Authorisation to Practise (AtP) Process Guidance 2016

Authorisation to Practise (AtP) Process

This document provides practical guidance to assist you in preparing and undertaking the Practising Certificate renewal process. It covers the following:

1. Steps to renew a Practising Certificate
2. The information needed to renew a Practising Certificate
3. How to renew
4. The timetable and deadlines
5. Fees payable
6. Discounts and refunds

1. **Steps to Renew a Practising Certificate**

The online authorisation process take approximately 5 minutes and requires you to:

a. Update any personal details
b. Verify CPD requirements
c. Update your insurance information
d. Declare the appropriate income band for the purposes of setting the appropriate fee
e. Make a declaration of truth
f. Select optional fees, make payment or delegate authority for payment.

In order to grant authorisation and in accordance with rS51 of the Scope of Practice Rules, the Bar Council (acting by the BSB) may request additional information to support an individual’s application after the AtP process has completed. This may be evidence of insurance, completion of CPD, evidence of earnings etc.

[This video shows you how to log in and complete Authorisation to Practise.](#)

2. **Information needed to renew a Practising Certificate**

a. Your user id and password and your notice for renewal.
• The user id is included with your notice of renewal email
• Click on the link in the email to access Barrister Connect. To reset your password, click on the link on the homepage.

b. Selection of the correct income band.
   You will be asked to self-declare an income band into which your gross income falls. You do not need to declare your actual income unless your records are selected for spot checking by BSB after the AtP renewal process. It is your responsibility to select the correct income band and so you must aggregate all income that arises from your services as a barrister (see BSB Handbook). Full details of any specific allowances, exclusions and dealing with foreign currency are available under FAQs.

**Self-employed barristers**
A self-employed barrister should normally declare the income band appropriate to the Gross Fee Income from practice at the Bar during the calendar year ending 31st December 2014 excluding VAT and before any deductions for business expenses or chambers fees. You should also exclude:

- charges billed to recover travel expenses
- income not earned as a barrister (eg interest, dividends, other investment income including rent)
- any pension income
- pupillage income

**Employed barristers**
An employed barrister should declare the income band appropriate to their gross earnings for the tax year ending March 2015, as shown on P60 or similar documents. You will need to aggregate your total earnings from:

- Employment (eg as shown on a P60 for a UK employee),
- Partnership
- Director fees
- Dividends (where arising from your services as a barrister).

You should exclude: fees earned as a judge, Commissioner or similar roles, pensions paid to you, bank interest or private investment income, rental income, reimbursed expenses, travel allowances paid to you by your employer and earnings from employment other than as a barrister.

**Dual capacity**
If you operate with dual capacity ie as both an employed and a self-employed barrister, then you should aggregate your income under each status.
c. Your CPD records

   i. Complete the record card as found on the Bar Standards Board website.

3. How to renew

You may complete the process online or via a paper application. If you want to complete using a paper application then please call Bar Council Records Department on 020 7242 0934 or email Records@BarCouncil.org.uk and appropriate documents will be sent out to you. A paper process will take significantly longer to complete than an online application.

4. Timetable and Deadlines

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>8 February 2016</td>
<td>AtP formally opens</td>
</tr>
<tr>
<td>13 March 2016</td>
<td>Deadline for completion of declarations for those delegating payment</td>
</tr>
<tr>
<td></td>
<td>to chambers or employers.</td>
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<tr>
<td>31 March 2016</td>
<td>AtP completion and payment deadline</td>
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<tr>
<td>1 April 2016</td>
<td>If AtP is not completed, you may be liable for a surcharge of 20% of</td>
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<tr>
<td></td>
<td>the PCF payable and risk referral to BSB</td>
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<tr>
<td>30 April 2016</td>
<td>Deadline to avoid de-authorisation to practise. Beyond this date you</td>
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<tr>
<td></td>
<td>will not be listed on the BSB Barristers’ Register and will not be</td>
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<tr>
<td></td>
<td>authorised to practise.</td>
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Any barrister believed to be practising without a certificate will be reported to the BSB, who will take such action as is considered appropriate. As offering reserved legal services without a practising certificate is both a criminal offence as well as being a breach of the Code of Conduct in the BSB Handbook, the Bar Council will contact respective heads of chambers or employers to alert them of any individuals potentially in breach.

5. Fees payable

There are three fees payable including the compulsory Practising Certificate Fee and two voluntary fees: the Bar Representation Fee and a charitable donation to the Pro Bono Unit.

The Practising Certificate Fee (PCF).
This is compulsory. The PCF funds the Bar Standards Board, a share of the costs of the Legal Services Board (LSB) and Office of Legal Complaints (OLC) and also selected Bar Council
Approved Regulator and representation expenditure that falls within the ‘permitted purposes’ as defined by the LSB in accordance with section 51 of the Act and its rules.

Bar Council has made two changes to the PCF for 2016 and the revised fees are shown in the table below.

- The fees are increased by 1.25% across all bands. This has the effect of increasing the PCF for the lowest band by £1 and the highest band by £19.
- Simplified the fee arrangements by amalgamating two compulsory fees into a single fee: the LSB levy, charged separately to date, has been merged with the PCF. This change does not affect the total fee payable by any barrister.

Under the LSB rules, the Bar Council has consulted on both the budget and PCF proposals with the profession, has provided the proposals and feedback to LSB for review and has received approval from LSB. A copy of the consultation paper for the 2016/17 PCF and budget is on the Bar Council’s website.

<table>
<thead>
<tr>
<th>Income Band</th>
<th>2015 Fees (PCF and LSB levy combined)</th>
<th>2016 Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>£0 - £30,000</td>
<td>£109</td>
<td>£110</td>
</tr>
<tr>
<td>£30,001 - £60,000</td>
<td>£218</td>
<td>£220</td>
</tr>
<tr>
<td>£60,001 - £90,000</td>
<td>£436</td>
<td>£441</td>
</tr>
<tr>
<td>£90,001 - £150,000</td>
<td>£794</td>
<td>£803</td>
</tr>
<tr>
<td>£150,001 - £240,000</td>
<td>£1,205</td>
<td>£1,219</td>
</tr>
<tr>
<td>£240,001 and above</td>
<td>£1,633</td>
<td>£1,652</td>
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</table>

In addition, the website includes the Annual Report and Financial Accounts for Bar Council showing how the funding has been put to use. The Annual Report and Annual Business plan for the Bar Standards Board is shown on their own website.

Bar Representation Fee (BRF)

The BRF is a voluntary fee and is entirely separate from the PCF. It supports the Bar Council’s representational activity. Without it, much of the vital work of the Bar Council in supporting the Bar would not be possible. The following are just some of the key activities that might not be possible without support from the BRF:

**Lobbying on behalf of the profession**
Criminal court charges: We campaigned in the media and to parliamentarians for the criminal courts charge to be scrapped. It was subsequently scrapped.

Advocates Graduated Fee Scheme cuts halted: We lobbied and negotiated with Ministry of Justice to halt planned cuts to AGFS and have proposed a new, fairer model.

Challenging the government on court fee increases: The on-going increase in court fees have been consistently and publicly challenged by the Bar Council. We have raised our concerns in the national media and to politicians, warned of the risks to small and medium sized business, and the public seeking access to justice.

Managing challenges

Providing guidance and advice: One of our most valued services to those practising at the Bar is the Ethical Enquiries Service which responded to over 500 emails and 6,000 telephone enquiries last year, and published materials to assist barristers and chambers on matters of professional conduct and ethics. This service can often be essential to the smooth administration of justice.

Barrister welfare

Wellbeing: The Bar Council works with partner organisations to provide wellbeing support and guidance to all members of the Bar, as well as pupils, and those who support them. This resource provides vital support to those in crisis while reducing the stigma around mental health.

Growing and developing

International development: A significant proportion of the Bar have an international practice, and that number is continuously increasing. Therefore, strengthening the ties with overseas Bar associations and international legal bodies though trade missions and exchange programmes is an essential part of our work in representing the profession.

Bar mentoring schemes: We currently offer three different mentoring schemes, each designed to provide advice and support to individuals at different points in their careers.

International Grant Programme: The programme allows barristers of under seven years of practice to apply for financial assistance to participate in international legal events of their choice.

Working in the public interest

Law reform: The Bar Council strives to help shape the law reform agenda through responding to consultations on specialist areas to help bring laws up to date and to ensure they act in the public interest. For example, defending Legal Professional Privilege in the

Preparing for the future

Young Bar Toolkit and Hub: In 2015, the Bar Council and Young Barristers’ Committee, launched the Young Bar Hub and Toolkit, an online portal providing vital career support for the new generation of barristers.

Pupil’s helpline: This service provides confidential advice and support to members of the Bar who are currently undertaking pupillage by an established panel of advisers set up by the Bar Council.

These examples provide a sample of the work carried out by the representative function of the Bar Council which are all supported in some way by the BRF.

In addition to the Bar Council’s representative work, the £100 annual BRF gives Direct Access qualified barristers membership to the Direct Access Portal, an online, public directory listing those barristers who can accept direct access instructions or offer mediation and arbitration services.

Paying the BRF also ensures personal benefits for members. These include:

- 1 year free subscription to the monthly Counsel magazine (normally £96 per year)
- A personal entry in the annual ‘Bar Directory’
- Unlimited copies of the Certificates of Good Standing (otherwise £100 per Certificate)
- Discounts on Bar Council’s events, including the Annual Bar and Young Bar Conference, and
- Access to the Xexec portal, offering discounts at top retailers or travel and entertainment offers.

The Bar Council has set this fee to be added by default. If you prefer not to pay it, please remove the tick in the appropriate box during the online renewal process.

The Pro Bono Unit donation

This is voluntary. The Bar Council supports the Pro Bono Unit, an independent charity, and uses this opportunity to ask for a £30 contribution towards the work of the Unit. The Bar Council will follow up with barristers who choose to donate to ensure that the gift aid forms are completed to allow the charity to optimise its funding.

The Bar Council has set this fee to be added by default. If you prefer not to donate, please remove the tick in the appropriate box during the online renewal process.

Payment Methods

Fee payment is easiest online by one of the following methods
• Debit/credit card (Visa, Visa Debit (Delta), Visa Electron, MasterCard and UK Maestro are all accepted)
• Chambers or employer block payment

Delegation of payment to chambers or employer
You may delegate payment to your chambers or employer during the online renewal process selecting this option on the final page of the online declaration. Please note that:
• You remain individually responsible for your respective application, and for maintaining and providing any supporting documentation that may be required.
• You retain responsibility for the timely payment of the correct fees even when you have delegated permission to chambers or an employer.

• You must complete your renewal online and delegate payment to chambers or an employer by 13 March 2016

6. Discounts and Refunds

Discounts for Block Payment
The Bar Council allows chambers and employers to make block payments to ease the administrative burden of multiple payments and offers a discount on the aggregate PCF totals only for chambers or employers where they make a single payment on behalf of five or more barristers.

A discount of 2.5% is available for groups of 5 or more barristers, rising to 5% discount for 100 or more barristers. Discount applies to PCF only and so no discount is applied to BRF or Pro Bono donations.

The Bar Council may defer or withhold this discount from chambers or employers where there are outstanding debts from the chambers to Bar Council, by providing notice in writing to that chambers or employer.

Refunds - ceasing or suspending practise
You are only entitled to a pro rata refund of Practising Certificate Fees if you elect to cease or suspend practice during the first three months of the relevant year or take maternity or paternity leave anytime during the year.

To claim a refund you must notify Bar Council of the change of status either online or in writing (email preferred) within 28 days of the effective date. Any refund due will be applied as of the date of the change. Where notification takes place more than 28 days later
than the event, the refund will apply from the date of notification rather than the date of change.

The Bar Council will make any refund, usually by bank transfer, within 14 days of notification of the change and equally requires any additional charge to be paid within 14 days of the request for payment.

**Maternity or Paternity leave.**
If you choose to suspend your practise to take maternity or paternity leave, you will be eligible for a pro rata refund of PCF at any time in the year, subject to notification within 28 days. No refund is available for the BRF or the Pro Bono donation.

**Returning to practise**
If you either return to or recommence practise after 1 April 2016, you will be charged a pro rata proportion of the PCF for the year.

Individuals who have ceased to practise and/or are retired and who wish to return to practice briefly (e.g. for a day case or similar), must pay pro rata the appropriate PCF Fee for the entire month or months into which the practising dates fall.