

CURRENT GUIDANCE

## Cab rank rule: professional clients who are authorised persons not authorised by the Solicitors Regulation Authority (SRA)

This guidance applies to:

- Self-employed barristers instructed by a professional client;
- Authorised individuals working in a BSB authorised body; and
- BSB authorised bodies in receipt of instructions that seek the services of a named authorised individual.

### Background

The cab rank rule is set out at rC29 of the BSB Handbook. It states that if you receive instructions from a professional client and the instructions are appropriate taking into account your experience, seniority and/or field or practice, you must (subject to the exceptions in rC30) accept those instructions irrespective of:

- The identity of the client;
- The nature of the case to which the instructions relate;
- Whether the client is paying privately or is publicly funded; and
- Any belief or opinion which you may have formed as to the character, reputation, cause, conduct, guilt or innocence of the client.

rC30.7.c states that you are only obliged to accept instructions where you are being asked to act on **either** the Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorised Persons 2012 (published on the Bar Council's website) **or** if you publish standard terms of work, on those terms.

### **Non-solicitor authorised persons**

The Bar Council's Standard Terms are currently drafted as if the professional client were an authorised person regulated by the SRA. However, the cab rank rule applies (subject to the various exceptions in rC30) to instructions from any professional client, therefore you may be instructed under the cab rank rule by authorised persons who are regulated by another approved regulator.

The BSB expects all authorised persons to be able to access the cab rank rule on behalf of their clients in the same way. Therefore, if you are instructed by an authorised person who is not regulated by the SRA, you are obliged to act on the same terms. You should therefore apply the Bar Council terms as if:

- The definition of professional client includes that authorised person; and
- Any references to the SRA or its Code are references to that person's approved regulator and its regulatory arrangements.

If you publish your own terms you should consider making similar amendments, where appropriate.