Tribunal finds any of the charges or applications proved against a respondent, it may hear evidence of any previous: .1 finding of <i>professional misconduct</i> by a <i>Disciplinary Tribunal</i> or under the <i>determination by consent procedure</i> ; or .2 <i>Disqualification Order</i> ; or .3 finding of a breach of proper professional standards by the Bar Standards Board or any other regulator .4 adverse finding on a charge consisting of a legal aid complaint; made in respect of the respondent, or, where the proved charge(s) concerns a BSB entity, in respect of that body or any person employed in the BSB <i>entity</i> directly implicated by the charges	Retained with minor amendments	Regulation 27.1.
rE204 After hearing any representations by or on behalf of the respondent(s), the Disciplinary Tribunal must decide what sanction to impose on a respondent, taking into account the sentencing guidance and must record its sanction in writing, together with its reasons.	Retained with minor amendments	Regulation 27.2.
rE205 If the members of the <i>Disciplinary Tribunal</i> do not agree on the sanction to be imposed on a respondent, the sanction to be recorded must be that decided by the majority. If the members of the Disciplinary Tribunal are equally divided on the sanction to be imposed on a respondent, the sanction to be recorded must be that which is the most favourable to the <i>respondent</i> .	Retained with minor amendments	Regulation 27.3 and 27.4.
rE206 The Chair of the <i>Disciplinary Tribunal</i> must then announce the Disciplinary Tribunal's decision on sanction and state whether the decision was unanimous or by a majority.	Retained	Regulation 27.5
rE207 Subject to rE208 below: .1 a <i>respondent</i> against whom a charge of <i>professional misconduct</i> has been found proved may be sanctioned by the <i>Disciplinary Tribunal</i> as follows: .a in the case of <i>barristers</i> , in accordance with Annex 1 to these Regulations; .b in the case of a <i>BSB authorised body</i> , in accordance with Annex 2 to these Regulations; .c in the case of a <i>BSB licensed body</i> , in accordance with Annex 3 to these Regulations; .d in the case of registered <i>European lawyers</i> , in accordance with Annex 4 to these Regulations; .e in the case of all other <i>BSB regulated persons</i> , in accordance with Annex 5 to these Regulations; .2 in the case of a respondent who is an <i>applicable person</i> in respect of whom the <i>Disciplinary Tribunal</i> finds the <i>disqualification condition</i> to be established, the <i>Disciplinary Tribunal</i> may make a <i>Disqualification Order</i> if the <i>Disciplinary Tribunal</i> considers that the making of such a <i>Disqualification Order</i> is a proportionate sanction and is in the public interest (there being no other available sanction in respect of a non-authorised individual (other than an unregistered barrister, manager of a BSB entity or a registered European lawyer who does not have a current practicing certificate) directly or indirectly employed by a BSB authorised person).	Retained with minor amendments	Regulation 27.7(a) and (b).
rE208 In any case where a charge of professional misconduct has been found proved, the Disciplinary Tribunal may decide that no further action should be taken against the respondent	Retained	Regulation 27.8.
rE209 In any case where a charge of professional misconduct has not been found proved, the Disciplinary Tribunal may direct that the matter(s) be referred to the Bar Standards Board for it to consider whether an administrative sanction should be imposed in accordance with the provisions of rE19.3 or rE22.3 of the Enforcement Decision Regulations, where: .1 The <i>Disciplinary Tribunal</i> is satisfied there is sufficient evidence on the balance of probabilities of a breach of the Handbook by the respondent; and .2 The <i>Disciplinary Tribunal</i> considers that such referral to the Bar Standards Board is proportionate and in the public interest	Removed	
rE209A A direction made under rE209 is not a disposal or a finding for the purposes of the BSB Handbook.	Removed	

Existing BSB Provision - v.4.8	Status	New provision reference
.1 disbar a <i>barrister</i> or suspend a <i>barrister's practising certificate</i> for a period longer than twelve months; or .2 revoke the authorisation or licence (as appropriate) of a BSB entity or suspend it for a period longer than twelve months; or .3 remove a <i>registered European lawyer</i> from the register of European lawyers ; or .4 impose a sanction of suspension on any <i>BSB regulated person</i> for a prescribed period longer than twelve months; or .5 impose a <i>Disqualification Order</i> for more than twelve months. This Regulation does not prevent a three-person panel making an order in accordance with rE211 below.	Retained.	Regulation 27.9.
rE211 In the event that a three-person panel considers that a case before it merits the imposition on a respondent of any of the sentences referred to in rE210 or the three-person panel otherwise considers that the case of a particular respondent is complex enough to warrant sentencing by a five-person panel: .1 the three-person panel must refer the case to a five-person panel for it to sanction that <i>respondent</i> (but may proceed to sanction any other respondents to the proceedings in respect of whom this regulation does not apply); and .2 the three-person panel must, in order to help the five-person panel, prepare a statement of the facts as found (and, where relevant, the sentences passed on any other respondents to the proceedings). The respondent cannot challenge the facts found by the three-person panel; and .3 the three-person panel must direct within what period of time the sentencing hearing before the five-person panel is to be held and make appropriate directions for the parties to provide the <i>President</i> with their dates of availability.	Retained.	Regulation 27.10.
rE212 Following a referral by a three-person panel under rE211, the five-person panel must be constituted in accordance with rE140. The <i>President</i> must fix the date for the sentencing hearing and in so doing shall have regard to the availability of the parties, save that the <i>President</i> may disregard the availability of any party where that party has failed to provide any, or any reasonable dates of availability. As soon as is	Retained with amendments.	Regulation 27.11.
rE213 The <i>respondent</i> must be informed by <i>BTAS</i> as soon as practicable of the names and status (that is, as Chair, as <i>lay member</i>, as barrister or other) of those persons who it is proposed will constitute the five-person panel. The respondent may, when they are so informed, give notice to the <i>President</i> objecting to any one or more of the proposed members of the panel. That notice must be given as soon as is reasonably practicable, must specify the ground of objection, and must be dealt with in accordance with rE134 and rE135.	Retained, with amendments.	Regulation 27.11(c).
rE214 If the five-person panel is satisfied that the requirements of rE212 and rE213 above have been complied with, and the <i>respondent</i> has not attended at the time and place appointed for the sentencing hearing, the five-person panel may nonetheless sanction the <i>respondent</i> , provided that it complies with rE234.1.	Removed	Regulation 21.1.
rE215 If the five-person panel is satisfied that it has not been practicable to comply with the requirements of rE212 and rE213, above, and the <i>respondent</i> has not attended at the time and place appointed for the sentencing hearing, the five-person panel may nonetheless sanction the <i>respondent</i> , provided that it complies with rE234.2.	Removed	Regulation 21.1.
rE216 If the procedure under rE215 has been followed, the <i>respondent</i> may apply to the <i>Directions Judge</i> for an order that there should be a new sentencing hearing before a fresh five-person panel and the procedure for the <i>respondent's</i> application shall be as set out at rE185 to rE187 in these Regulations.	Removed	Regulation 22.1.

Existing BSB Provision - v.4.8	Status	New provision reference
rE217 Sections 41 and 42 of the Administration of Justice Act 1985 (as substituted by Section 33 of the Legal Aid Act 1988 and as amended by Schedule 4 to the Access to Justice Act 1999) confer certain powers (relating to the reduction or cancellation of fees otherwise payable by the <i>Legal Aid Agency</i> in connection with services provided as part of the Criminal Legal Aid or Civil Legal Aid and to the exclusion from providing representation funded by the <i>Legal Aid Agency</i> as part of the Criminal Legal Aid or Civil Legal Aid) on a <i>Disciplinary Tribunal</i> in the cases to which those Sections apply). Accordingly: .1 any <i>Disciplinary Tribunal</i> which hears a charge consisting of a <i>legal aid complaint</i> relating to the conduct of a <i>respondent</i> who is a <i>barrister</i> may if it thinks fit (and whether or not it sentences the <i>respondent</i> in accordance with rE207.1 in respect of any conduct arising out of the same <i>legal aid complaint</i>) order that any such fees as are referred to in Section 41(2) of the Act of 1985 shall be reduced or cancelled; .2 where a <i>Disciplinary Tribunal</i> hears a charge of <i>professional misconduct</i> against a <i>respondent</i> who is a <i>barrister</i> it may (in addition to, or instead of, sentencing that <i>respondent</i> in accordance with rE206.1) order that they be excluded from providing representation funded by the <i>Legal Aid Agency</i> as part of the Community Legal Service, or Criminal Defence Service, either temporarily, or for a specified period, if it determines that there is a good reason to exclude them arising from:	Retained, with amendments.	Regulation 27.7(a)(vi).
rE218 Whether or not a <i>Disciplinary Tribunal</i> finds any charge or application proved against a <i>barrister</i> who is a <i>pupil supervisor</i>, if the <i>Disciplinary Tribunal</i> considers that the circumstances of the <i>allegation</i> are relevant to the <i>respondent</i> in their capacity as a <i>pupil supervisor</i>, it may notify the <i>respondent's AETO</i> and/or the <i>BSB</i> of those concerns in such manner as it sees fit.	Retained	Regulation 27.12.
rE219 If a <i>barrister</i> is a member of more than one <i>Inn</i>, each <i>Inn</i> of which they are a member must be mentioned in the sanction imposed on them.	Retained	Regulation 27.13.
Regulations E220-E224 - Sanction of suspension from practice or from authorisation or licensing or imposition of conditions		
rE220 For the purposes of rE222 to rE224:. 1 The effect of a sanction of suspension for a <i>BSB authorised individual</i> is that: a the respondent's <i>practising certificate</i> is suspended by the Bar Standards Board for the period of the suspension; .b the respondent is prohibited from practising as a <i>barrister</i>, or holding themselves out as being a barrister when providing legal services or as otherwise being authorised by the Bar Standards Board to provide reserved legal activities or when describing themselves as a barrister in providing services other than legal services (whether or not for reward) unless they disclose the suspension; .2 The effect of a sanction of suspension for a registered <i>European lawyer</i> shall mean that the respondent is suspended from the <i>register</i> of <i>European lawyers</i> maintained by the <i>Bar Standards Board</i> and is, for so long as they remain suspended: .a prohibited from holding themselves out as registered with the <i>Bar Standards Board</i>; and; .b not authorised to <i>practise</i>. .3 The effect of a sanction of suspension for a <i>BSB entity</i> shall mean that the body's authorisation or licence is suspended for the period of the suspension such that the respondent is not an <i>authorised</i> person for that period; .4 The effect of a sanction on a <i>BSB authorised individual</i> or a <i>registered European lawyer</i> requiring completion of continuing professional	Retained	Regulation 29.1.
rE221 In exceptional circumstances, where the total suspension is three months or less, the Tribunal may postpone the commencement of the suspension for a period as it deems fit.	Retained	Regulation 29.2.
rE222 The period for which a sanction of suspension from practice is expressed to run may be: .1 a fixed period; or .2 until the <i>respondent</i> has complied with any conditions specified in the order imposing the sanction of suspension.	Amended	Regulation 29.3.
rE223 Conditions may be imposed on a <i>barrister's practising certificate</i> or on the authorisation or licence of a <i>BSB entity</i>: .1 without its being <i>suspended</i>; or .2 to take effect on a <i>barrister's practising certificate</i> or on the authorisation or licence of a <i>BSB entity</i> when a period of suspension ends.	Retained	Regulation 29.4.

Existing BSB Provision - v.4.8	Status	New provision reference
rE224 Conditions may (depending on the circumstances) include: .1 conditions limiting the scope of the <i>respondent's practice</i> (after the end of any suspension, if relevant) to such part as the <i>Disciplinary Tribunal</i> may determine, either indefinitely or for a defined period; and/or .2 imposing requirements that the <i>respondent</i> , or in the case of a <i>BSB entity</i> , its <i>managers</i> or employees, undergo such further <i>training</i> as the <i>Disciplinary Tribunal</i> may determine; and/or .3 prohibiting the <i>respondent</i> from accepting or carrying out any <i>public access instructions</i> ; and/or .4 such other matters as the <i>Disciplinary Tribunal</i> may consider appropriate for the purpose of protecting the public and/or preventing a repetition of the conduct in question.	Retained with amendments	Regulation 29.5.
Regulations E225-E233 - Suspension/withdrawal of practising rights pending the hearing of any appeal		
rE225 rE226 to rE233 below apply to any <i>respondent</i> who: .1 is a <i>barrister</i> , who has been sanctioned to be disbarred or to be <i>suspended</i> or to be prohibited from accepting or carrying out any public access work or <i>instructions</i> for more than twelve months; .2 is a BSB authorised <i>individual</i> , who has been sanctioned to be disqualified or to be <i>suspended</i> for more than twelve months; .3 is a BSB <i>entity</i> , which has been sanctioned to have its authorisation or licence revoked or suspended for more than twelve months; or .4 is a BSB authorised person, who has been sanctioned to have conditions placed on their practising certificate, authorisation or licence (as	Retained with minor amendments	Regulation 30.1
rE226 Where rE225 applies, the <i>Disciplinary Tribunal</i> must seek representations from the <i>respondent</i> and from the <i>Bar Standards Board</i> on the appropriateness or otherwise of taking action under rE227 below.	Retained	Regulation 30.2
rE227 Having heard any representations under rE225 the <i>Disciplinary Tribunal</i> must (unless in the circumstances of the case it appears to the <i>Disciplinary Tribunal</i> to be inappropriate to do so), either: .1 in relation to rE225.1 to rE225.3, require the <i>respondent</i> to suspend their <i>practice</i> immediately, in which case the <i>Bar Standards Board</i> must suspend that <i>respondent's practising certificate</i> with immediate effect; or .2 in relation to rE225.4 decide that the condition prohibiting the <i>respondent</i> from accepting <i>public access instructions</i> or conducting any litigation, shall take effect immediately; or .3 where the <i>respondent</i> has been sanctioned to be disbarred or to be suspended, and where that <i>respondent</i> does not currently hold a <i>practising certificate</i> , require the <i>Bar Standards Board</i> not to issue any <i>practising certificate</i> to them.	Retained with minor amendments	Regulation 30.3 & 30.4.
rE228 If the <i>Disciplinary Tribunal</i> decides that it would be inappropriate to require immediate <i>suspension</i> or immediate imposition of conditions (as the case may be) it may nonetheless require the <i>respondent</i> to suspend their <i>practice</i> or to impose conditions, from such date as the <i>Disciplinary Tribunal</i> may specify.	Retained	Regulation 30.5.
rE229 Where the <i>respondent</i> is permitted to continue to practise for any period before being <i>suspended</i> under rE228 the <i>Disciplinary Tribunal</i> may require the <i>Bar Standards Board</i> to impose such terms on the <i>respondent's practice</i> as the <i>Disciplinary Tribunal</i> deems necessary to protect the public until the suspension comes into effect.	Retained	Regulation 30.6.
rE230 Where an order is made in respect of a <i>respondent</i> under rE225 and that <i>respondent</i> considers that, due to a change in the circumstances, it would be appropriate for that order to be varied, they may apply to the <i>President</i> in writing for it to be varied.	Retained, with amendments.	Regulation 30.7.
rE231 When the <i>President</i> receives an application made under rE230, they must refer it to the Chair and to one of the <i>lay members</i> of the <i>Disciplinary Tribunal</i> which originally made the order to make a decision on the application.	Retained	Regulation 30.8.
rE232 Any application made under rE230 must be sent by the applicant, on the day that it is made, to the <i>Bar Standards Board</i> . The <i>Bar Standards Board</i> may make such representations as they think fit on that application to those to whom the application has been referred by the <i>President</i> .	Retained, with minor amends.	Regulation 30.9.
rE233 The persons to whom an application made under rE230 above is referred may vary or confirm the order in relation to which the application has been made.	Retained	Regulation 30.10.
Regulation E234 - Wording of the sanction when respondent not present		

Existing BSB Provision - v.4.8	Status	New provision reference
rE234 If a <i>respondent</i> has not been present throughout the proceedings, the sanction in respect of that <i>respondent</i> must include one or more of the following statements: .1 if the relevant procedure under rE183 has been complied with, that the finding and sanction were made in the absence of the <i>respondent</i> in accordance with rE183; .2 if the procedure under rE184 has been complied with, that the finding and the sanction were made in the absence of the <i>respondent</i> and that they have the right to apply to the <i>Directions Judge</i> for an order that there should be a new hearing before a fresh <i>Disciplinary Tribunal</i> ; .3 if the relevant procedure under rE213 has been complied with, that the sanction was made in the absence of the <i>respondent</i> in accordance with rE214; .4 if the procedure under rE215 has been complied with, that the sanction was made in the absence of the <i>respondent</i> and that they may apply to the <i>Directions Judge</i> for an order that there should be a new hearing before a fresh <i>Disciplinary Tribunal</i> .	Removed	Regulation 21.
Regulation E235 - Report of Finding and Sanction		
rE235 As soon as is practicable after the end of the proceedings of a <i>Disciplinary Tribunal</i> , the Chair must prepare a report in writing of the finding (s) on the charge(s) of <i>professional misconduct</i> and/or on any applications, and the reasons for those findings and the sanction. At the discretion of the Chair, the report may also refer to matters which, in the light of the evidence given to the <i>Disciplinary Tribunal</i> , appear to require investigation or comment. The Chair must send copies of the report to: .1 the <i>respondent</i> ; .2 the Director General of the <i>Bar Standards Board</i> ; .3 the Chair of the <i>Bar Standards Board</i> ; and .4 where a <i>barrister</i> has been disbarred, the <i>respondent's Inn</i> of Call and to any other Inns of which they are a member; and .5 where a <i>HOLP</i> or <i>HOFA</i> or <i>manager</i> or employee of a <i>licensed body</i> has been disqualified, the <i>LSB</i> ; and .6 in cases where one or more charges of <i>professional misconduct</i> have been found proved: .a the <i>respondent's</i> head of chambers, <i>HOLP</i> , or employer (as appropriate); and .b in the case of a <i>registered European lawyer</i> , their home professional body; and .7 in cases where one or more charges of <i>professional misconduct</i> have been found proved and any such charge constitutes, or arises out of, a <i>legal aid complaint</i> , and/or the sanction includes an order under rE217, the <i>Legal Aid Agency</i> ; and	Retained with minor amendments	Regulation 31.1 & 31.2.
Regulations E236-E238 - Appeals		
In cases where one or more charges of <i>professional misconduct</i> have been proved, and/or a <i>disqualification order</i> has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules: .1 by the <i>respondent</i> against finding and/or sanction; .2 with the consent of the <i>Commissioner</i> , by the <i>Bar Standards Board</i> against sanction.	Retained with amendments to provide for the BSB to appeal cases where charges are found proven "in part" and where an application for a disqualification order has been refused.	Regulation 33.1.
rE237 In any case where any charge of <i>professional misconduct</i> or application to <i>disqualify</i> has been dismissed, the <i>Bar Standards Board</i> may (with the consent of the <i>Commissioner</i>) lodge an appeal with the High Court in accordance with the Civil Procedure Rules.	Removed	Regulation 33.2(b).
rE238 Where a <i>respondent</i> lodges an appeal against a disbarment or <i>Disqualification Order</i> or the revocation of a licence or authorisation, they may at the same time lodge with the High Court an appeal against any requirement imposed under rE227 to rE229 as appropriate.	Retained	Regulation 33.3.
Regulations E239-E240 - Action to be taken by the Inn (in circumstances where a barrister has been sanctioned to be disbarred)		

Existing BSB Provision - v.4.8	Status	New provision reference
rE239 The Treasurer of the <i>respondent's Inn</i> of Call must not fewer than 21 days, or more than 35 days, after the end of the <i>Disciplinary Tribunal's</i> proceedings (or, where the <i>respondent</i> has given notice of appeal to High Court against the finding and/or sanction, once the time for appeal to the High Court has expired and any appeal to the High Court has been disposed of) pronounce the sanction of disbarment decided on by the <i>Disciplinary Tribunal</i> , and take such further action as may be required to carry the sanction into effect. The Treasurer must inform the <i>persons</i> specified in rE235 of the date on which the sanction is to take effect, (which must be no later than two working days after the date when that sanction is pronounced).	Retained, with minor amends.	Regulation 34.1 & 34.2.
rE240 In any case in which the <i>respondent</i> has given notice of appeal to the High Court against the finding and/or sanction of the <i>Disciplinary Tribunal</i> on the charges of <i>professional misconduct</i> , no action referred to in rE239 may be taken until the appeal has been heard by the High Court, or otherwise disposed of without a hearing.	Retained	Regulation 34.1(b).
Regulations E241-E242 - Action to be taken by the Bar Standards Board		
rE241 Subject to rE242, the <i>Bar Standards Board</i> must take the appropriate steps to put the finding and/or sanction of the <i>Disciplinary Tribunal</i> into effect, except that in any case in which an <i>applicable person</i> has given notice of appeal to the High Court against the finding and/or sanction of the <i>Disciplinary Tribunal</i> on the charges of <i>professional misconduct</i> or <i>disqualification order</i> , no action may be taken until the appeal has been heard by the High Court or otherwise disposed of without a hearing.	Retained with minor amendments	Regulation 35.1.
rE242 Where the finding and/or sanction of the <i>Disciplinary Tribunal</i> is that the <i>BSB regulated person</i> should be subject to an immediate suspension and/or immediate imposition of conditions in accordance with rE226 the actions of the <i>Bar Standards Board</i> must not be deferred even if the <i>BSB regulated person</i> has given notice of appeal to the High Court against the finding and/or sanction of the <i>Disciplinary Tribunal</i> on the charges of <i>professional misconduct</i> .	Retained	Regulation 35.2.
Regulations E243-E243A - Publication of finding, sanction and report of the Disciplinary Tribunal		
rE243 The following procedures apply to the publication of the finding and sanction of a <i>Disciplinary Tribunal</i> : .1 <i>BTAS</i> : .a must, where charges are proved, publish the finding and sanction of the <i>Disciplinary Tribunal</i> on its website within 14 days of the date when the <i>Disciplinary Tribunal's</i> proceedings end, unless, on application by the <i>respondent</i> at the hearing, the <i>Disciplinary Tribunal</i> directs that it is not in the public interest to publish the finding and/or sanction; and .b must, where charges have been dismissed, including following an application under rE127.2, not publish the finding on its website, unless the <i>respondent</i> so requests; and .2 The <i>Bar Standards Board</i> is free to publish the findings and sanction of a <i>Disciplinary Tribunal</i> on its website in accordance with rE243.1.	Amended	Regulation 32.1 & 32.2.
rE243A The following procedures apply to the publication of the report of the <i>Disciplinary Tribunal</i> Decision: .1 <i>BTAS</i> : .a must, where charges are proved, publish the report of the <i>Disciplinary Tribunal</i> decision on its website within a reasonable time after the date when the <i>Disciplinary Tribunal's</i> proceedings end, unless, on application by the <i>respondent</i> at the hearing, the <i>Disciplinary Tribunal</i> directs that it is not in the public interest to publish the report; and .b must, where charges have been dismissed, including following an application under rE127.2, not publish the report on its website, unless the <i>respondent</i> so requests; and .c must, where charges have been dismissed, including following an application under rE127.2, publish an anonymised summary of the report on its website, unless on application by the <i>respondent</i> at the hearing, the <i>Disciplinary Tribunal</i> directs that it is not in the public interest to publish the anonymised summary; and .d may, where charges have been dismissed, publish the report of the <i>Disciplinary Tribunal</i> on their websites at any time, provided that in this	Amended	Regulation 32.1(b) / 32.2.
Regulations E244-E248 - Costs		
rE244 A <i>Disciplinary Tribunal</i> or Directions Judge may make such Orders for costs, whether against or in favour of a <i>respondent</i> , as the <i>Disciplinary Tribunal</i> or Directions Judge shall think fit.	Retained with minor amendments	Regulation 36.1.

Existing BSB Provision - v.4.8	Status	New provision reference
rE245 A party who wishes to make an application for costs must, no later than 24 hours before the commencement of the hearing, serve upon any other party and file with <i>BTAS</i> a schedule setting out the costs they seek.	Retained with minor amendments	Regulation 36.2.
rE246 Where it exercises its discretion to make an Order for costs, a <i>Disciplinary Tribunal</i> must either itself decide the amount of such costs or direct <i>BTAS</i> to appoint a suitably qualified <i>person</i> to do so on its behalf.	Retained	Regulation 36.3.
rE247 Any costs ordered to be paid by or to a <i>respondent</i> must be paid to or by the <i>Bar Standards Board</i> .	Retained	Regulation 36.4.
rE248 All costs incurred by the <i>Bar Standards Board</i> preparatory to the hearing before the <i>Disciplinary Tribunal</i> must be borne by the <i>Bar Standards Board</i> .	Amended	Regulation 36.5.
Regulations E249-E250 - Service of documents		
rE249 Any documents required to be served on a <i>respondent</i> in connection with proceedings under these Regulations shall be deemed to have been validly served: .1 If sent by guaranteed delivery post, or other guaranteed or acknowledged delivery, or receipted hand delivery to: .a in the case of a <i>BSB authorised individual</i> , the address notified by them pursuant to the requirements of Part 2 of this <i>Handbook</i> (or any provisions amending or replacing it) as their <i>practising address</i> ; or .b in the case of a <i>BSB entity</i> , its registered office address or its principal office; or .c in the case of a <i>BSB regulated person</i> or non- <i>authorised individual</i> acting as a <i>manager</i> or employee of a <i>BSB entity</i> , the address provided by the <i>BSB entity</i> as their home address or, in the absence of such information, the address of the relevant <i>BSB entity</i> notified pursuant to the requirements of Part 2 of this <i>Handbook</i> ; or .d in either case, an address to which the <i>respondent</i> has asked in writing that such documents be sent; or .e in the absence of any of the above, to their last known address; or; .f in the case of a <i>BSB regulated person</i> or non- <i>authorised individual</i> acting as a <i>manager</i> or employee of a <i>BSB entity</i> , the last known address of the relevant <i>BSB entity</i> , and such service shall be deemed to have been made on the second working day after the date of posting or on the next working day after receipted hand delivery; .2 If served by e-mail, where: .a the <i>respondent's</i> e-mail address is known to the <i>Bar Standards Board</i> ; and .b the <i>respondent</i> has asked for or agreed to service by e-mail. or it is not possible to serve by other means:	Amended	Regulation 37.1.
rE250 For the purpose of rE249.1, "receipted hand delivery" means a delivery by hand which is acknowledged by a receipt signed by the <i>respondent</i> or by a relevant representative of the <i>respondent</i> (including, for example, the <i>respondent's</i> clerk, or a <i>manager</i> or employee of the <i>BSB entity</i> at which the <i>respondent</i> work).	Removed.	
Regulations E251-E253 - Delegation		
rE251 The powers and functions conferred by these Regulations on a <i>Directions judge</i> may be exercised by any other <i>Judge</i> or King's Counsel nominated by <i>the President</i> , including the <i>Judge</i> or King's Counsel designated in the <i>Convening Order</i> as Chair of the <i>Disciplinary Tribunal</i> appointed to hear and determine the charge or charges against the <i>respondent</i> , if the <i>Directions Judge</i> is unable to act due to absence, or for any other reason.	Amended.	Regulation 2.4 - 2.7
rE252 Any duty or function or step which, under these regulations, is to be discharged or carried out by <i>the President</i> may, if they are unable to act due to absence or to any other reason, be discharged or carried out by the Registrar of BTAS, the Chair of Tribunal, or by any other person nominated in writing by the President for any specific purpose.	Amended.	As above.
rE253 Anything required by these Regulations to be done or any discretion required to be exercised by, and any notice required to be given to, <i>the President</i> may be done or exercised by, or given to, any <i>person</i> authorised by <i>the President</i> , either prospectively or retrospectively and either generally or for a particular purpose. Any authorisation given by the President under this regulation must be in writing.	Amended.	As above.
Regulations E254-E258 - Exclusion from providing representation funded by the Legal Aid Agency (Application for termination)		

Existing BSB Provision - v.4.8	Status	New provision reference
rE254 A <i>respondent</i> who has been excluded from legal aid work under Section 42 of the Administration of Justice Act 1985 may apply for an order ending their exclusion from providing representation funded by the <i>Legal Aid Agency</i> as part of the Community Legal Service or Criminal Defence Service in accordance with rE256 below.	Retained	Regulation 38.1.
rE255 Any such application must be in writing and addressed to the Chair of the <i>Disciplinary Tribunal</i> that made the original order.	Retained	Regulation 38.2.
rE256 <i>The President</i> may dismiss the application, or may decide that the <i>respondent's</i> exclusion from providing representation funded by the <i>Legal Aid Agency</i> as part of the Criminal Legal Aid or Civil Legal Aid be ended forthwith, or on a specified future date .	Retained	Regulation 38.3.
rE257 The Chair of the <i>Disciplinary Tribunal</i> must notify their decision in writing to all those <i>persons</i> who received copies of the report of the <i>Disciplinary Tribunal</i> under rE235.	Amdended.	Regulation 38.4.
rE258 <i>The Disciplinary Tribunal</i> may make such order for costs in relation to an application under rE244 as it thinks fit and rE244 to rE248 apply with all necessary modifications.	Retained	Regulation 38.5.
Regulation E259 - Interpretation In Section 5.B all italicised terms shall be interpreted in accordance with the definitions in Part 6.	Retained	Regulation 2.2
Part 5 - B2. Citation and commencement rE260 These Regulations may be cited as “ <i>The Disciplinary Tribunal Regulations 2017</i> ”.	Retained with amendment.	Regulation 1.1
rE261 These Regulations will come into effect on 1 November 2017 and shall apply to all cases referred to a <i>Disciplinary Tribunal</i> prior to that date under the Regulations then applying, and any step taken in relation to any <i>Disciplinary Tribunal</i> pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these Regulations.	Reatined with amendment.	Regulation 1.2
rE261A Notwithstanding the provisions in rE164 and rE261, the <i>Disciplinary Tribunal</i> must apply the criminal standard of proof when deciding .1 charges of <i>professional misconduct</i> where the conduct alleged within that charge occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019 and forms the basis of a single charge of <i>professional misconduct</i> ; and .2 whether the <i>disqualification condition</i> has been established, in relation to an applicable person's alleged breach of duty or other conduct which occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019.	Retained	Regulation 17.2.
Part 5 - B3. Annexes to the Disciplinary Tribunals Regulations Annex 1 - Sentencing Powers Against Barristers		

Existing BSB Provision - v.4.8	Status	New provision reference
when a charge of professional misconduct has been found proved against a barrister [1] by a <i>Disciplinary Tribunal</i>, the <i>Disciplinary Tribunal</i> may decide to: .1 order that they be disbarred; .2 order that their <i>practising certificate</i> be suspended for a prescribed period; .3 order that their <i>practising certificate</i> should not be renewed; .4 order that conditions be imposed on their <i>practising certificate</i> ; .5 order that they be prohibited, either indefinitely or for a prescribed period and either unconditionally or subject to conditions, from accepting or carrying out any <i>public access instructions</i> ; .6 order that their authorisation to <i>conduct litigation</i> be removed or suspended, or be subject to conditions imposed; .7 order them 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 or her time as an employee or manager of a licensed body); .8 order them to complete continuing professional development of such nature and duration as the <i>Disciplinary Tribunal</i> may direct, whether outstanding or additional requirements, and to provide satisfactory proof of compliance with this order to the <i>supervision team</i> ; .9 reprimand them; .10 give them advice about their future conduct; .11 order them to attend on a nominated <i>person</i> to be reprimanded; or .12 order them to attend on a nominated <i>person</i> to be given advice about their future conduct. [1] If an application to disqualify the <i>Barrister</i> from acting as <i>HOLP</i>, manager or employee of an <i>authorised person</i> is made in the same proceedings, the <i>Disciplinary Tribunal</i> may also disqualify the <i>Barrister</i> in accordance with the provisions of Annex 5.	Retained	Schedule 1
Annex 2 - Sentencing Powers Against BSB Authorised Bodies		
If a <i>Disciplinary Tribunal</i> finds a charge of <i>professional misconduct</i> proved against a <i>BSB authorised body</i> , the <i>Disciplinary Tribunal</i> may decide to : .1 order that its authorisation to practise as a <i>BSB authorised body</i> be removed; .2 order that conditions be imposed on its authorisation to practise as a <i>BSB authorised body</i> ; .3 order that its authorisation to <i>practise</i> for a prescribed period be suspended (either unconditionally or subject to conditions); .4 order that it be re-classified as a BSB licensed body (either unconditionally or with conditions imposed on its licence to practise as a <i>BSB licensed body</i>); .5 order that its authorisation to <i>conduct litigation</i> be withdrawn or suspended, or be subject to conditions on it; .6 order it to pay a fine of up to £250,000 to the <i>Bar Standards Board</i>; .7 order that its <i>managers</i> or employees complete continuing professional development of such nature and duration as the <i>Disciplinary Tribunal</i> may direct and to provide satisfactory proof of compliance with this order to the <i>supervision team</i>; .8 reprimand it; .9 give it advice about its future conduct; or .10 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.	Retained	Schedule 2
Annex 3 - Sentencing Powers Against BSB Licensed Bodies		
If a <i>Disciplinary Tribunal</i> finds a charge of <i>professional misconduct</i> proved, against a <i>BSB licensed body</i> the <i>Disciplinary Tribunal</i> may decide to: .1 revoke its licence to practise; .2 suspend its licence to practise for a prescribed period (either unconditionally or subject to conditions); .3 impose conditions on its licence to practise; .4 withdraw or suspend its <i>right to conduct litigation</i> or to impose conditions on it; .5 order it to pay a fine of up to £250,000,000 to the <i>Bar Standards Board</i> ; .6 order it to ensure that its <i>managers</i> or employees 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> ; .7 reprimand it; .8 give advice to it about its future conduct; or .9 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.	Retained	Schedule 3
Annex 4 - Sentencing Powers Against Registered European Lawyers		

Existing BSB Provision - v.4.8	Status	New provision reference
If a <i>Disciplinary Tribunal</i> finds a charge of <i>professional misconduct</i> proved against a <i>registered European lawyer</i>, the <i>Disciplinary Tribunal</i> may decide to: .1 order that they be removed from the <i>register of European lawyers</i>; .2 order that they be suspended from the <i>register of European lawyers</i> for a prescribed period (either unconditionally or subject to conditions); .3 order a condition to be imposed on them prohibiting them, either indefinitely or for a prescribed period and either unconditionally or subject to conditions, from accepting or carrying out any <i>public access instructions</i>; .4 order them to pay a fine of up to £50,000 to the <i>Bar Standards Board</i> (or of up to £50,000,000 if, the charges relate to their time as an employee or <i>manager of a licensed body</i>); .5 order them to complete continuing professional development of such nature and duration as the <i>Disciplinary Tribunal</i> shall direct, whether outstanding or additional requirements, and to provide satisfactory proof of compliance with this order to the <i>supervision team</i>; .6 reprimand them; .7 give them advice about their future conduct; .8 order them to attend on a nominated <i>person</i> to be reprimanded; or .9 order them to attend on a nominated <i>person</i> to be given advice about their future conduct.	Retained	Schedule 4
Annex 5 - Sentencing Powers Against All Other BSB Regulated Persons If a <i>Disciplinary Tribunal</i> finds a charge of <i>professional misconduct</i> proved against any other <i>BSB regulated person</i> [2] the <i>Disciplinary Tribunal</i> may decide to: .1 order them 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 their time as an employee or <i>manager of a licensed body</i>); .2 reprimand them; .3 give them advice about their future conduct; .4 order them to attend on a nominated <i>person</i> to be reprimanded; .5 order them to attend on a nominated <i>person</i> to be given advice about their future conduct. [2] If an application to disqualify is made in the same proceedings, the <i>Disciplinary Tribunal</i> may also disqualify a <i>BSB regulated person</i> in accordance with these Regulations.	Retained	Schedule 5
Annex 6 - Standard Directions The <i>standard directions</i> as referred to in rE103.3 are as follows : 1. The hearing will be in public; 2. This timetable will commence on the second working day after filing of these directions with the <i>BTAS</i> and all time limits will run from that date, unless stated otherwise ; 3. Within 28 days, ie by [date]: 3.1 all parties will provide <i>BTAS</i> with dates when they are available for the substantive hearing in the period between [month/year] and [month/year], failing which <i>BTAS</i> may fix the hearing without reference to the availability of any party; 3.2 the <i>respondent</i> will specify: (a) whether they admit the charges; (b) if not, which areas of fact and/or law are in dispute; 4. Within 42 days, ie by [date], the <i>respondent must</i> provide a copy of the documents and a list of witnesses, on which and on whom they intend to rely, and copies of any witness statements on which they intend to rely. The BSB is to provide copies of any witness statements on which it intends to rely within 42 days, i.e. by [date], if required; 5. Within 56 days, ie by [date], both the <i>Bar Standards Board</i> and the <i>respondent</i> must: 5.1 serve written notice of the witnesses (if any) whom they require the other party to tender for cross-examination; 5.2 provide a schedule setting out details of the witnesses they intend to call and a time estimate for the evidence of each of their witnesses; 6. At least 14 days before the date fixed for the substantive hearing: 6.1 the <i>respondent</i> will provide to <i>BTAS</i> [four/six] copies of any defence bundle already provided under direction (5) for circulation to the <i>Disciplinary Tribunal</i> members, and at the same time send a copy to the <i>Bar Standards Board</i> ; 6.2 where the <i>respondent</i> has indicated an intention to admit the charge(s), the <i>respondent</i> will provide to <i>BTAS</i> [four/six] copies of any financial documents or other documentation the <i>respondent</i> wishes to rely on in mitigation, in the event that the charge(s) is found proved; 6.3 the <i>Bar Standards Board</i> will provide to <i>BTAS</i> [four/six] copies of any bundle of evidence as originally served under rE103 for circulation to the <i>Disciplinary Tribunal</i> members; 7. If either party seeks reasonable adjustments, to enable a person with a disability to participate in the hearing, or measures under rE179 to	Removed	Regulation 7

Existing BSB Provision - v.4.8	Status	New provision reference
Part 5 - C. The Interim Suspension and Disqualification Regulations	Title of Regs changed	
Part 5 - C1. Application		
rE262 This Section 5.C prescribes the manner in which the BSB may seek to take interim action to: .1 suspend a <i>BSB authorised person</i> (excluding, for the avoidance of doubt, any <i>unregistered barrister</i>); or .2 <i>disqualify</i> any <i>applicable person</i> from acting as an a <i>HOLP</i> or a <i>HOFA</i> or from working as a <i>manager</i> or employee of a <i>BSB authorised person</i> ; subject to the criteria outlined at rE268 and rE269 below, and pending consideration by a <i>Disciplinary Tribunal</i> under Section 5.B	Amended	N/A
rE263 In addition to the above, this Section 5.C sets out the basis upon which the Chair of the <i>Independent Decision-Making Body</i> may impose an immediate interim <i>suspension</i> or <i>disqualification</i> on any <i>applicable person</i> subject to the criteria outlined at rE270 to rE272 below, and pending consideration by an <i>interim panel</i> in accordance with this Section 5.C.	Removed	Regulation 6.3
rE264 Anything required by this Section 5.C to be done or any discretion required to be exercised by, and any notice required to be given to, the <i>President</i> or the Chair of the <i>Independent Decision-Making Body</i> and <i>Commissioner</i> , may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the Chair of the <i>Independent Decision-Making Body</i> and <i>Commissioner</i> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).	Retained - TBC	Regulation 2.4
Part 5 - C2. The Regulations	Title removed	
Regulations E265-E267 - Composition of panels	Amended	Regulation 4
rE265 An <i>interim panel</i> shall consist of three members nominated by the <i>President</i> being a Chair (who shall be a King's Counsel) and two others, of whom at least one must be a <i>lay member</i> . Provided that: .1 the proceedings of an <i>interim panel</i> shall be valid notwithstanding that one of the members becomes unable to act or is <i>disqualified</i> from acting, so long as the number of members present throughout the substantive hearing is not reduced below two and continues to include the Chair and one <i>lay member</i> ; .2 no <i>person</i> shall be appointed to serve on a panel if they: .a are a member of the <i>Bar Council</i> or of any of its committees; or .b are a member of the <i>Bar Standards Board</i> or of any of its committees; or .c are a member of the <i>Bar Standards Board</i> or any of its committees at any time when the matter was being considered by the <i>Bar Standards Board</i> .	Amended	Regulation 4.1-4.5
rE266 A <i>review panel</i> shall consist of three members nominated by the <i>President</i> being a Chair (who shall be a King's Counsel) and two others, of whom at least one must be a <i>lay member</i> . Provided that: .1 the proceedings of a <i>review panel</i> shall be valid notwithstanding that one of the members becomes unable to act or is <i>disqualified</i> from acting, so long as the number of members present throughout the substantive hearing is not reduced below two and continues to include the Chair and one <i>lay member</i> ; .2 no <i>person</i> shall be appointed to serve on a panel if they: .a are a member of the <i>Bar Council</i> or of any of its committees; or .b are a member of the <i>Bar Standards Board</i> or of any of its committees; or .c were a member of the <i>Bar Standards Board</i> or any of its committees at any time when the matter was being considered by the <i>Bar Standards Board</i> ; .3 no individual who is intended to sit on the <i>review panel</i> shall have sat on either the <i>interim panel</i> or the <i>appeal panel</i> considering the same matter.	Amended	Regulation 4.1-4.5

Existing BSB Provision - v.4.8	Status	New provision reference
rE267 An <i>appeal panel</i> shall consist of three members nominated by <i>the President</i> being: .1 two King's Counsel, each of whom is entitled to sit as a Recorder or a Deputy High Court Judge or who has been King's Counsel for at least ten years. Unless the <i>appeal panel</i> otherwise decides, the senior <i>barrister</i> member will be the Chair of the <i>appeal panel</i> ; and .2 a <i>lay member</i> . Provided that: .a the proceedings of an <i>appeal panel</i> shall be valid notwithstanding that one of the members, becomes unable to act or is <i>disqualified</i> from acting, so long as the number of members present throughout the substantive hearing is not reduced below two and continues to include the Chair and the <i>lay member</i> ; .b no <i>person</i> shall be appointed to serve on an <i>appeal panel</i> if they: .i are a member of the <i>Bar</i> Council or of any of its committees; or .ii are a member of the <i>Bar Standards Board</i> or of any of its committees; or .iii were a member of the <i>Bar Standards Board</i> or any of its committees at any time when the matter was being considered by the <i>Bar Standards Board</i> ; .3 no individual who is intended to sit on the <i>appeal panel</i> shall have sat on either the <i>interim panel</i> or the <i>review panel</i> considering the same matter	Amended	Regulation 5.1-5.6
Regulations E268-E272 - Referral to an interim panel rE268 On receipt of a referral or any other information, the <i>Commissioner</i> may refer a <i>respondent</i> to an <i>interim panel</i> if: .1 subject to rE269: .a the <i>respondent</i> has been convicted of, or charged with, a <i>criminal offence</i> in any jurisdiction other than a <i>minor criminal offence</i> ; or .b the <i>respondent</i> has been convicted by another <i>Approved Regulator</i> , for which they have been sentenced to a period of suspension or termination of the right to practise; or .c the <i>respondent</i> has been intervened into by the <i>Bar Standards Board</i> ; or .d removed; .e the referral is necessary to protect the interests of <i>clients</i> (or former or potential <i>clients</i>); or .f the referral is necessary to protect the public or is otherwise in the public interest; and .2 the <i>Commissioner</i> decides having regard to the <i>regulatory objectives</i> that pursuing an <i>interim suspension</i> or an <i>interim disqualification</i> order is appropriate in all the circumstances.	Amended	Regulation 6 Regulation 6.1
rE269 No matter shall be referred to an <i>interim panel</i> on any of the grounds of referral set out in rE268.1.a to rE268.1.b unless the <i>Commissioner</i> considers that, whether singly or collectively, the relevant grounds of referral would warrant, in the case of a <i>BSB authorised person</i> , a charge of <i>professional misconduct</i> and referral to a <i>Disciplinary Tribunal</i> , or, in the case of a <i>applicable person</i> , an application to a <i>Disciplinary Tribunal</i> for <i>disqualification</i> (in each case such referral or application to be made in accordance with Section 5.B).	Removed	N/A
rE270 If the <i>Commissioner</i> refers a <i>respondent</i> to an <i>interim panel</i> under rE268, the Chair of the <i>Independent Decision-Making Body</i> shall consider whether or not the <i>respondent</i> should be subject to an immediate interim <i>suspension</i> or <i>disqualification</i> under rE272 pending disposal by the <i>interim panel</i> .	Retained	Regulation 6.2
rE271 An immediate interim <i>suspension</i> or <i>disqualification</i> may only be imposed if the Chair of the <i>Independent Decision-Making Body</i> is satisfied that such a course of action is justified having considered the risk posed to the <i>public</i> if such interim <i>suspension</i> or <i>disqualification</i> were not implemented and having regard to the <i>regulatory objectives</i> .	Amended	Regulation 6.3

Existing BSB Provision - v.4.8	Status	New provision reference
rE272 Any immediate interim <i>suspension</i> or <i>disqualification</i> imposed by the Chair of the <i>Independent Decision-Making Body</i> shall: .1 take immediate effect; .2 be notified in writing by the <i>Commissioner</i> to the <i>respondent</i> ; .3 remain in force until the earlier of: .a such time as an <i>interim panel</i> has considered the matter; or .b the date falling four weeks after the date on which the immediate interim <i>suspension</i> or <i>disqualification</i> is originally imposed; .4 where relevant, result in the removal of the relevant <i>BSB authorised individual's practising certificate</i> , <i>litigation extension</i> and/or right to undertake public access work (as appropriate); .5 where relevant, result in the imposition of conditions on the relevant <i>BSB authorised person's</i> authorisation and/or licence (as appropriate) .6 be published on the <i>Bar Standards Board's</i> website; and .7 be annotated on the <i>Bar Standards Board's</i> register of <i>BSB authorised persons</i> which is to be maintained by the <i>Bar Standards Board</i> in accordance with rS60.2 and rS129 or be included on the <i>Bar Standards Board's</i> register of individuals that are the subject of a <i>disqualification order</i> (as appropriate).	Amended	Regulation 6.4
Guidance to Regulations E268-E272		
gE1 If an immediate interim <i>suspension</i> or <i>disqualification</i> has been imposed by the Chair of the <i>Independent Decision-Making Body</i> it must be considered by an <i>interim panel</i> within four weeks of the date that that the immediate interim <i>suspension</i> or <i>disqualification</i> is originally imposed. If it is not considered by an <i>interim panel</i> within that period, it shall automatically fall away and no further period of interim <i>suspension</i> or <i>disqualification</i> may be imposed on the <i>respondent</i> until the matter is considered by an <i>interim panel</i> .	Moved	Regulation 6.4
gE2 If, subsequent to the imposition of an immediate <i>suspension</i> or <i>disqualification</i> under rE271, the <i>applicable person</i> agrees to provide to the <i>Commissioner</i> an undertaking in written terms in accordance with the provisions of rE274.4 below which is satisfactory to the <i>Commissioner</i> and which is subject to such conditions and for such period as the <i>Commissioner</i> may agree, the <i>Commissioner</i> may elect to remove or qualify the immediate interim <i>suspension</i> or <i>disqualification</i> pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i> . For the avoidance of doubt, in these circumstances the referral to the <i>interim panel</i> shall also be withdrawn in accordance with the provisions of rE275 below.	Moved	Regulation 6.5
Regulations E273-E275 - Procedure after referral to an Interim Panel and, where relevant, the decision to impose an immediate interim suspension or disqualification	Amended	Regulation 7
rE273 As soon as practicable after the <i>Commissioner</i> has made a decision to refer a <i>respondent</i> to an <i>interim panel</i> , the <i>Bar Standards Board</i> shall write to the <i>President</i> notifying them of the decision and informing them about whether or not an immediate interim <i>suspension</i> or <i>disqualification</i> has also been imposed on such <i>respondent</i> .	Retained with minor amendments	Regulation 7.1

Existing BSB Provision - v.4.8	Status	New provision reference
rE274 As soon as practicable after receipt of the notice referred to in rE273, the President shall write to the respondent notifying them of the decision, together with a copy of these <i>Enforcement Regulations</i> , and briefly setting out the details that have caused the referral to the interim panel . The letter of notification shall: .1 where relevant, inform the <i>respondent</i> that they are the subject of an immediate interim <i>suspension</i> or <i>disqualification</i> (as appropriate) together with a summary of the consequences of that decision; .2 lay down a fixed time and date (normally not less than 14 and not more than twenty-one days from the date of the letter) for the hearing to take place. One alternative shall be given; .3 invite the <i>respondent</i> to accept one or other of the dates proposed or to provide a written representation to the <i>President</i> , which should be copied to the <i>Commissioner</i> , objecting to both dates with reasons and providing two further alternative dates which shall be not more than: .a four weeks after the date of the imposition of the immediate interim <i>suspension</i> or <i>disqualification</i> , where relevant; or .b in all other cases, twenty-one days from the date of the letter of notification; Any such representation must be received by the <i>President</i> not more than ten days from the date of the letter of notification. The <i>President</i> shall consider any such representation together with any representations from the Commissioner, and either confirm one of the original dates or re-fix the hearing. If no such representation is received within ten days of the date of the letter of notification the hearing shall take place at the time and date first fixed pursuant to rE274.2 above. The <i>President's</i> decision, which shall be notified in writing to the <i>respondent</i> by the <i>President</i> , shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the <i>President</i> : .4 inform the <i>respondent</i> that they may by letter to the <i>Commissioner</i> undertake, pending the disposal of any charge(s) or application(s) by a <i>Disciplinary Tribunal</i> : .a to be immediately <i>suspended</i> or <i>disqualified</i> (in which case the consequences set out at rE272.4 to rE272.7 would apply); .b not to accept or carry out any public access instructions ; and/or .c to inform their professional and/or lay <i>clients</i> about any <i>convictions</i> , charges or other matters leading to a referral, in written terms satisfactory to the <i>Commissioner</i> ;	Amended	Regulations 7.2-7.5
rE275 If a <i>respondent</i> sends a letter in accordance with rE274.4 above which is satisfactory to the <i>Commissioner</i> , the Chair shall accept the undertaking contained in the letter in lieu of the <i>interim panel</i> imposing any period of interim <i>suspension</i> or interim <i>disqualification</i> pending the disposal by a <i>Disciplinary Tribunal</i> of any charges of <i>professional misconduct</i> or applications for a <i>disqualification order</i> (as the case may be).	Retained with minor amendments	Regulation 7.6
Regulations E276-E278 - Procedure and powers of interim panels	Heading split	Reg 8 and Reg 9
rE276 At any hearing of an <i>interim panel</i> the proceedings shall be governed by the rules of natural justice, subject to which: .1 the procedure shall be informal, the details being at the discretion of the Chair of the <i>interim panel</i> ; .2 the respondent shall be entitled to make representations in writing or orally, by themselves or by another on their behalf, as to: .a why a period of interim <i>suspension</i> or interim <i>disqualification</i> should not be imposed; or .b why the <i>interim panel</i> should not direct the <i>respondent</i> to notify their professional <i>clients</i> and/or lay clients about any <i>convictions</i> , charges or other matters leading to a referral; or .c any further or alternative direction which the <i>interim panel</i> is empowered to make in relation to the <i>respondent</i> under rE278.3 below; pending the disposal of any charges or applications by a Disciplinary Tribunal; .3 no witnesses may be called without the prior consent of the Chair of the Panel and without the submission of a proof of evidence; .4 the attendance of the <i>respondent</i> shall be required. Should they nevertheless fail to attend, the hearing may proceed in their absence subject to the <i>interim panel</i> being satisfied that this course is appropriate. Should the <i>interim panel</i> not be so satisfied, it shall have the power to adjourn the hearing; .5 the hearing shall not be in public unless so requested by the <i>respondent</i> and a record shall be taken electronically; and .6 if the <i>interim panel</i> decides an adjournment is necessary for any reason, it may adjourn the hearing for such period and to such time and place, and upon such terms, as it may think fit.	Amended	Regulation 8.1
rE277 If the members of the <i>interim panel</i> are not unanimous as to any decision, the decision made shall be that of the majority of them. If the members of the <i>interim panel</i> are equally divided the decision shall be that which is most favourable to the <i>respondent</i> .	Retained	Regulation 8.2.

Existing BSB Provision - v.4.8	Status	New provision reference
rE278 At the conclusion of the hearing the <i>interim panel</i> : .1 may decide not to impose any period of interim suspension, interim disqualification or other order; .2 may impose a period of interim <i>suspension</i> or interim <i>disqualification</i> (in each case, either unconditionally or subject to conditions) pending the hearing before a <i>Disciplinary Tribunal</i> , provided that no interim <i>suspension</i> or interim <i>disqualification</i> may be imposed unless the <i>interim panel</i> considers that: .a were a <i>Disciplinary Tribunal</i> to find a related charge of <i>professional misconduct</i> proven, it would be likely to impose a sentence of disbarment (with respect to <i>barrister respondents</i>), a sentence of <i>suspension</i> (with respect to <i>barrister respondents</i> or <i>registered European lawyer respondents</i> or <i>BSB entity respondents</i>), revocation of the licence or authorisation (with respect to <i>BSB entity respondents</i>) or a <i>disqualification order</i> (with respect to <i>applicable person respondents</i>); and .b such interim <i>suspension</i> or interim <i>disqualification</i> is in the public interest; .3 in lieu of imposing a period of interim <i>suspension</i> or interim <i>disqualification</i> , the interim panel may either: .a where the respondent is a <i>BSB authorised person</i> , direct the <i>respondent</i> to carry out their or its future activities in accordance with such interim conditions on the <i>respondent's</i> authorisation or licence as the <i>interim panel</i> may think fit pending final disposal of the charges or application against them or it; or .b where the <i>respondent</i> is a <i>manager</i> or employee of a <i>BSB authorised person</i> , direct such <i>person</i> (after affording the <i>BSB authorised person</i> an opportunity to be heard) to take such steps in relation to the <i>respondent</i> as the <i>interim</i> panel may think fit, which may include limits on the type of work the <i>respondent</i> is to be permitted to do, or requirements as to their supervision or training, pending final disposal of the charges or application against them; .c accept from the <i>respondent</i> an undertaking in written terms satisfactory to the <i>interim panel</i> (and subject to such conditions and for such period as the <i>interim panel</i> may agree): .i to be immediately <i>suspended</i> or <i>disqualified</i> ; or .ii not to accept or carry out any <i>public access instructions</i> or to <i>conduct litigation</i> ; or .iii to inform their professional and lay <i>clients</i> about any <i>convictions</i> , charges or other matters leading to a referral; pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i> provided always that the <i>respondent</i> accepts that the following consequences may arise as a result of such undertaking being provided depending on the nature of the undertaking being provided:	Amended	Regulation 9.1-9.4

Existing BSB Provision - v.4.8	Status	New provision reference
(3) publication of the details of such interim suspension or disqualification on the Bar Standards Board's website; and (4) either the inclusion of a note on the Bar Standards Board's register of BSB authorised persons to the effect that such BSB authorised person is temporarily suspended from practice or the inclusion of the details of such interim disqualification on the Bar Standards Board's register of individuals that are the subject of a disqualification order; .4 shall set down in writing signed by the Chair of the interim panel the decision of the interim panel and the terms of any period of interim suspension , interim disqualification or interim condition imposed under these Interim Suspension and Disqualification Regulations or accepted (in the form of an undertaking) under rE278.3.c above. .a Where the respondent is a BSB authorised individual, the imposition of any period of suspension shall be recorded as follows: "That.....be suspended from practice as a and be prohibited from holding themselves out as being a for a period expiring on [the day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a Disciplinary Tribunal shall have disposed of any charges that have caused the interim suspension or such Disciplinary Tribunal may otherwise direct." (Note: If the Panel decides that the suspension should apply to only part of the respondent's practice or shall be subject to conditions, such part or such conditions (as the case may be) shall be recorded); .b Where the respondent is a BSB entity , the imposition of any period of suspension shall be recorded as follows: "That have its BSB licence/authorisation suspended for a period expiring on [the day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a Disciplinary Tribunal shall have disposed of any charges that have caused the interim suspension or such Disciplinary Tribunal may otherwise direct." (Note: If the Panel decides that the suspension should apply to only part of the respondent's practice or shall be subject to conditions, such part or such conditions (as the case may be) shall be recorded); .c Where the respondent is an applicable person , the imposition of any period of disqualification shall be recorded as follows: "That be disqualified from [specify here the relevant capacities in respect of which the order applies, which may be some or all of: acting as a HOLP, HOFA or manager of any BSB entity or being an employee of any BSB authorised person] and that any BSB regulated person is prohibited from permitting the respondent to work in any such capacity for a period expiring on [the day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a Disciplinary Tribunal shall have disposed of any charges that have caused the interim disqualification or such Disciplinary Tribunal may otherwise direct"; .5 shall, if a period of interim suspension or interim disqualification or an interim condition is imposed or a written undertaking is accepted	Removed	
Regulations E279-E283 - Review	Title amended	Regulation 10
rE279	Amended	Regulation 10.1
In the event of a significant change in circumstances or other good reason the <i>respondent</i> may at any time while on interim <i>suspension</i> , interim <i>disqualification</i> or subject to interim conditions make a request in writing to the <i>President</i> for a <i>review panel</i> to be convened to review the matter.		
rE280	Amended	Regulations 10.2-10.5 and 11.1
The letter must set out the details of any alleged change in circumstances or good reason. On receipt of such a letter the <i>President</i> may seek representations from the <i>Commissioner</i> and may in their discretion convene a <i>review panel</i> or refuse the request. In either case the <i>President</i> shall notify the respondent in writing of the decision. If the <i>President</i> decides to convene a review panel the procedure to be followed for fixing the time and date of the hearing shall be as set out in rE274.2 and rE274.3.		
rE281	Amended and moved	Regulation 11.3
The proceedings before a <i>review panel</i> shall be by way of a rehearing and the provisions of rE276 above shall apply as if for references therein to the <i>interim panel</i> and the Chair of the interim panel there were substituted references respectively to the <i>review panel</i> and the Chair of the <i>review panel</i> .		
rE282	Removed	See regulations 11.3 and 11.5
Unless in the meantime the hearing before a <i>Disciplinary Tribunal</i> of any charges or applications arising from and/or related to the referral to an <i>interim panel</i> has commenced, a hearing by a <i>review panel</i> convened pursuant to rE279 above shall take place at the time and date fixed. Such hearing shall be a rehearing of the matter by the review panel which may reconsider the matter as if there had been no previous hearing.		

Existing BSB Provision - v.4.8	Status	New provision reference
rE283 If the hearing before a <i>Disciplinary Tribunal</i> of any charges or applications arising from and/or related to the referral to an <i>interim panel</i> has commenced before the date fixed for a rehearing by a <i>review panel</i> , the date fixed for the rehearing shall be vacated and any interim <i>suspension</i> , interim <i>disqualification</i> or interim conditions made or undertaking accepted by the <i>interim panel</i> shall continue until such charges or applications have been disposed of by the <i>Disciplinary Tribunal</i> .	Retained	Regulation 11.5
Regulations E284-E289 - Appeals	Title amended	Regulation 12
rE284 A <i>respondent</i> may by letter served on the <i>President</i> and on the <i>Commissioner</i> not more than 14 days after the date of the <i>relevant</i> decision of an <i>interim panel</i> give notice of their wish to appeal against the decision.	Amended	Regulation 12.1
rE285 As soon as practicable after receipt of a letter in accordance with rE284 above the <i>President</i> shall convene an <i>appeal panel</i> and write to the <i>respondent</i> notifying them of a fixed time and date (normally not less than 14 and not more than twenty-one days from the date of receipt of the letter) for the hearing to take place. The <i>respondent</i> may make a written representation, addressed to the Chair of the proposed <i>appeal panel</i> , objecting to the date with reasons and providing two further alternative dates. Any such representation must be received by the Chair of the <i>appeal panel</i> not more than 14 days from the date of the letter of notification. The Chair shall consider any such representation and either confirm the original date or re-fix the hearing. If no such representation is received within 14 days of the date of the letter of notification the hearing shall take place at the time and date originally notified to the <i>respondent</i> . The Chair's decision, which shall be notified in writing to the <i>respondent</i> shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the Chair of the <i>appeal panel</i> .	Amended	Regulations 12.2-12.3
rE286 The proceedings before an <i>appeal panel</i> shall be by way of a rehearing and the provisions of rE276 above shall apply as if for references therein to the <i>interim panel</i> and the Chair of the <i>interim panel</i> there were substituted references respectively to the appeal panel and the Chair of the <i>appeal panel</i> .	Amended	Regulation 13.1
rE287 At the conclusion of the hearing the <i>appeal panel</i> : .1 may remove the period of interim <i>suspension</i> or interim <i>disqualification</i> and/or any interim conditions imposed under this Section 5.C; .2 may confirm the period of interim <i>suspension</i> or interim <i>disqualification</i> or impose further or alternative interim conditions, or substitute such shorter period (either unconditionally or subject to conditions) as may be thought fit; .3 in lieu of confirming or imposing a period of interim <i>suspension</i> or interim <i>disqualification</i> or imposing interim conditions, may accept from the <i>respondent</i> in terms satisfactory to the Chair of the Panel an undertaking in writing to continue to be <i>suspended</i> , <i>disqualified</i> and/or to submit to such conditions and for such period as the <i>appeal panel</i> may agree, pending the disposal of any charges by a <i>Disciplinary Tribunal</i> ; .4 shall set down in writing signed by the Chair of the <i>appeal panel</i> the decision of the appeal panel and the terms of any <i>interim suspension</i> , interim <i>disqualification</i> or interim conditions confirmed or imposed under rE287.2 above or undertaking accepted under rE287.3 above; .5 may, if it has not already been referred to a <i>Disciplinary Tribunal</i> , refer the matter to a <i>Disciplinary Tribunal</i> ; If the members of the <i>appeal panel</i> are not unanimous as to the decision, the decision made shall be that of the majority of them. If the members of the <i>appeal panel</i> are equally divided, the decision shall be that which is most favourable to the <i>respondent</i> . Any period of interim <i>suspension</i> or interim <i>disqualification</i> or interim conditions having been set, which is confirmed or imposed, shall be recorded as set out in rE278.4 above.	Amended	Regulations 13.1,13.2 & 16.1
rE288 A pending appeal to an <i>appeal panel</i> shall not operate as a stay of any period of interim <i>suspension</i> or interim <i>disqualification</i> or interim conditions having been set or the terms of any direction or undertaking which is/are the subject of the appeal.	Retained	Regulation 13.3
rE289 There shall be no right of appeal from the decision of an <i>appeal panel</i> .	Retained	Regulation 13.4
Regulation E290 - Suspension or disqualification ceases to have effect	Heading amended	Regulation 14

Existing BSB Provision - v.4.8	Status	New provision reference
rE290 Unless a <i>Disciplinary Tribunal</i> shall otherwise direct, any period of interim <i>suspension</i> or <i>disqualification</i> and any interim conditions imposed by the <i>interim panel</i> or <i>appeal panel</i> under this Section 5.C shall cease and the <i>respondent</i> shall cease to be bound by the terms of any direction made or undertaking accepted by a <i>interim panel</i> or an <i>appeal panel</i> immediately upon: .1 a <i>Disciplinary Tribunal</i> dismissing or making an order disposing of all charges of <i>professional misconduct</i> or applications for <i>disqualification</i> based on the referral from the <i>interim panel</i> ; .2 any appeal by the <i>respondent</i> against the <i>conviction</i> or all the <i>conviction(s)</i> which had caused the referral to a interim panel being successful; .3 the acquittal of the <i>respondent</i> of the criminal charge or (as the case may be) all of the criminal charges which had caused the referral to a <i>interim panel</i> ; .4 the criminal charge or (as the case may be) all of the criminal charges which had caused the referral to an <i>interim panel</i> being withdrawn. Regulation E291 - Costs	Amended	Regulation 14.1
rE291 An <i>interim panel</i> , <i>review panel</i> and an <i>appeal panel</i> shall have no power to award costs. Regulations E292-E294 - Report and Publication of Decisions	Retained	Regulation 15.1
rE292 As soon as practicable after the conclusion of an <i>interim panel</i> hearing or an <i>appeal panel</i> hearing, the <i>President</i> shall confirm the decision to the respondent in writing.	Amended	Regulation 16.1
rE293 In any case where a period of interim <i>suspension</i> or interim <i>disqualification</i> is imposed or an interim condition is imposed under this Section 5.C or a direction is made requiring notification to lay and/or professional <i>clients</i> or an undertaking from a <i>respondent</i> is accepted, the <i>President</i> shall communicate brief details in writing of the fact that the <i>respondent</i> is on an interim basis <i>suspended</i> , <i>disqualified</i> and/or subject to conditions (as the case may be) to: .1 the <i>respondent</i> ; .2 the <i>Chair of the Bar Standards Board and Commissioner</i> ; .3 the <i>respondent's</i> head of <i>chambers</i> , <i>HOLP</i> , or <i>employer</i> (as appropriate); .4 in the case of a <i>registered European lawyer</i> , their <i>home professional body</i> ; .5 the <i>Treasurers of the respondent's Inn</i> of Call and of any other Inns of which they are a member; .6 other <i>Approved Regulators</i> and the <i>LSB</i> ; and .7 those of the following whom the <i>President</i> deems, in their absolute discretion, to be appropriate taking into account the particular circumstances: .a the Lord Chancellor; .b the Lord Chief Justice; .c the Attorney General; .d the Director of Public Prosecutions; .e the Chair of the Bar Council; .f the Leaders of the six circuits; .g such one or more press agencies or other publications, as the Commissioner may direct.	Retained with minor amendments	Regulation 16.2.
rE294 The <i>Bar Standards Board</i> shall keep a record of those who are subject to <i>suspension</i> or <i>disqualification</i> orders or conditions imposed on their authorisation made under the procedures in this <i>Handbook</i> and shall publish details of any interim <i>suspension</i> , interim <i>disqualification</i> or interim conditions on its website and in such of its registers as it considers appropriate, for as long as they remain in effect. Regulation E295-E296 - Service of documents	Retained with minor amendments	Regulation 16.3
	Amended	

Existing BSB Provision - v.4.8	Status	New provision reference
Any documents required to be served on a <i>respondent</i> arising out of or in connection with proceedings under these Regulations shall be deemed to have been validly served: .1 If sent by registered post, or recorded delivery post, or receipted hand delivery to: .a in the case of a <i>BSB authorised individual</i> , the address notified by such <i>respondent</i> pursuant to the requirements of Part 2 of this <i>Handbook</i> (or any provisions amending or replacing the same) as being their <i>practising address</i> ; or .b in the case of a <i>BSB regulated person</i> or <i>non-authorised individual</i> acting as a <i>manager</i> or employee of a <i>BSB entity</i> , the address provided by the <i>BSB entity</i> as being their home address or, in the absence of such information, the address of the relevant <i>BSB entity</i> notified pursuant to the requirements of Part 2 of this <i>Handbook</i> ; or .c in either case, an address to which the <i>respondent</i> may request in writing that such documents be sent; or .d in the absence of any of the above, to their last known address or; in the case of a <i>BSB regulated person</i> or <i>non-authorised individual</i> acting as a <i>manager</i> or employee of a <i>BSB entity</i> , the last known address of the relevant <i>BSB entity</i> ; and such service shall be deemed to have been made on the second day after it was posted, left with, delivered to or collected by the relevant service provider, (provided that that day is a business day, or, if not, the next business day after that day) or on the next working day after receipted hand delivery; .2 If served by e-mail, where: .a the <i>respondent's</i> e-mail address is known to the <i>Bar Standards Board</i> ; and .b the <i>respondent</i> has requested or agreed to service by e-mail, or it is not possible to serve by other means; the <i>respondent</i> has requested or agreed to service by e-mail, or it is not possible to serve by other means; .3 if actually served; .4 if served in any way which may be directed by the <i>President</i> of the <i>Council of the Inns of Court</i> .	Amended	Regulation 17.1
rE296 For the purpose of this regulation "receipted hand delivery" means by a delivery by hand which is acknowledged by a receipt signed by the <i>respondent</i> or a relevant representative of such <i>respondent</i> (including, for example, their clerk and a <i>manager</i> or employee of the <i>BSB entity</i> at which they work).	Removed	See Regulation 17.1 (c)
Part 5 - C3. Interpretation rE297 In this Section 5.C unless the context otherwise requires all italicized terms shall be defined and all terms shall be interpreted in accordance with the definitions in Part 6.	Moved and amended	Regulation 2
Part 5 - C4. Commencement rE298 These rules shall come into force in accordance with the provisions of Part 1 of this <i>Handbook</i> .	Moved and amended	Regulation 1.2
Part 5 - D. The Fitness to Practise Regulations These Regulations, commencing 6 January 2014, are made by the <i>Bar Standards Board</i> , in liaison with the <i>Council of the Inns of Court</i> , under section 21 (regulatory arrangements) Legal Services Act 2007, under authority delegated by the General Council of the Bar as the Approved Regulator of the Bar under Part 1 of Schedule 4 to the Legal Services Act 2007, and with the approval of the <i>Legal Services Board</i> under Paragraph 19 of Schedule 4 to the Legal Services Act 2007.	Amended Minor amends.	Introduction / regulation 1.
Part 5 - D1. Preliminaries Commencement and application	Retained with amends.	Regulation 1.2.
rE299 These Regulations will come into <i>effect on 6 January 2014 and shall apply to all cases referred to a Fitness to Practise Panel or an Appeal Panel</i> prior to that date under <i>the Regulations then applying, and any step taken in relation to any Fitness to Practise Panel or Appeal Panel</i> pursuant to those Regulations shall be regarded as having been taken pursuant to the equivalent provisions of these Regulations.		

Existing BSB Provision - v.4.8	Status	New provision reference
	Removed	
rE300 Anything required by these Regulations to be done or any discretion required to be exercised by, and any notice required to be given to, the <i>President</i> of the Council of the Inns of Court or the <i>Commissioner</i> , may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the <i>Commissioner</i> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose). Definitions		Regulation 2.3 & 2.4.
rE301 Any term defined in <i>Definitions Section</i> of the <i>Handbook</i> shall carry the same meaning in these Regulations. For the purpose of Section D4 of these Regulations alone, "Individual" includes anyone who was ' <i>BSB authorised individual</i> ' - at the time of any decisions taken by a <i>Fitness to Practise Panel</i>	Amended	Regulation 2.1 & 2.2.
Part 5 - D2. Constitution of Panels		
rE302 The <i>President</i> shall constitute <i>Fitness to Practise Panels</i> and <i>Appeal Panels</i> (Panels) to exercise the functions afforded to those Panels under these Regulations, in accordance with the provisions set out Schedule 1.	Amended.	Regulation 5.1 & 5.2.
Part 5 - D3. The Fitness to Practise Procedure		
Regulations E303-E308 - Referral to a Fitness to Practise Panel		
rE303 Where the <i>Commissioner</i> receives information suggesting that an <i>Individual</i> is <i>unfit to practise</i> , the matter shall be considered under Regulation E305.	Amended	Regulation 3.1 - 3.3.
rE304 The <i>Commissioner</i> may carry out any investigation, appropriate to the consideration of whether the <i>Individual</i> may be <i>unfit</i> to practise, prior to consideration of any referral under Regulation E306.	Amended	Regulation 3.2
rE305 Where the <i>Commissioner</i> receives information under Regulation E303, the <i>Commissioner</i> shall, subject to Regulation E307, as soon as reasonably practicable, write to the <i>Individual</i> concerned: .1 notifying them that information has been received which appears to raise a question of whether they are <i>unfit</i> to practise; and, .2 providing them with copies of any information received under Regulation E303 or obtained under Regulation E304.	Amended	Regulation 3.4
rE306 Where the <i>Commissioner</i> , following receipt of information under Regulation E303 or during the <i>Commissioner's</i> consideration of a referral under the <i>Enforcement Decision Regulations</i> , considers that an <i>Individual</i> may be <i>unfit to practise</i> , they shall refer the matter to a <i>Fitness to Practise Panel</i> for determination.	Amended	Regulation 3.3.
rE307 No decision to refer shall be taken under Regulation E306 without the <i>Individual</i> having been provided with a reasonable opportunity (as to the circumstance) to make representations on the matter.	Amended	Regulation 3.4.
rE308 In reaching a decision under Regulation E306, the <i>Commissioner</i> shall take into account any information received under Regulation E303 or obtained under Regulation E304, and any representations submitted by the <i>Individual</i> .	Removed.	
Regulation E309 - Preliminary Hearings		

Existing BSB Provision - v.4.8	Status	New provision reference
rE309 As soon as reasonably practicable after referral of a matter by the <i>Commissioner</i> to a <i>Fitness to Practise Panel</i> , the Chair of the Panel shall send a notice in writing of the referral to the <i>Individual</i> which shall: .1 contain a summary of the case and the reasons why it has been referred to a <i>Fitness to Practise Panel</i>; .2 inform the <i>Individual</i> of the time and date for a preliminary hearing before the Panel; .3 inform the <i>Individual</i> of their right to attend and be represented at the preliminary hearing, and to produce evidence at the preliminary hearing, in accordance with Regulations E335.2 and E335.3 below; .4 inform the <i>Individual</i> of the Panel's powers at a preliminary hearing under Regulations E310 and rE313 to rE316 below; and, .5 inform the <i>Individual</i> of their right to appeal under Regulation E328 below.	Retained with minor amendments	Regulation 6.1.
Regulation E310 - Directions		
rE310 At a preliminary hearing, the <i>Fitness to Practise Panel</i> may give directions for the full hearing before the Panel, which may include that: .1 the <i>Individual</i>, within a specified period of time, submit to a relevant medical examination to be carried out by a <i>Medical Examiner</i> nominated by the Panel; .2 the <i>Bar Standards Board</i> instruct a <i>Medical Examiner</i> to conduct such examination and to provide a report setting out an opinion as to whether the <i>Individual</i> is <i>unfit to practise</i> and as to any other matters as may be specified by the Panel; .3 the <i>Individual</i> authorise disclosure to the <i>Bar Standards Board</i> and the <i>Medical Examiner</i>, of such of their relevant medical records as may be reasonably required for the purposes of the medical examination and subsequent report; and, .4 the <i>Bar Standards Board</i> carry out such other investigations or seek such advice or assistance as the Panel considers appropriate to the matters for consideration at the full hearing, and where it gives a direction under Paragraph .1 or .3 above, it shall inform the <i>Individual</i> that failure to comply with the direction may be taken into account by the Panel in accordance with Regulation E319.2	Retained with minor amendments	Regulation 6.2.
Regulations E311-E312 - Medical Examinations		
rE311 Where a <i>Medical Examiner</i> is nominated by a Panel under Regulation E310.1 or E320.2.a, the <i>Medical Examiner</i> shall: .1 within the period specified by the Panel, undertake a relevant medical examination of the <i>Individual</i> in accordance with any directions from the Panel; .2 prepare a report which shall express an opinion as to: .a whether the <i>Individual</i> has a physical or mental condition; .b whether the <i>Individual</i> is fit to practise either generally or on a restricted basis; and .c any other matters which they have been instructed to address, in accordance with any directions of the Panel; and .3 where requested by the <i>Commissioner</i> to do so, attend a hearing to present their findings.	Retained with minor amendments.	Regulation 7.1.
	Removed	
rE312		
An <i>Individual's</i> medical records and any report prepared by a <i>Medical Examiner</i> under these Regulations shall not be used for any other purpose than is provided for in these Regulations and shall not be disclosed to any other <i>person</i> or body without the consent in writing of the <i>Individual</i> .		
	Amended	
Regulations E313-E317 - Interim Restrictions		
rE313 At a preliminary hearing, a <i>Fitness to Practise Panel</i> may, where it is satisfied that it is necessary to protect the public, is otherwise in the public interest or is in the <i>Individual's</i> own interests to do so, direct that the <i>Individual's</i> subject to an interim <i>restriction</i> .	Amended	Regulation 8.1
rE314 An interim <i>restriction</i> may be imposed subject to such conditions as the Panel may consider appropriate, and shall have effect pending the determination of the matter at a full hearing before the <i>Fitness to Practise Panel</i> for a specified period, which shall not, save in exceptional circumstances, exceed 3 months.	Amended	Regulation 8.2.

Existing BSB Provision - v.4.8	Status	New provision reference
rE315 In lieu of imposing an interim <i>restriction</i> under Regulation E313 above, the Panel may accept from the <i>Individual</i> an undertaking in writing on terms satisfactory to the Panel: .1 agreeing to an immediate interim <i>restriction</i> for such period as may be agreed; or, .2 as to the <i>Individual's</i> conduct or behaviour pending the conclusion of the full hearing.	Retained	Regulation 8.3
rE316 Where it has directed an interim <i>restriction</i> under Regulation E313 or accepted undertakings under Regulation E315, a Panel may, at any point during the period of an interim restriction: .1 at the request of the <i>Commissioner</i> or of the <i>Individual</i> , direct that the interim <i>restriction</i> or undertaking be reviewed at a further hearing of the Panel, on such date as the Panel shall specify, or on an unspecified date provided that the <i>Individual</i> is served with no less than 14 days' notice in writing of the hearing; .2 at the request of the <i>Individual</i> , direct an expedited full hearing of the <i>Fitness to Practise Panel</i> ; and, shall; .a inform the <i>Individual</i> of their right to request a Fitness to Practise Panel to review the interim restriction or undertaking under Regulation E324 below; .b inform the <i>Individual</i> of their right of appeal under Regulation E328 below.	Amended	Regulation 10.1
rE317 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons and the terms of any direction made, interim <i>restriction</i> imposed or undertakings accepted.	Retained	Regulation 8.4
Regulation E318 - Full Hearings before a Fitness to Practise Panel		
rE318 As soon as reasonably practicable after receipt of any report prepared by a <i>Medical Examiner</i> or, where no report has been prepared, the <i>Commissioner</i> considers that the case is ready for hearing, the Chair of the Panel shall send a notice in writing of hearing to the <i>Individual</i> which shall: .1 contain a summary of the case and a copy of the report, where applicable; .2 inform the <i>Individual</i> of the time and date of the full hearing; .3 inform the <i>Individual</i> of their right to attend and be represented at the hearing, and to produce evidence at the hearing, in accordance with Regulations E335.2 and .3 below; .4 inform the <i>Individual</i> of the Panel's powers at a full hearing under Regulations E319 to E321 below; and, .5 inform the <i>Individual</i> of their right to appeal under Regulation E328 below.	Amended	Regulation 9.1
Regulations E319-E323 - Decisions of a Fitness to Practise Panel		
rE319 At a full hearing, the <i>Fitness to Practise Panel</i> shall decide whether the <i>Individual</i> is <i>unfit to practise</i> and, in reaching its decision, shall be entitled to take into account: .1 the <i>Individual's</i> current physical or mental condition, any continuing or episodic condition experienced by the <i>Individual</i> , or any condition experienced by the <i>Individual</i> which, although currently in remission, may be expected to cause impairment if it recurs; and .2 any failure by the <i>Individual</i> to comply with a direction to undergo a relevant medical examination made under Regulation E310.1.	Amended	Regulation 9.2 & 9.3.
rE320 Where a <i>Fitness to Practise Panel</i> has decided that an <i>Individual</i> is <i>unfit to practise</i> , the Panel may direct: .1 that the <i>Individual</i> be subject to a <i>restriction</i> which may be subject to such conditions as the Panel may consider appropriate, and which may be imposed indefinitely or for such period, not exceeding six months, as shall be specified in the direction; .2 that the <i>Individual's</i> right to continue to practise, or to resume practice after any period of restriction shall be subject to such conditions as the Panel may think fit, including that the <i>Individual</i> : .a submit for regular examination before one or more <i>Medical Examiners</i> nominated by the Panel, .b authorise disclosure to the <i>Commissioner</i> and the <i>Medical Examiner</i> such of their medical records as may be reasonably required for the purposes of the medical examination and subsequent report, .c is reviewed by a registered medical practitioner and shall follow the treatment they recommend in respect of any physical or mental condition, which the Panel consider may be a cause of the <i>Individual</i> being unfit to practise.	Amended	Regulation 9.4

Existing BSB Provision - v.4.8	Status	New provision reference
rE321 In lieu of imposing any direction under Regulation E320 above, the Panel may accept from the <i>Individual</i> one or more undertakings in writing in which the <i>Individual</i> agrees to such period of <i>restriction</i> , or such conditions, as the Panel would otherwise have imposed.	Retained	Regulation 9.5
rE322 Where it has made a direction under Regulation E320 or agreed undertakings under Regulation E321, the Panel shall inform the <i>Individual</i> : .1 of their right to request a <i>Fitness to Practise Panel</i> to review any direction made, or undertakings agreed, under Regulation E324 below; .2 of their right of appeal under Regulation E328 below; and .3 that a failure to comply with the direction or undertakings would be likely to result in a charge of professional misconduct being brought against the <i>Individual</i> before a Disciplinary Tribunal.	Retained	Regulation 9.6
rE323 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons and the terms of any direction made or undertakings accepted.	Retained	Regulation 9.7
Part 5 - D4. Reviews and Appeals		
Regulations E324-E327 - Review of decisions made by a Fitness to Practise Panel		
rE324 At any time during which an <i>Individual</i> is subject to a period of <i>restriction</i> or conditions, directed or undertaken pursuant to these Regulations, the <i>Commissioner</i> may, of their own motion, or at the request of the <i>Individual</i> , refer the matter to be reviewed <i>before a Fitness to Practise Panel</i> , where they consider there has been a significant change in the <i>Individual's</i> circumstances or that there is some other good reason for a review to be undertaken.	Amended	Regulation 10.1 & 10.2.
rE325 Where a case has been referred to a <i>Fitness to Practise Panel</i> for a review hearing under Regulation E324, Regulations E309 to E323 and E335 shall apply, save that the Chair of the Panel and the <i>Individual</i> may agree in writing that no preliminary hearing shall be held.	Retained	Regulation 10.3
rE326 At the conclusion of a review hearing, the <i>Fitness to Practise Panel</i> may: .1 confirm or revoke the direction made or undertakings agreed; .2 extend or vary (or further extend or vary) the period for which the direction has effect, or agree with the <i>Individual</i> concerned an extension or variation of the period for which an undertaking has been agreed; .3 replace the direction or undertakings, exercising any of the powers of a <i>Fitness to Practise Panel</i> under Regulations E313, E315, E320 or E321 above.	Amended	Regulation 10.4
rE327 Where a case has been referred to a <i>Fitness to Practise Panel</i> for a review hearing under Regulation E324 above and the review hearing cannot be concluded before the expiry of any period of <i>restriction</i> imposed under Regulation E314 or E320.1, or agreed under Regulation E315.1 or E321, the Panel may extend the <i>restriction</i> for such period as it considers necessary to allow for the conclusion of the review hearing.	Retained	Regulation 10.5
Regulations E328-E330 - Appeals before an Appeal Panel		
rE328 An <i>Individual</i> may appeal a decision of a <i>Fitness to Practise Panel</i> to impose, extend, vary or replace a period of <i>restriction</i> by notifying the <i>President</i> in writing that they wish to do so, no more than 14 days after the date of the decision subject to appeal.	Amended	Regulation 12.1
rE329 As soon as reasonably practicable after receipt of an appeal under Regulation E328, the Chair of the <i>Appeal Panel</i> shall send a notice in writing of the appeal hearing to the <i>Individual</i> , which shall: .1 inform the <i>Individual</i> of the time and date of the appeal hearing; .2 inform the <i>Individual</i> of their right to attend and be represented at the hearing, and to produce evidence at the hearing, in accordance with Regulations E335.2 and .3 below; and .3 inform the <i>Individual</i> of the Panel's powers under Regulation E331 below.	Amended	Regulation 12.2
rE330 A pending appeal to an <i>Appeal Panel</i> shall not operate as a stay of the decision subject to appeal.	Amended	Regulation 12.7
Regulations E331-E334 - Decisions of an Appeal Panel		

Existing BSB Provision - v.4.8	Status	New provision reference
rE331 At the conclusion of an appeal hearing, the <i>Appeal Panel</i> may: .1 allow the appeal; .2 confirm the decision that is subject to appeal; .3 exercise any of the powers of a <i>Fitness to Practise Panel</i> under Regulations E320 or E321 above;	Retained	Regulation 12.4
rE332 The <i>Appeal Panel</i> shall inform the <i>Individual</i> : .1 of their right to request a <i>Fitness to Practise Panel</i> to review any direction made, or undertakings agreed, under Regulation E324 above; and .2 that failure to comply with a <i>restriction</i> or condition imposed under Regulation E331.3 above would be likely to result in a charge of professional misconduct being brought before a <i>Disciplinary Tribunal</i> .	Retained	Regulation 12.5
rE333 The Chair of the Panel shall record, in writing, the decision of the Panel, together with its reasons, and the terms of any <i>restriction</i> imposed or undertakings accepted.	Retained	Regulation 12.6.
rE334 There shall be no right of appeal from a decision of an <i>Appeal Panel</i> .	Retained	Regulation 12.8
Part 5 - D5. Conduct of Fitness to Practise and Review Panel Hearings Regulations E335-E341 - Procedure before a Panel		
rE335 At any hearing before a <i>Fitness to Practise</i> or <i>Appeal Panel</i> , the proceedings shall be governed by the rules of natural justice, subject to which: .1 the procedure shall be informal, the details being at the discretion of the Chair of the Panel; .2 the <i>Individual</i> shall attend the hearing and may be represented by another member of the bar or a solicitor, save that where the <i>Individual</i> does not attend and is not represented, the hearing may nevertheless proceed if the Panel is satisfied that it is appropriate to do so and that all reasonable efforts have been made to serve the <i>Individual</i> with notice in writing of the hearing in accordance with these Regulations; .3 the <i>Individual</i> may, on their own behalf or through their representative: .a make representations in writing or orally, .b produce evidence, provided (but subject to the discretion of the Chair) that a proof of such evidence has been submitted no less than 24 hours prior to the hearing, and .c put questions to any <i>Medical Examiner</i> whose report is in evidence before the Panel; .4 the hearing shall be in private, unless the <i>Individual</i> requests a public hearing, and shall be recorded electronically; .5 decisions shall be taken by simple majority; .6 where the votes are equal the issue shall be decided, at a hearing before a <i>Fitness to Practise Panel</i> , in the <i>Individual's</i> favour and, in an appeal case, against the <i>Individual</i> .	Amended	Regulation 13.1 and 13.2
rE336 If at any time it appears to a Panel that it would be appropriate to do so, the Panel may refer the case to the <i>Commissioner</i> for consideration of whether to refer any matter for a hearing before a <i>Disciplinary Tribunal</i> .	Amended	Regulation 13.3
rE337 Where it considers it necessary, a Panel may appoint a practising barrister or solicitor to assist it on any question of law or interpretation of these Regulations, by providing an independent advice either orally or in writing, such advice to be tendered in the presence of the parties, or, where the parties are not present at the hearing, copied to the parties as soon as reasonably practicable.	Removed	
rE338 A Panel shall have no power to award costs.	Retained	Regulation 13.6
rE339 The proceedings before an <i>Appeal Panel</i> shall be by way of a rehearing.	Retained	Regulation 13.7
rE340 At any review hearing before a <i>Fitness to Practise Panel</i> or appeal hearing before an <i>Appeal Panel</i> , copies of the report of any expert or any proof of evidence referred to at any previous hearing of the Panel in respect of the same case may be referred to by the Panel.	Retained	Regulation 13.5.

Existing BSB Provision - v.4.8	Status	New provision reference
rE341 In the arrangements that it makes to perform its functions, and in undertaking its functions, in particular, in reaching any decision concerning an <i>Individual's</i> fitness to practise, a Panel shall: .1 take into account its duties to make reasonable adjustments which arise under the Equality Act 2010; and .2 have due regard to the need to: .a eliminate unlawful discrimination and other conduct prohibited by the Equality Act 2010, and .b advance equality of opportunity and foster good relations between <i>persons</i> who share a relevant protected characteristic as set out in Section 149 of the Equality Act 2010 and those who do not.	Removed	
Regulations E342-E346 - Postponement, adjournment and cancellation		
rE342 Before the opening of any hearing in which notice has been served in writing in accordance with these Regulations, the Chair of the Panel may, of their motion or on the application of the <i>Bar Standards Board</i> or the <i>Individual</i> , postpone the hearing until such time and date as they think fit.	Retained	Regulation 14.1
rE343 Where any hearing under these Regulations has commenced, the Panel considering the matter may, at any stage in the proceedings, whether of its own motion or on the application of the <i>Bar Standards Board</i> or the <i>Individual</i> , adjourn the hearing until such time and date as it thinks fit.	Retained	Regulation 14.2
rE344 No hearing shall be postponed or adjourned under Regulations E342 or E343 unless the <i>Individual</i> has been given reasonable opportunity to make representations on the matter.	Retained	Regulation 14.3
rE345 Where a hearing has been postponed or adjourned, the parties shall be notified as soon as reasonably practicable of the time, of the date and place at which the hearing is to take place or to resume.	Retained	Regulation 14.4
rE346 Where notice of hearing has been served <i>in writing under these Regulations, the Chair of the Panel may, on application of the Bar Standards Board</i> or the <i>Individual</i> , cancel the hearing where the Chair considers that there are no reasonable grounds for questioning whether the <i>Individual</i> is <i>unfit to practise</i> .	Amended	Regulation 14.5
Regulations E347-E348 - Notice and publication of Decisions		
rE347 Where a decision has been taken by <i>Fitness to Practise Panel</i> or an <i>Appeal Panel</i> under these Regulations, the Chair of the Panel shall, as soon as reasonably practicable, serve notice in writing of the decision on the <i>Individual</i> concerned.	Amended	Regulation 15.1
rE348 Where a decision is taken at a full hearing of a <i>Fitness to Practise Panel</i> or at an <i>Appeal Panel</i> hearing, unless the decision is to take no action and the <i>Individual</i> is permitted to continue to practise without <i>restriction</i> , the Chair shall provide notice in writing of the decision to any <i>person</i> to whom they consider it to be in the public interest to do so.	Retained	Regulation 15.2
Regulations E349-E351 - Service of documents		
rE349 Regulation rE249 of the Disciplinary Tribunals Regulations 2017 (section 5.B) shall apply for the purposes of the service of any notices or documents under these Regulations save that, for the reference in Regulation rE249.4 to the “ <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> ”, there shall be substituted the “Chair of the Panel”.	Amended	Regulation 16.1
rE350 Where a Panel directs that an <i>Individual's</i> ability to practise be subject to <i>restrictions</i> , conditions or agreed undertakings, the <i>President</i> shall always communicate brief details of the decision, in writing to: .1 the <i>Individual</i> ; .2 the <i>Commissioner</i> of the <i>Bar Standards Board</i> ; .3 the Barrister’s Head of Chambers, where relevant; .4 the Treasurers of the Barrister’s <i>Inn</i> of Call and of any other Inns of which they are a member, where relevant; and .5 other regulators, where relevant.	Amended	Regulation 15.2

Existing BSB Provision - v.4.8	Status	New provision reference
~~RE351~~ The following shall have details of the decision of the Panel communicated to them in writing, at the discretion of the <i>President</i> : .1 the Chair of the <i>Bar Council</i> ; .2 the Lord Chancellor; .3 the Lord Chief Justice; .4 the Attorney General; .5 the Director of Public Prosecutions; and, .6 the Leaders of the six circuits. Schedule 1 - Constitution of Fitness to Practise and Appeal Panels 1. The <i>President</i> shall appoint and maintain: (a) a list of barristers and <i>lay persons</i> eligible to be members of <i>Fitness to Practise Panel</i> ; (b) a list of barristers and <i>lay persons</i> eligible to be members of an <i>Appeal Panel</i> ; and, (c) from the lists at (a) and (b), lists of King's Counsel eligible to act as Chairs of a <i>Fitness to Practise Panel</i> and an <i>Appeal Panel</i> respectively. 2. The <i>President</i> shall remove from the lists at Paragraph 1 <i>persons</i> : (a) whose term of appointment has come to an end, unless that term is renewed; (b) who resign from the relevant list by giving notice in writing to that effect to the <i>President</i> ; or (c) who in the opinion of the <i>President</i> have ceased to be eligible for appointment. 3. The <i>President</i> shall appoint, and ensure that arrangements are in place to be able to access suitably qualified <i>medical members</i> to sit on Fitness to Practise and Appeal Panels. 4. A <i>Fitness to Practise Panel</i> shall consist of five members selected by the <i>President</i> from the list of persons under Paragraph 1(a) and in line with the arrangements arising from paragraph 3, being: (a) a Chair whose name appears on the relevant list at Paragraph 1(c); (b) two practising barristers; (c) a <i>medical member</i> ; and (d) a <i>lay member</i> . 5. An <i>Appeal Panel</i> shall consist of four members selected by the <i>President</i> from the list of <i>persons</i> under Paragraph 1(b) and in line with paragraph 3, being: (a) two practising barristers, including a Chair whose name appears on the relevant list at Paragraph 1(c), and who shall, unless the <i>Appeal Panel</i> decide otherwise, be the most senior of the barrister members; (b) a <i>medical member</i> ; and (c) a <i>lay member</i> . 6. No person shall be selected to sit on a Fitness to Practise Panel or an Appeal Panel if: (a) they are a member of the BSB or any of its other Committees or the Independent Decision-Making Body; or (b) removed. 7. No person shall sit on a Fitness to Practise Panel or an Appeal Panel for the hearing of a case that they have previously considered or 9. The validity of the proceedings of a Panel shall not be affected by any defect in the appointment of a member.	Amended.	As above.
	Amended	Schedule 1, paragraphs 1 - 9

Part 6- Glossary - (Revised definitions in green, new definitions in red, deleted definitions in purple struck through)

<i>allegation</i> means a <i>report</i> , or part of a <i>report</i> , which discloses a potential breach of a <i>regulatory obligation</i> by an <i>applicable person</i> or potentially satisfies the <i>disqualification condition</i> and is treated as an allegation under the BSB Enforcement Decisions Regulations 2027.	Amended	
~~<i>Appeal Panel</i>~~	Removed	Term defined separately in relevant Regulations
<i>association (instead of 'an association') - no change to meaning</i>	Amended	
<i>authorised decision-maker</i> means a person authorised by the BSB under a scheme of delegation to make a specific type of decision under the Enforcement Regulations.	Added	
BSB means the <i>Bar Standards Board</i>	Added	
business day means any day except Saturday, Sunday, Good Friday, Christmas Day or a bank holiday under the Banking and Financial Dealings Act 1971 in England or Wales.	Added	
Commissioner for Conduct means the Commissioner for Conduct appointed by the Bar Council to address issues of bullying, harassment and sexual harassment.	Added	
<i>conditions (order)</i> means an order directing an applicable person to carry out their future activities in accordance with conditions on their authorisation or licence.	Added	
<i>Convening Order</i> means an order made by the <i>President</i> under regulation 10.2 of the BSB Disciplinary Tribunals Regulations 2027.	Amended	
<i>directions (order)</i> means an order directing a BSB authorised person to take steps in relation to a manager or employee of that BSB authorised person which may include limits on the type of work the manager or employee is to be permitted to do, or on requirements as to their supervision or training.	Added	
<i>disqualification application</i> means an application for a disqualification order.	Added	
<i>disposal</i> means the dismissal or making of a final order or sanction by a Disciplinary Tribunal in relation to a charge of professional misconduct or a disqualification application.	Added	
Enforcement Regulations means the BSB Enforcement Decision Regulations 2027, BSB Disciplinary Tribunals Regulations 2027, BSB Interim Order Regulations 2027 and BSB Health Panel and Procedure Regulations 2027.	Added	
~~<i>Fitness to practise panel</i>~~	Removed	Replaced by Health Panel

health condition means a physical or mental health condition (including addiction).	Added	
Health Panel means a panel constituted under the BSB Health Panel and Procedure Regulations 2027.	Added	
interim order means an order for interim suspension, interim disqualification, interim conditions, interim directions or an interim restriction made under the Enforcement Regulations	Added	
Judge means a person who holds or has held a judicial office in England and Wales and includes, for the avoidance of doubt, a retired judge or a judge sitting in retirement.	Added	
lay member means either: (a) a lay person appointed to be a member of the <i>Bar Standards Board</i> , one of its regulatory committees or the <i>Independent Decision-Making Body</i> ; or, (b) a lay person appointed by the <i>President</i> to serve on <i>Disciplinary Tribunals</i> , <i>interim panels</i> , <i>review panels</i> and appeal panels therefrom, and <i>Health Panels</i> and Appeal Panels therefrom	Amended	
litigation extension means extension to a practising certificate or an authorisation or licence permitting the conduct of litigation.	Added	
party in the BSB Disciplinary Tribunals Regulations 2027 means, as the case may be, either the Respondent or the BSB.	Added	
~~Professional misconduct'~~	Removed	Not required
realistic prospect of a finding of professional misconduct being made means that an <i>authorised decision-maker</i> or an <i>Independent Decision-Making Panel</i> considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an allegation, that it is more likely than not that a finding of professional misconduct will be made.	Amended Amended	Commissioner replaced with authorised decision-maker
realistic prospect of the disqualification condition being satisfied means that an authorised decision-maker or an Independent Decision-Making Panel considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an allegation, that it is more likely than not that it shall be determined that the disqualification condition has been satisfied	Amended Amended	Commissioner replaced with authorised decision-maker
regulatory obligation means any obligation under any part of the BSB Handbook or Code of Conduct or the Enforcement Regulations or under any rules, regulations or other regulatory arrangements of the BSB that replace or supplement them, however described.	Added	
restriction means a suspension or disqualification, imposed, extended, varied or replaced by a panel under the Health Panel and Procedure Regulations 2027	Amended	
Sanctions Guidance means guidance published by BTAS from time to time on the application of sanctions.	Added	

standard directions' (instead of 'the standard directions') - no change to meaning Amended

suspended/suspension

Amended

means to suspend the practising certificate, licence or authorisation of a BSB authorised person, either generally or in respect of any separate authorisation that person may have to conduct litigation or to carry out public access work, which power when exercised on an interim basis, shall be exercised in accordance with the BSB Interim Order Regulations 2027 and when exercised in health proceedings shall be exercised in accordance with the BSB Health Panel and Procedure Regulations 2027.

~~Unfit to practise~~ Removed Not required

Consequential amendments - Any other cross-references to the current regulations (Parts 5A-D) will be updated in Part 6 and other Parts of the Handbook to refer to the correct sections of the new Regulations, once approved.

Chair's Report on Visits and External Meetings from 3 August – 1 October**Status:**

1. For noting

Executive Summary:

2. In the interests of good governance, openness and transparency, this paper sets out the Chair's visits and meetings since the last Board meeting.

List of Visits and Meetings:**Meetings**

26 August	Met with Adam Jackson, Head of School, Emma Piasecki and Katherine Dunn, Northumbria University, with Jean-Noël Ezingear
	Met with Lynda Gibbs KC, Dean ICCA and Alex Frith, Director of Education with Jean-Noël Ezingear
2 September	Met with Christopher Hodges, Richard Moorhead and Lord Arbuthnot re Post Office Horizon & Capture Accountability
	Met with Jo-Anne Pugh, Dean and Mark Keith, Associate Dean BPP with Jean-Noël Ezingear
3 September	Met with Kos Siliadis, Dean & Head of Law, University of West of England with Jean-Noël Ezingear
7 September	Met with Andrea Nollent, Vice-Chancellor & CEO, University of Law, with Jean-Noël Ezingear
	Attended BSB Single item Board meeting
10 September	Met with the Young Bar Committee, with Jeff Chapman KC, Sara Lawson KC, Ruth Pickering, Phil Golding, Ewen MacLeod, Graham Black
11 September	Met with Jacqui Adams, Interim Chair, IDB with Phil Golding and Lyndy Geddes
16 September	Attended Joint Chairs' Committee
30 September	Met with Prof. Penny Carey, Simone Start and Elizabeth Kirkbride, University of Hertfordshire with Jean-Noël Ezingear
	Met with Jenny Chapman, Executive Dean, Alex Kastrinou, Head of PG and Adrian Savage – BTC CL at Nottingham Law School with Jean-Noël Ezingear

30 September
(cont.) Attended Board briefing meeting

Met with Prof. Andrew Francis, Dean of Manchester Law School
with Jean-Noël Ezingear

1 October Met with Prof. Richard Ashcroft, Dean, Mark O'Brien, Anna
Banfield, Alexia Zimbler, Amanda Clarke, City Law School
With Jean-Noël Ezingear

Attended BSB Board meeting

1-2-1 Meetings

5 August Met with Jacqui Adams, Vice-Chair, IDB

1 September Met with Dame Maria Miller

10 September Met with Sharif A Shivji KC, Chair, Advocate

Met with Zafir Ali, newly appointed Chair of Joint Audit Committee

Met with Mark Fenhalls KC