C. PRACTISING CERTIFICATE RULES

C1. Eligibility for practising certificates and litigation extensions

rS44 In this Section 3.C, references to “you” and “your” are references to barristers and registered European lawyers who are intending to apply for authorisation to practise as a barrister or a registered European lawyer (as the case may be) or who are otherwise intending to apply for a litigation extension to their existing practising certificate.

rS45 You are eligible for a practising certificate if:

.1 you are a barrister or registered European lawyer and you are not currently suspended from practice and have not been disbarred; and

.2 you meet the requirements of Rules S46.1, S46.2, S46.3 or S46.4; and

.3 [either:

.3a within the last 5 years either (i) you have held a practising certificate; or (ii) you have satisfactorily completed (or have been exempted from the requirement to complete) either the non-practising period of 6 months of pupilage or 12 months of pupilage; or

.3b if not, you have complied with such training requirements as may be imposed by the Bar Standards Board.]1

rS46 You are eligible for:

.1 a full practising certificate if either:

.1a you have satisfactorily completed 12 months pupillage; or

.1b you have been exempted from the requirement to complete 12 months of pupillage; or

.1c on 30 July 2000, you were entitled to exercise full rights of audience by reason of being a barrister; or

.1d you were called to the Bar before 1 January 2002 and:

.1i you notified the Bar Council that you wished to exercise a right of audience before every court and in relation to all proceedings; and

.1ii you have complied with such training requirements as the Bar Council or the Bar Standards Board may require or you have been informed by the Bar Council or the Bar Standards Board that you do not need to comply with any such further requirements;

in each case, before 31 March 2012;

1. Rule III.C1.R2.3 does not come into effect until 1 April 2015
PART 3

C1: Eligibility for practising certificates and litigation extensions

.2 a provisional practising certificate if you have satisfactorily completed (or have been exempted from the requirement to complete) the non-practising period of 6 months of pupillage and at the time when you apply for a practising certificate you are registered as a Pupil;

.3 a limited practising certificate if you were called to the Bar before 1 January 2002 but you are not otherwise eligible for a full practising certificate in accordance with Rule S46.1 above; or

.4 a registered European lawyer’s practising certificate if you are a registered European lawyer.

rs47 You are eligible for a litigation extension:

.1 where you have or are due to be granted a practising certificate (other than a provisional practising certificate); and

.2 where you are:

.a more than three years’ standing; or

.b less than three years’ standing, but your principal place of practice (or if you are practising in a dual capacity, each of your principal places of practice) is either:

.i a chambers or an annex of chambers which is also the principal place of practice of a qualified person (as that term is defined in Rule S22.3) who is readily available to provide guidance to you; or

.ii an office of an organisation of which an employee, partner, manager or director is a qualified person (as that term is defined in Rule S22.3) who is readily available to provide guidance to you;

.3 you have the relevant administrative systems in place to be able to provide legal services direct to clients and to administer the conduct of litigation; and

.4 you have the procedural knowledge to enable you to conduct litigation competently.

G Guidance

Guidance to Rules S47.3

gs12 You should refer to the more detailed guidance published by the Bar Standards Board from time to time which can be found here [further guidance will shortly be available on the BSB website]. This gives which provides more information about the evidence you may be asked for to show that you have procedural knowledge to enable you to conduct litigation competently.
C2. Applications for practising certificates and litigation extensions by barristers and registered European lawyers

You may apply for a practising certificate by:

1. completing the relevant application form supplied by the Bar Council (acting by the Bar Standards Board) and submitting it to the Bar Council (acting by the Bar Standards Board); and
2. submitting such information in support of the application as may be prescribed by the Bar Council (acting by the Bar Standards Board); and
3. paying (or undertaking to pay in a manner determined by the Bar Council) the appropriate practising certificate fee in the amount determined in accordance with Rule S50 (subject to any reduction pursuant to Rule S53).

You may apply for a litigation extension to a practising certificate (other than a provisional practising certificate) by:

1. completing the relevant application form supplied by the Bar Council (acting by the Bar Standards Board) and submitting it to the Bar Council (acting by the Bar Standards Board); and
2. confirming that you meet the relevant requirements of Rule S47.1;
3. paying (or undertaking to pay in a manner determined by the Bar Council) the application fee (if any) and the litigation extension fee;
4. confirming, in such form as the Bar Standards Board may require from time to time, that you have the relevant administrative systems in place to be able to provide legal services direct to clients and to administer the conduct of litigation in accordance with Rule S47.3; and
5. confirming, in such form as the Bar Standards Board may require from time to time, that you have the procedural knowledge to enable you to conduct litigation competently in accordance with Rule S47.4.

An application will only have been made under either Rule S48 or S49 once the Bar Council (acting by the Bar Standards Board) has received, in respect of the relevant application, the application form in full, together with the application fee (if any), the practising certificate fee, the litigation extension fee (or an undertaking to pay such fees in a manner determined by the Bar Council), all the information required in support of the application and confirmation from you, in the form of a declaration, that the information contained in, or submitted in support of, the application is full and accurate.

On receipt of the application, the Bar Council (acting by the Bar Standards Board) may require, from you or a third party (including, for the avoidance of doubt, any BSB authorised body), such additional information, documents or references as it considers appropriate to the consideration of your application.

You are personally responsible for the contents of your application and any information submitted to the Bar Council (acting by the Bar Standards Board) by you or on your behalf and you must not submit (or cause or permit to be submitted on your behalf) information to the Bar Council (acting by the Bar Standards Board) which you do not believe is full and accurate.

When applying for a practising certificate you may apply to the Bar Council for a reduction in the practising certificate fee payable by you if your gross fee income or salary is less than such amount as the Bar Council may decide from time to time. Such an application must be submitted by completing the form supplied for that purpose by the Bar Council which can be found through Barrister Connect.
C3. Practising certificate fees and litigation extension fees

The practising certificate fee shall be the amount or amounts prescribed in the Schedule of Practising Certificate Fees issued by the Bar Council from time to time, and any reference in these Rules to the “appropriate practising certificate fee” or the “practising certificate fee payable by you” refers to the practising certificate fee payable by you pursuant to that Schedule, having regard, amongst other things, to:

1. the different annual practising certificate fees which may be prescribed by the Bar Council for different categories of barristers, e.g. for Queen’s Counsel and junior counsel, for barristers of different levels of seniority, and/or for barristers practising in different capacities and/or according to different levels of income (i.e. self-employed barristers, employed barristers, managers or employees of authorised bodies or barristers practising with dual capacity);

2. any reductions in the annual practising certificate fees which may be permitted by the Bar Council in the case of practising certificates which are valid for only part of a practising certificate year;

3. any discounts from the annual practising certificate fee which may be permitted by the Bar Council in the event of payment by specified methods;

4. any reduction in, or rebate from, the annual practising certificate fee which may be permitted by the Bar Council on the grounds of low income, change of category or otherwise;

5. any surcharge or surcharges to the annual practising certificate fee which may be prescribed by the Bar Council in the event of an application for renewal of a practising certificate being made after the end of the practising certificate year.

The litigation extension fee shall be the amount or amounts prescribed by the Bar Council from time to time, and in these Rules the “appropriate litigation extension fee” or the “litigation extension fee payable by you” is the litigation extension fee payable by you having regard to, amongst other things:

1. any reductions in the annual litigation extension fees which may be permitted by the Bar Council in the case of litigation extensions which are valid for only part of a practising certificate year;

2. any discounts from the annual litigation extension fee which may be permitted by the Bar Council in the event of payment by specified methods;

3. any reduction in, or rebate from, the annual litigation extension fee which may be permitted by the Bar Council on the grounds of low income, change of category, or otherwise;

4. any surcharge or surcharges to the annual litigation extension fee which may be prescribed by the Bar Council in the event of an application for a litigation extension being made at a time different from the time of your application for a practising certificate.

If you have given an undertaking to pay the practising certificate fee or the litigation extension fee, you must comply with that undertaking in accordance with its terms.
C4. Issue of practising certificates and litigation extensions

The **Bar Council** (acting by the **Bar Standards Board**) shall not issue a **practising certificate** to a barrister or registered European lawyer:

1. who is not eligible for a **practising certificate**, or for a **practising certificate** of the relevant type; or
2. who has not applied for a **practising certificate**; or
3. who has not paid or not otherwise undertaken to pay in a manner determined by the Bar Council, the appropriate **practising certificate fee**; or
4. who is not insured against claims for professional negligence as provided for in Rule S71.

The **Bar Council** (acting by the **Bar Standards Board**) shall not grant a **litigation extension** to a barrister or registered European lawyer:

1. in circumstances where the Bar Council (acting by the Bar Standards Board) is not satisfied that the requirements of **litigation extension** are met; or
2. who has not applied for a **litigation extension**; or
3. who has not paid or not otherwise undertaken to pay in a manner determined by the Bar Council, the appropriate **application fee** (if any) and the **litigation extension fee**.

The **Bar Council** (acting by the **Bar Standards Board**) may refuse to issue a **practising certificate** or to **grant a litigation extension**, or may revoke a **practising certificate** or a **litigation extension** in accordance with Section 3.C5, if it is satisfied that the information submitted in support of the application for the **practising certificate** or **litigation extension** (as the case may be) is (or was when submitted) incomplete, inaccurate or incapable of verification, or that the relevant barrister or registered European lawyer:

1. does not hold adequate insurance in accordance with Rule C78;
2. has failed and continues to fail to pay the appropriate **practising certificate fee** or **litigation extension fee** when due;
3. would be, or is, **practising** in breach of the provisions of Section 3.B; or
4. has not complied with any of the requirements of the Continuing Professional Development Regulations applicable to him.

When the **Bar Council** (acting by the **Bar Standards Board**) issues a **practising certificate** or a **litigation extension**, it shall:

1. inform the relevant barrister or registered European lawyer of that fact; and
2. in the case of a **practising certificate**, publish that fact, together with the name and **practising address** of the barrister and registered European lawyer and the other details specified in Rule S61 in the register on the **Bar Standards Board**’s website; or
3. in the case of a litigation extension:
   a. issue a revised and updated **practising certificate** to incorporate an express reference to such litigation extension in accordance with Rule S66; and
   b. amend the register maintained on the Bar Standards Board’s website to show that the relevant barrister or registered European lawyer (as the case may be) is now authorised to **conduct litigation**.
A practising certificate must state:

.1 the name of the barrister or registered European lawyer (as the case may be);
.2 the period for which the practising certificate is valid;
.3 the reserved legal activities which the barrister or registered European lawyer (as the case may be) to whom it is issued is thereby authorised to carry on;
.4 the capacity (or capacities) in which the barrister or registered European lawyer (as the case may be) practises; and
.5 whether the barrister or registered European lawyer (as the case may be) is registered with the Bar Council as a Public Access practitioner.

A practising certificate may be valid for a practising certificate year or part thereof and for one month after the end of the practising certificate year.

A full practising certificate shall authorise a barrister to exercise a right of audience before every court in relation to all proceedings.

A provisional practising certificate shall authorise a pupil in his second six to exercise a right of audience before every court in relation to all proceedings.

A limited practising certificate shall not authorise a barrister to exercise a right of audience, save that it shall authorise a barrister to exercise any right of audience which he had by reason of being a barrister and was entitled to exercise on 30 July 2000.

A practising certificate shall authorise a barrister to conduct litigation in relation to every court and all proceedings if the practising certificate specifies a litigation extension.

Every practising certificate issued to a barrister shall authorise the barrister:

.1 to undertake:
   .a reserved instrument activities;
   .b probate activities;
   .c the administration of oaths; and
   .d immigration work.

A registered European lawyer’s practising certificate shall authorise a registered European lawyer to carry on the same reserved legal activities as a full practising certificate issued to a barrister, save that:

.1 a registered European lawyer is only authorised to exercise a right of audience or conduct litigation in proceedings which can lawfully only be provided by a solicitor, barrister or other qualified person, if he acts in conjunction with a solicitor or barrister authorised to practise before the court, tribunal or public authority concerned and who could lawfully exercise that right; and

.2 a registered European lawyer is not authorised to prepare for remuneration any instrument creating or transferring an interest in land unless he has a home professional title obtained in Denmark, the Republic of Ireland, Finland, Sweden, Iceland, Liechtenstein, Norway, the Czech Republic, Cyprus, Hungary or Slovakia.
C5. Amendment and revocation of practising certificates and litigation extensions

You must inform the Bar Council (acting by the Bar Standards Board) as soon as reasonably practicable, and in any event within 28 days, if any of the information submitted in support of your practising certificate application form or litigation extension application form:

1. was incomplete or inaccurate when the application form was submitted; or
2. changes before the expiry of your practising certificate.

If you wish to:

1. change the capacity in which you practise (e.g. if you change from being an employed barrister or a manager or employee of a BSB authorised body or an authorised (non-BSB) body to a self-employed barrister, or vice versa, or if you commence or cease practice in a dual capacity); or
2. cease to be authorised to conduct litigation,

before the expiry of your practising certificate, you must:

a. notify the Bar Council (acting by the Bar Standards Board) of such requested amendment to your practising certificate; and
b. submit to the Bar Council (acting by the Bar Standards Board) such further information as the Bar Council (acting by the Bar Standards Board) may reasonably require in order for them to be able to determine whether or not to grant such proposed amendment to your practising certificate; and

c. within 14 days of demand by the Bar Council pay to the Bar Council the amount (if any) by which the annual practising certificate fee which would apply to you in respect of your amended practising certificate exceeds the annual practising certificate fee which you have already paid (or undertaken to pay) to the Bar Council. In the event that the revised annual practising certificate fee is less than the amount originally paid to the Bar Council (acting by the Bar Standards Board) or in circumstances where you wish to cease to be authorised to conduct litigation, the Bar Council (acting by the Bar Standards Board) is not under any obligation to refund any part of the annual practising certificate fee or litigation extension fee already paid although it may in its absolute discretion elect to do so in the circumstances contemplated by the Schedule of Practising Certificate Fees issued by the Bar Council from time to time.

The Bar Council (acting by the Bar Standards Board) may amend a practising certificate if it is satisfied that any of the information contained in the relevant application form was inaccurate or incomplete or has changed, but may not amend a practising certificate (except in response to a request from the barrister or a registered European lawyer) without first:

1. giving written notice to the barrister or registered European lawyer of the grounds on which the practising certificate may be amended; and
2. giving the barrister or registered European lawyer a reasonable opportunity to make representations.

The Bar Council (acting by the Bar Standards Board) shall endorse a practising certificate to reflect any qualification restriction or condition imposed on the barrister or registered European lawyer by the Bar Council (acting by the Bar Standards Board) or by a Disciplinary Tribunal, Interim Suspension or Disqualification Panel, Fitness to Practise Panel or the Visitors to the Inns of Court.
The Bar Council (acting by the Bar Standards Board):

1 shall revoke a practising certificate:

a if the barrister becomes authorised to practise by another approved regulator;

b if the barrister or registered European lawyer is disbarred or suspended from practice as a barrister or registered European lawyer whether on an interim basis under section D of Part 5 or otherwise under section B of Part 5;

c if the barrister or registered European lawyer has notified the Bar Council or the Bar Standards Board that he no longer wishes to have a practising certificate; and

2 may revoke a practising certificate:

a in the circumstances set out in Rule S59; or

b if the barrister or registered European lawyer has given an undertaking to pay the appropriate practising certificate fee and fails to comply with that undertaking in accordance with its terms,

but in either case only after:

(i) giving written notice to the relevant barrister or registered European lawyer of the grounds on which the practising certificate may be revoked; and

(ii) giving the relevant barrister or registered European lawyer a reasonable opportunity to make representations.

The Bar Council (acting by the Bar Standards Board):

1 shall revoke a litigation extension if the barrister or registered European lawyer has notified the Bar Council or the Bar Standards Board that he no longer wishes to have the litigation extension; and

2 may revoke a litigation extension:

a in the circumstances set out in Rule S59; or

b if the barrister or registered European lawyer has given an undertaking to pay the appropriate litigation extension fee and fails to comply with that undertaking in accordance with its terms,

but in either case only after:

(i) giving written notice to the relevant barrister or registered European lawyer of the grounds on which the litigation extension may be revoked; and

(ii) giving the relevant barrister or registered European lawyer a reasonable opportunity to make representations.
C6. Applications for review

If you contend that the Bar Council (acting by the Bar Standards Board) has:

.1 wrongly failed or refused to issue or amend a practising certificate; or
.2 wrongly amended or revoked a practising certificate; or
.3 wrongly failed or refused to issue a litigation extension; or
.4 wrongly revoked a litigation extension,

in each case in accordance with this Section 3.C, then you may lodge an application for review with the Qualifications Committee using the form supplied for that purpose by the Bar Standards Board which can be found here [https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/forms-and-guidelines/bar-training-waivers-and-exemption-forms/](https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/forms-and-guidelines/bar-training-waivers-and-exemption-forms/). For the avoidance of doubt, this Section 3.C6 does not apply to any amendment or revocation of a practising certificate or litigation extension made by order of a Disciplinary Tribunal, Interim Suspension or Disqualification Panel, Fitness to Practise Panel or the Visitors to the Inns of Court.

The decision of the Bar Council (acting by the Bar Standards Board) shall take effect notwithstanding any application for review being submitted in accordance with Rule 3.75. However, the Bar Council (acting by the Bar Standards Board) may, in its absolute discretion, issue a temporary practising certificate or litigation extension to a barrister or registered European lawyer who has lodged an application for review.

If the Qualifications Committee finds that the Bar Council (acting by the Bar Standards Board):

.1 has wrongly failed or refused to issue a practising certificate, then the Bar Council (acting by the Bar Standards Board) must issue such practising certificate as ought to have been issued; or
.2 has wrongly failed or refused to amend a practising certificate, then the Bar Council (acting by the Bar Standards Board) must make such amendment to the practising certificate as ought to have been made; or
.3 has wrongly amended a practising certificate, then the Bar Council (acting by the Bar Standards Board) must cancel the amendment; or
.4 has wrongly revoked a practising certificate, then the Bar Council (acting by the Bar Standards Board) must re-issue the practising certificate; or
.5 has wrongly failed or refused to grant a litigation extension, then the Bar Council (acting by the Bar Standards Board) must grant such litigation extension as ought to have been granted; or
.6 has wrongly revoked a litigation extension, then the Bar Council (acting by the Bar Standards Board) must re-grant the litigation extension.