ANNEXE N

INTERIM SUSPENSION RULES
INTERIM SUSPENSION RULES

Introduction

1. These Rules are supplemental to:
   (a) the Complaints Rules; and
   (b) the Disciplinary Tribunals Regulations; and
   (c) the Summary Procedure Rules;
   as approved from time to time and annexed to the Code of Conduct of the Bar of England and Wales.

2. Anything required by these Rules to be done or any discretion required to be exercised by, and any notice required to be given to, the President or the Complaints Committee may be done or exercised by, or given to, any person or body authorised by the President or by the Complaints Committee as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).

Definitions

3. In these Rules unless the context otherwise requires
   (a) Any term defined in the Code of Conduct shall carry the same meaning as it does in Part X of the Code of Conduct.
   (b) Any reference to a person includes any natural person, legal person and/or firm. Any reference to the masculine gender includes the feminine and the neuter, and any reference to the singular includes the plural, and in each case vice versa.
   (c) 'Suspension Panel' means a Suspension Panel as provided for in rule 4 of these Rules;
   (d) 'Appeal Panel' means an Appeal Panel as provided for in rule 5 of these Rules;
   (e) 'Approved Regulator' and 'authorised body' have the meanings given by the Legal Services Act 2007.
Composition of Panels

4. A Suspension Panel shall consist of five members nominated by the President being:

(a) A Chairman and three other barristers of at least ten years Call of whom the Chairman and at least one other shall be Queen’s Counsel

(b) a lay member.

Provided that:

(1) the proceedings of a Suspension Panel shall be valid notwithstanding that one or more of the members, other than the Chairman or lay member, becomes unable to continue to act or disqualified from continuing to act, so long as the number of members present throughout the substantive hearing is not reduced below three and continues to include the Chairman and the lay member.

(2) no person shall be appointed to serve on a panel if they are: a member of the Bar Council or any of its committees, a member of the Bar Standards Board or any of its committees or were a member of the Complaints Committee of the Bar Standards Board at any time when the matter was being considered by the Complaints Committee.

5. An Appeal Panel shall consist of three members nominated by the President being:

(a) Two Queen’s Counsel who are entitled to sit as a Recorder or a Deputy High Court Judge or who have
been Queen’s Counsel for at least ten-seven years. Unless the panel otherwise decides, the senior barrister member will be the Chairman of the panel.

(b) a lay member

Provided that:

(1) no person shall be appointed to serve on a panel if they are: a member of the Bar Council or any of its committees, a member of the Bar Standards Board or any of its committees or were a member of the Complaints Committee of the Bar Standards Board at any time when the matter was being considered by the Complaints Committee.

(2) Provided that no individual shall sit on both the Suspension Panel and the Appeal Panel considering the same matter.

Referral to a Suspension Panel

6. Upon the Bar Standards Board receiving notification that from a barrister ("the Defendant") that he has been:

(a) convicted of or charged with a Indictable Offence, or

(b) convicted by an Approved Regulator for misconduct of any sort, for which conviction he has been sentenced to suspension or termination of his right to practise in a Recognised Body, whether on an interim or final basis and whether or not such sentence is subject to conditions,

the Commissioner and/or the Complaints Committee shall, as soon as practicable, consider whether to refer the matter to a Suspension Panel.

7. Either the Commissioner or the Complaints Committee may refer a matter to a Suspension Panel if:

(a) the matter has been referred to the Commissioner or the Complaints Committee under rule 6 above; or

(b) a complaint has been referred to the Commissioner or the Complaints Committee and during the investigation of which it is disclosed that a barrister has been convicted of
or charged with a Indictable Offence, or convicted of misconduct by another Approved Regulator as described at 6(b) above; or

(c) in any other circumstances it is disclosed to the Commissioner or the Complaints Committee that a barrister has been convicted of or charged with a Indictable Offence or convicted of misconduct by another Approved Regulator as described in 6(b) above.

No matter shall be referred to a Suspension Panel unless the Commissioner or the Complaints Committee considers that the conviction(s) or criminal charge(s) (if such charge(s) were subsequently to lead to conviction(s)), would warrant a charge of professional misconduct and referral to a Disciplinary Tribunal.

8. As soon as practicable after the decision has been made to refer a matter to a Suspension Panel, the Bar Standards Board shall write to the President notifying him of the decision.

9. As soon as practicable after receipt of the letter referred to in paragraph 8, the President shall write to the Defendant notifying him of the decision, together with a copy of these Rules, giving brief details of the conviction(s) or criminal charge(s) that have caused the referral to the Panel. The letter of notification:

(a) shall lay down a fixed time and date (normally not less than fourteen and not more than twenty-one days from the date of the letter) for the hearing to take place. One alternative shall be given;

(b) shall invite the Defendant to accept one or other of the dates proposed or to provide a written representation to the President, which should be copied to the Chairman of the Complaints Committee, objecting to both dates with reasons and providing two further alternative dates not more than twenty-one days from the date of the letter of notification. Any such representation must be received by the President not more than fourteen days from the date of the letter of notification. The President shall consider any such representation together with any representations form the Chairman of the Complaints Committee, and either confirm one of the original dates or re-fix the hearing. If no such representation is received within fourteen days of the date of the letter of notification the hearing shall take place at the time and date first fixed pursuant to sub-rule (a) above. The President’s
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

decision, which shall be notified in writing to the Defendant by the President, shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the President;

(c) shall inform the Defendant that he may by letter to the Chairman of the Complaints Committee undertake either:

   (1) immediately to be suspended from practice; or
   (2) not to accept or carry out any public access instructions;

pending the disposal of any charges of professional misconduct by a Disciplinary Tribunal based on the conviction(s) or criminal charge(s) that have caused the referral to the Panel;

(d) shall inform the Defendant that he is entitled to make representations in writing or orally, by himself or by another member of the Bar or a solicitor on his behalf:

   (1) where a conviction or convictions have caused the referral to the Panel, as to whether a period of interim suspension or an interim prohibition from accepting or carrying out any public access instructions should be imposed; or
   (2) where a criminal charge or charges have caused the referral to the Panel, as to whether and if so in what terms any notification should be given to professional clients and lay clients and the conditions subject to which the Defendant should be permitted to continue to practice;

pending the disposal of any charges of professional misconduct by a Disciplinary Tribunal;

(e) shall inform the Defendant that he is entitled to request an expedited hearing of any charges of professional misconduct by a Disciplinary Tribunal.

10.

(a) If, when referring a matter to a Suspension Panel, the Commissioner or Complaints Committee so requests, the President shall appoint a person who is qualified to sit as
Chairman of a Suspension Panel to consider whether to impose an immediate interim suspension.

(b) This person shall impose an immediate interim suspension only if he is satisfied that the seriousness of the breaches found by the Approved Regulator and the seriousness of the risk to the public and to the administration of justice justify such a course.

(c) If an immediate interim suspension is imposed, the suspension shall remain effective until further order of the Suspension Panel which considers the matter.

11. If a Defendant sends a letter in accordance with rule 9(c) above which is satisfactory to the Chairman of the Complaints Committee the Chairman shall accept the undertaking contained in the letter in lieu of imposing a period of interim suspension or an interim prohibition from accepting or carrying out any public access instructions and so inform the Defendant in writing, whereupon the Defendant shall (as the case may be) either:

(a) immediately be suspended from practice, or
(b) immediately be prohibited from accepting or carrying out any public access instructions,

until after the disposal by a Disciplinary Tribunal of any charges of professional misconduct based on the conviction(s) or criminal charges(s) that have caused the referral to the Panel.

Powers of Suspension Panels

12. If, prior to the date fixed for a hearing under rules 9(a) or 9(b) above, a Defendant shall not have produced a letter in accordance with rule 9(c) above satisfactory to the Chairman of the Complaints Committee, a Suspension Panel nominated in accordance with rule 4 above shall, at the time and place notified to the Defendant in accordance with rules 9(a) or 9(b) above, consider:

(a) where a conviction or convictions have caused the referral to the Panel, whether a period of interim suspension or interim prohibition from accepting or carrying out any public access instructions should be imposed on the Defendant;
Annex N – Interim Suspension Rules / page N-8
Annexe N – Re-issued on 1st January, 2011

DRAFT- FINAL VERSION – 5 November 2010

(b) where a criminal charge or charges have caused the referral to the Panel, whether the Defendant should be directed to notify his professional clients and lay clients of the criminal offence(s) with which he has been charged before undertaking any work or (as the case may be) further work for any such client.

13. At any hearing of a Suspension Panel the proceedings shall be governed by the rules of natural justice, subject to which:

(a) the procedure shall be informal, the details being at the discretion of the Chairman of the Panel;

(b) the Defendant shall be entitled to make representations in writing or orally, by himself or by another member of the Bar or a solicitor on his behalf, as to:

(1) where a conviction or convictions have caused the referral to the Panel, why a period of interim suspension or interim prohibition from accepting or carrying out any public access instructions should not be imposed; or

(2) where a criminal charge or charges have caused the referral to the Panel, why the Panel should not direct that the Defendant should notify his professional clients and lay clients of the criminal offence(s) with which he has been charged before undertaking any work or (as the case may be) further work for any such client;

pending the disposal of any charges of professional misconduct by a Disciplinary Tribunal;

(c) no witnesses may be called without the prior consent of the Chairman of the Panel and without the submission of a proof of evidence;

(d) the attendance of the Defendant shall be required. Should he nevertheless fail to attend, the hearing may proceed in his absence, subject to the Panel being satisfied that this course is appropriate, that all relevant procedures requiring the Defendant’s attendance have been complied with and that no acceptable explanation for the Defendant’s absence has been provided. Should the Panel not be so satisfied, it shall have the power to adjourn the hearing;
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

(e) the hearing shall not be in public unless so requested by the Defendant and a record shall be taken electronically. The tape of the hearing shall be retained under the arrangements of the President for two years or until any charges of professional misconduct against the Defendant based on the convictions or criminal charges which caused the referral to the Panel have been finally disposed of by a Disciplinary Tribunal and any appeal procedure has been exhausted whichever period is the longer;

(f) if it decides an adjournment is necessary for any reason, the Panel may adjourn the hearing for such period and to such time and place, and upon such terms, as it may think fit.

14. If the members of a Suspension Panel are not unanimous as to any decision the decision made shall be that of the majority of them. If the members of the Panel are equally divided the decision shall be that which is the most favourable to the Defendant.

15. Where a conviction or convictions have caused the referral to a Suspension Panel, at the conclusion of the hearing the Panel:

(a) may decide not to impose any period of interim suspension or interim prohibition from accepting or carrying out any public access instructions;

(b) may impose a period of interim suspension or interim prohibition from accepting or carrying out any public access instructions (either unconditionally or subject to conditions) of up to six months pending the hearing before a Disciplinary Tribunal, provided that:

(1) no period of interim suspension should be imposed unless the Panel considers that it is likely that a Disciplinary Tribunal would impose a sentence of disbarment or suspension for more than twelve months for a charge or charges of professional misconduct based on the conviction or convictions that have caused the referral to the Panel and it considers that it is in the public interest that the Defendant should be suspended pending the hearing before a Disciplinary Tribunal; and
(2) no period of interim prohibition from accepting or carrying out any public access instructions should be imposed unless the Panel considers that it is likely that a Disciplinary Tribunal would impose a sentence of disbarment or suspension for more than twelve months or prohibition from accepting or carrying out any public access instructions for a charge or charges of professional misconduct based on the conviction or convictions that have caused the referral to the Panel and it considers that it is in the public interest that the Defendant should be prohibited from accepting or carrying out any public access instructions pending the hearing before a Disciplinary Tribunal.

(c) in lieu of imposing a period of suspension or prohibition from accepting or carrying out any public access instructions, may accept from the Defendant an undertaking in writing in terms satisfactory to the Panel (and subject to such conditions and for such period as the Panel may agree) either:

(1) immediately to be suspended from practice; or

(2) not to accept or carry out any public access instructions pending the disposal of any charges of professional misconduct by a Disciplinary Tribunal based on the conviction or convictions that have caused the referral to the Panel;

(d) shall set down in writing signed by the Chairman of the Panel the decision of the Panel and the terms of any period of interim suspension or prohibition imposed under sub-rule (b) above or undertaking accepted under sub-rule (c) above.

(1) The imposition of any period of suspension shall be recorded as follows:

"That..........be suspended from practice as a barrister and from enjoyment of all rights and privileges as a member of the Honourable Society of...and be prohibited from holding himself out as being a barrister without disclosing his interim suspension for a period expiring on
the day of………………or such earlier date as a
Disciplinary Tribunal shall have disposed of any
charges based on the conviction or convictions
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 Defendant’s
practice or shall be subject to conditions, such
part or such conditions (as the case may be)
shall be recorded).

(2) The imposition of any period of prohibition from
accepting or carrying out any public access
instructions shall be recorded as follows:

“That….be prohibited from accepting or car
rying out any public access instructions (as defined in
the Code of Conduct of the Bar Of England and
Wales) for a period expiring on the day of………………or such earlier date as a
Disciplinary Tribunal shall have disposed of any
charges based on the conviction or convictions
that have caused this interim prohibition or such
Disciplinary Tribunal may otherwise direct.”
(Note: If the Panel decides that the sentence
shall be subject to conditions, such conditions
shall be specified in the wording of the sentence.)

(e) shall, if a period of interim suspension or interim
prohibition is imposed under sub-rule (b) above or a
written undertaking is accepted under sub-rule (c) above:

(1) fix a time and date within the period of
suspension or prohibition imposed, alternatively
inform the Defendant that such a time and date
will be fixed by the President and notified to the
Defendant not less than fourteen days prior to
such date, when, unless a Disciplinary Tribunal
shall in the meantime have disposed of any
charges of professional misconduct based on the
conviction or convictions that have caused the
referral to the Panel, a Panel shall be convened
for the purpose of reviewing the matter;
Inform the Defendant of his right to request a Panel to review the matter prior to the date fixed in (1) above as provided in rule 17 below;  

Inform the Defendant of his right of appeal as provided in rule 19 below;  

Inform the Defendant that he is entitled to request an expedited hearing of any charges of professional misconduct by a Disciplinary Tribunal and, if so requested, the Chairman of the Panel may so direct;  

May, if it has not already been referred to a Disciplinary Tribunal, refer the matter to a Disciplinary Tribunal.  

Where a criminal charge or charges have caused the referral to a Suspension Panel, at the conclusion of the hearing the Panel:  

(a) may decide to make no direction as to the conduct of the Defendant’s practice;  

(b) may decide to direct the Defendant to notify his professional clients and lay clients of the criminal offence(s) with which he has been charged, in which case the Panel shall set out the terms of the written notification to be given (for such period as the Panel may think fit) to such clients and may include such comments as the Defendant may wish to make and the Panel may approve concerning the criminal charge(s). In addition to directing the notification of professional clients and lay clients, the Panel may direct that the conduct of Defendant’s practice shall be subject to such conditions as the Panel may think fit;  

(c) in lieu of making any direction under sub-rule (b) above the Panel may accept one or more undertakings in writing in such terms and upon such conditions as the Panel may think fit as to the form of written notification to be given to any professional client or lay client and as to the conduct of the Defendant’s practice;  

(d) shall set down in writing signed by the Chairman of the Panel the terms of any direction or undertaking accepted under sub-rules (b) or (c) above together with a copy or copies of the letter or letters approved as the form of notification to professional clients and lay clients;
(e) shall, if any direction is given or undertaking accepted under sub-rules (b) or (c) rules 15(b) or (c) above limited to any specified period:

(1) fix a time and date within that period, alternatively inform the Defendant that such a time and date will be fixed by the President and notified to the Defendant not less than fourteen days prior to the expiration of such period when, unless a Disciplinary Tribunal shall in the meantime have disposed of any charges of professional misconduct based on the criminal charge or charges that have caused the referral to the Panel, a Panel shall be convened for the purpose of reviewing the matter;

(2) inform the Defendant of his right to request a Panel to review the matter prior to the date fixed in (1) above as provided in rule 17 below;

(3) inform the Defendant of his right of appeal as provided in rule 19 below;

(4) inform the Defendant that he is entitled to request an expedited hearing of any charges of professional misconduct by a Disciplinary Tribunal and, if so requested, the Chairman of the Panel may so direct;

(f) may, if not already referred to a Disciplinary Tribunal, refer the matter to a Disciplinary Tribunal.

17. In the event of a significant change in circumstances or other good reason the Defendant may at any time while suspended or subject to a prohibition pursuant to a decision of a Suspension Panel or an undertaking under rules 15(b) or 15(c) above or subject to a direction or undertaking under rules 16(b) or 16(c) make a request in writing to the President for a Panel to be convened to review the matter. The letter must set out the details of any alleged change in circumstances or good reason. On receipt of such a letter the President may seek representations from the Chairman of the Complaints Committee and may in his discretion convene a Panel or refuse the request. In either case the President shall notify the Defendant in writing of the decision. The President shall not be obliged to give reasons and his decision shall be final. If the President decides to convene a
Panel the procedure to be followed for fixing the time and date of the hearing shall be as set out in rules 9(a) and 9(b) above.

18. Unless in the meantime the hearing before a Disciplinary Tribunal of any charges based on the conviction(s) or criminal charge(s) which had caused the referral to a Suspension Panel has commenced, a hearing by a Suspension Panel convened pursuant to rules 15(e)(1), 16(e)(1) or 17 above shall take place at the time and date fixed. Such hearing shall be a rehearing of the matter by the Panel which may reconsider the matter as if there had been no previous hearing. The provisions of rules 13, 14, 15 and 16 above shall apply at the first and any subsequent reconsideration of the matter save that in imposing any further period of interim suspension or interim prohibition from accepting or carrying out any public access instructions the Panel shall have regard to the length of any period of suspension or prohibition already served by the Defendant. If the hearing before a Disciplinary Tribunal of any charges based on the conviction(s) or criminal charge(s) which had caused the referral to a Suspension Panel has commenced before the date fixed for a rehearing by a Suspension Panel, such date shall be vacated and any interim suspension or prohibition or the terms of any direction made or undertaking accepted by a Suspension Panel shall continue until such charges have been disposed of by the Disciplinary Tribunal.

19. A Defendant may by letter served on the President and on the Chairman of the Complaints Committee not more than fourteen days after the date of the relevant decision of a Suspension Panel give notice of his wish to appeal against the decision.

20. Unless a Disciplinary Tribunal shall otherwise direct, any period of interim suspension or interim prohibition shall cease or the Defendant shall cease to be bound by the terms of any direction made or undertaking accepted by a Suspension Panel or an Appeal Panel immediately upon:

(a) all charges of professional misconduct based on the conviction(s) or criminal charge(s) which had caused the referral to a Suspension Panel being disposed of by a Disciplinary Tribunal;

(b) any appeal by the Defendant against the conviction or all the conviction(s) which had caused the referral to a Suspension Panel being successful;
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

(c) the acquittal of the Defendant of the criminal charge or all the criminal charges which had caused the referral to a Suspension Panel;

(d) the criminal charge or all the criminal charges which had caused the referral to a Suspension Panel being withdrawn.

Appeals

21. As soon as practicable after receipt of a letter in accordance with rule 19 above the President shall convene an Appeal Panel and write to the Defendant notifying him of a fixed time and date (normally not less than fourteen and not more than twenty-one days from the date of receipt of the letter) for the hearing to take place. The Defendant may make a written representation, addressed to the Chairman of the proposed Appeal Panel, objecting to the date with reasons and providing two further alternative dates. Any such representation must be received by the Chairman of the Appeal Panel not more than fourteen days from the date of the letter of notification. The Chairman shall consider any such representation and either confirm the original date 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 originally notified to the Defendant. The Chairman’s decision, which shall be notified in writing to the Defendant shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the Chairman of the Appeal Panel.

22. The proceedings before an Appeal Panel shall be by way of a re-hearing and the provisions of rule 13 above shall apply as if for references therein to the Suspension Panel and the Chairman of the Suspension Panel there were substituted references respectively to the Appeal Panel and the Chairman of the Appeal Panel.

23. Where the appeal concerns a period of interim suspension or interim prohibition from accepting or carrying out any public access instructions, at the conclusion of the hearing the Appeal Panel:

(a) may remove the period of interim suspension or interim prohibition and/or any conditions attached thereto;
may confirm the period of interim suspension or interim prohibition (subject to any conditions), impose further or alternative conditions, or substitute such shorter period (either unconditionally or subject to conditions) as may be thought fit;

(c) in lieu of confirming or imposing a period of interim suspension or interim prohibition, may accept from the Defendant in terms satisfactory to the Chairman of the Panel an undertaking in writing to continue to be suspended from practice or to continue not to accept or carry out any public access instructions (subject in either case to such conditions and for such period as the Panel may agree) pending the disposal of any charges of professional misconduct by a Disciplinary Tribunal based on the conviction or convictions that have caused the referral to the Panel;

(d) shall set down in writing signed by the Chairman of the Panel the decision of the Panel and the terms of any interim suspension or interim prohibition confirmed or imposed under sub-rule (b) above or undertaking accepted under sub-rule (c) above. If the members of the Panel are not unanimous as to the decision the decision made shall be that of the majority of them. Any period of suspension or prohibition, which is confirmed or imposed, shall be recorded as set out in rule 15(d) above;

(e) shall, if a period of interim suspension or prohibition is confirmed, imposed or the subject of a written undertaking under sub-rule (c) above:

(1) confirm or fix a time and date within the period of the interim suspension or prohibition, alternatively inform the Defendant that such a time and date will be confirmed or fixed by the President and notified to the Defendant not less than fourteen days prior to such date, when, unless a Disciplinary Tribunal shall in the meantime have disposed of any charges of professional misconduct based on the conviction or convictions that caused the referral to the Suspension Panel, a Suspension Panel shall be convened for the purpose of reviewing the matter;
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

(2) inform the Defendant of his right to request a Suspension Panel to review the matter prior to the date confirmed or fixed under (1) above as provided in rule 17 above;

(3) inform the Defendant that he is entitled to request an expedited hearing of any charges of professional misconduct by a Disciplinary Tribunal and, if so requested, the Chairman of the Panel may so direct;

(f) may, if it has not already been referred to a Disciplinary Tribunal, refer the matter to a Disciplinary Tribunal.

24. Where the appeal concerns a direction made or undertaking accepted under rules 16(b) or 16(c) above, at the conclusion of the hearing the Appeal Panel:

(a) may confirm, remove or modify any direction previously given by the Suspension Panel, subject to such conditions as to the Defendant’s practice as the Panel may think fit;

(b) in lieu of any direction under sub-rule (a) above, the Panel may accept one or more written undertakings in such terms and upon such conditions as the Panel may think fit as to the form of written notification to be given to any professional client or lay client and as to the conduct of the Defendant’s practice;

(c) shall set down in writing signed by the Chairman of the Panel the decision of the Panel and the terms of any direction made or undertaking accepted under sub-rules (a) or (b) above, together with a copy or copies of the letter or letters approved as the form of notification to professional clients and lay clients;

(d) shall, if any direction is confirmed or modified or undertaking accepted under sub-rule (b) above limited to any specified period:

(1) confirm or fix a time and date within that period, alternatively inform the Defendant that such a time and date will be fixed by the President and notified to the Defendant not less than fourteen days prior to the expiration of such period when, unless a Disciplinary Tribunal shall in the
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

meantime have disposed of any charges of professional misconduct based on the criminal charge or charges that caused the referral to the Suspension Panel, a Suspension Panel shall be convened for the purpose of reviewing the matter;

(2) inform the Defendant of his right to request a Suspension Panel to review the matter prior to the date fixed in (1) above as provided in rule 16 above;

(3) inform the Defendant that he is entitled to request an expedited hearing of any charges of professional misconduct by a Disciplinary Tribunal and, if so requested, the Chairman of the Panel may do so direct;

(e) may, if it has not already been referred to a Disciplinary Tribunal, refer the matter to a Disciplinary Tribunal.

25. A pending appeal to an Appeal Panel shall not operate as a stay of any period of interim suspension or interim prohibition or the terms of any direction or undertaking which is the subject of the appeal.

26. There shall be no right of appeal from the decision of an Appeal Panel.

Costs

27. A Suspension Panel and an Appeal Panel shall have no power to award costs.

Report and Publication of Decisions

28. As soon as practicable after the conclusion of a Suspension Panel hearing or an Appeal Panel hearing, the President shall confirm the decision to the Defendant in writing.

29. In any case where a period of interim suspension or prohibition is imposed or an undertaking from a Defendant is accepted as a consequence of which he is suspended from practice or prohibited from accepting or carrying out public access instructions (either unconditionally or subject to conditions) the
President shall communicate brief details thereof in writing to the following:

(a) the Lord Chancellor;
(b) the Lord Chief Justice;
(c) the Attorney General;
(d) the Director of Public Prosecutions;
(e) the Chairman of the Bar Council;
(f) the Leaders of the six circuits;
(g) the Chairman-Director of the Bar Standards Board;
(h) the Chairman of the Complaints Committee;
(i) the Defendant;
(j) the Defendant’s head of chambers;
(k) the Treasurers of the Defendant’s Inn of Call and of any other Inns of which he is a member;
(l) such one or more press agencies or other publications, as the Chairman of the Complaints Committee may direct.

Save in cases where interim suspension or interim prohibition is followed by a sentence of disbarment or suspension from practice or prohibition from accepting or carrying out any public access instructions imposed by a Disciplinary Tribunal, if a Defendant ceases for whatever reason to be suspended from practice or prohibited from accepting or carrying out any public access instructions the Bar Standards Board shall communicate brief details of the circumstances in which the Defendant has ceased to be suspended from practice or prohibited from accepting or carrying out any public access instructions to all the persons and agencies to which brief details of the interim suspension had previously been communicated pursuant to this rule.

30. In any case where a direction is made requiring notification of a criminal charge or charges to professional clients and lay clients or any undertaking is accepted under rules 16(c) and/or 14(c)
Annex 3 – Board Paper

DRAFT- FINAL VERSION – 5 November 2010

24(b)22(c) above the Bar Standards Board shall communicate brief details thereof in writing to the following:

(a) the Lord Chancellor;
(b) the Lord Chief Justice;
(c) the Attorney General;
(d) the Director of Public Prosecutions;
(e) the President of the Council of the Inns of Court;
(f) the Chairman of the Bar Council;
(g) the Leaders of the six circuits;
(h) the Chairman-Director of the Bar Standards Board;
(i) the Chairman of the Complaints Committee;
(j) the Defendant;
(k) the Defendant’s head of chambers.

Service of documents

31. Regulation 32 of the Disciplinary Tribunals Regulations shall apply for the purposes of the service of any documents in connection with the procedures which are the subject of these Rules save that for the reference in Regulation 32(1)(d) to the “Directions Judge or the Chairman of the Disciplinary Tribunal” there shall be substituted the “President of the Council of the Inns of Court”.

Commencement and Transitional Provisions

32.

(a) These Rules will come into effect on 1st October 2005. They shall apply to all matters, including matters referred to a Suspension Panel prior to 1st October 2005, and to all Suspension Panels, Appeals and Appeal Panels, including all Panels and Appeals pending as at 1st October 2005;

(b) Any step taken in relation to any Suspension Panel, Appeal or Appeal Panel prior to 1st October 2005 pursuant to the
provisions of the Rules then applying shall be regarded, unless otherwise decided, as having been taken pursuant to the equivalent provisions of these Rules.

(c) These Rules shall not be applied in respect of any conviction or charge prior to 1st February 2000.

(d) These Rules shall not be applied in respect of any conviction by an Approved Regulator prior to 30th April 2010.