

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Draft New Transparency Rules – January 2019

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BAR STANDARDS BOARD

REGULATING BARRISTERS

Draft New Transparency Rules

Draft rules on price and service transparency for all, subject to approval by the Legal Services Board

D6. Price and service transparency rules for self-employed barristers, chambers and BSB entities

Outcomes

oC36 *Clients* are provided with appropriate information to help them make informed choices and understand the price and service they will receive.

D6.1 Self-employed barristers, chambers and BSB entities

Rules

Publication of information

rC159 Each website of *self-employed barristers, chambers and BSB entities* must, in a sufficiently accessible and prominent place:

.1 state that professional, licensed access and/or lay clients (as appropriate) may contact the *barrister, chambers or BSB entity* to obtain a quotation for *legal services* and provide contact details. Quotations must be provided if sufficient information has been provided by the *client*, and the *barrister, barristers in chambers or BSB entity* would be willing to provide the *legal services*. Quotations must be provided within a reasonable time period, and in clear and readily understandable terms;

.2 state their most commonly used pricing models for *legal services*, such as fixed fee or hourly rate. Where different models are typically used for different *legal services*, this must be explained;

.3 state the areas of law in which they most commonly provide *legal services*, and state and describe the *legal services* which they most commonly provide, in a way which enables *clients* to sufficiently understand the expertise of the *barrister, chambers* or *BSB entity*; and

.4 provide information about the factors which might influence the timescales of their most commonly provided *legal services*.

rC160 All *self-employed barristers, chambers* and *BSB entities* must review their website content at least annually to ensure that it is accurate and complies with the transparency requirements referred to in Rules C103, C159 and where applicable, Rules C164 – C168.

rC161 *Self-employed barristers, chambers* and *BSB entities* must comply with the transparency requirements referred to in Rules C103, C159 and where applicable, Rules C164 – C168 by ensuring the required information is readily available in alternative format. This must be provided on request (for example, if they do not operate a website, or a *client* or prospective *client* does not have Internet access).

Provision of information to the Bar Standards Board

rC162 All *self-employed barristers, chambers* and *BSB entities* must notify the *Bar Standards Board* of their website address(es) offering *legal services*, and any changes to their website address(es), within 28 days of the creation or change of the same.

Bar Standards Board guidance

rC163 When offering their services to *clients* and prospective *clients*, all *self-employed barristers, chambers* and *BSB entities* must have regard to guidance published from time to time by the *Bar Standards Board* in relation to price and service transparency [hyperlink].

Draft rules on redress transparency for all, subject to approval by the Legal Services Board

D. RULES APPLYING TO PARTICULAR GROUPS OF REGULATED PERSONS

D1. Self-employed barristers, chambers and BSB entities

Outcomes

~~oC26 Clients know that they can make a complaint if dissatisfied, and know how to do so.~~
Clients are provided with appropriate information about redress, know that they can make a *complaint* if dissatisfied, and know how to do so.

D1.1 Complaints rules

Rules

Provision of information to clients

~~rC103 Chambers' websites and literature must display information about the chambers' complaints procedure. A BSB's authorised body's website and literature must carry information about that BSB entity's Complaints Procedure.~~

Each website of *self-employed barristers, chambers and BSB entities* must display:

.1 on the homepage, the text "regulated by the Bar Standards Board" (for sole practitioners) or "barristers regulated by the Bar Standards Board" (for *chambers*) or "authorised and regulated by the Bar Standards Board" (for *BSB entities*); and

.2 in a sufficiently accessible and prominent place:

.a information about their complaints procedure, any right to complain to the Legal Ombudsman, how to complain to the Legal Ombudsman and any time limits for making a complaint;

.b a link to the decision data on the Legal Ombudsman's website [hyperlink]; and

.c a link to the Barristers' Register on the BSB's website [hyperlink].

.3 All e-mail and letterheads from *self-employed barristers* and *BSB entities*, their *managers* and employees must state "regulated by the Bar Standards Board" (for *self-employed barristers*) or "authorised and regulated by the Bar Standards Board" (for *BSB entities*).

.4 *Self-employed barristers, chambers* and *BSB entities* must have regard to guidance published from time to time by the *Bar Standards Board* in relation to redress transparency [hyperlink].

Draft additional rules on price and service transparency for those undertaking Public Access work, subject to approval by the Legal Services Board

D6.2 Self-employed barristers undertaking public access work and BSB entities supplying legal services directly to the public

Rules

Public Access Guidance for Lay Clients

rC164 Each website of *self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, must in a sufficiently accessible and prominent place display a link to the Public Access Guidance for Lay Clients on the BSB's website.

Price transparency policy statement

rC165 *Self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, must comply with the *Bar Standards Board's* price transparency policy statement insofar as it applies to them [hyperlink].

Publication of information

rC166 *Self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, are required by the *Bar*

Standards Board's price transparency policy statement to provide price information in relation to certain *legal services* in certain circumstances. In relation to those *legal services* and in those circumstances, each website of *self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, must in a sufficiently accessible and prominent place:

- .1 state their pricing model(s), such as fixed fee or hourly rate;
- .2 state their indicative fees and the circumstances in which they may vary. For example, a fixed fee and the circumstances in which additional fees may be charged, or an hourly rate by seniority of *barrister*;
- .3 state whether their fees include VAT (where applicable); and
- .4 state likely additional costs, what they cover and either the cost or, if this can only be estimated, the typical range of costs.

rC167 In compliance with the requirements of Rule C166 above:

- .1 a sole practitioner must provide price information in relation to them as an individual *barrister*;
- .2 a *BSB entity* must provide price information in relation to the entity; and
- .3 a *chambers* may provide price information either in relation to (1) individual *barristers*, or (2) *barristers* in *chambers* in the form of ranges or average fees.

rC168 *Self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, are required by the *Bar Standards Board's* price transparency policy statement to provide service information in relation to certain *legal services* in certain circumstances. In relation to those *legal services* and in those circumstances, each website of *self-employed barristers* undertaking public access work and/or their *chambers*, and *BSB entities* supplying *legal services* directly to the public, must in a sufficiently accessible and prominent place:

.1 state and describe the *legal services*, including a concise statement of the key stages, in a way which enables *clients* to sufficiently understand the service of the sole practitioner, *barristers in chambers* or *BSB entity*; and

.2 provide an indicative timescale for the key stages of the *legal services*.

rC169 *Self-employed barristers* undertaking public access work, and *BSB entities* supplying *legal services* directly to the public, may be asked to accept *instructions* to provide the *legal services* listed in the *Bar Standards Board's* price transparency policy statement at short notice. In these circumstances, you are not required to comply with Rules C166 – C168 above before accepting the *instructions*. However, you must do so as soon as reasonably practicable after accepting the *instructions*.

List of Public Access services subject to additional transparency rules in certain circumstances

These Public Access services are not listed in the rules themselves, but in the BSB's accompanying [price transparency policy statement](#) (Annex B). This means that the BSB will have the necessarily flexibility to amend the list of Public Access services to which additional price transparency requirements apply.

Employment Tribunal cases (advice and representation for employers and employees)

- Providing advice and representation to employees in relation to their bringing of a claim before the Employment Tribunal against their employer; and/or
- Providing advice and representation to employers in relation to defending claims before the Employment Tribunal brought by an employee.

Note that additional price transparency rules only apply in relation to actions for ordinary unfair dismissal and/or wrongful dismissal. Additional price transparency rules do not apply where there are other claims brought in addition to ordinary unfair dismissal and/or wrongful dismissal.

Financial disputes arising out of divorce

By “financial disputes arising out of divorce”, we mean where the parties cannot agree on financial matters during the process of obtaining, or following, a divorce. For example:

- How assets should be divided;
- Whether to sell the matrimonial home or other assets;
- Maintenance payments; and
- Pension sharing.

Note that additional price transparency rules only apply where the parties have joint assets which are worth less than £300,000.

Immigration appeals (First-tier Tribunal)

- Preparing applications in relation to appeals against Home Office visa or immigration decisions; and/or
- Providing advice and representation at the First-tier Tribunal (Immigration and Asylum Chamber) in relation to appeals against Home Office visa or immigration decisions.

Note that additional price transparency rules do not apply to asylum appeals.

Inheritance Act advices

- Providing advice to clients in relation to potential claims under the Inheritance Act 1975; and/or
- Providing advice to clients in relation to defending claims under the Inheritance Act 1975.

Note that additional price transparency rules only apply where the deceased person’s estate is worth less than £300,000.

Licensing applications in relation to business premises

Note that additional price transparency rules only apply in relation to a) local authority hearings and appeals to the Magistrates’ Court, and b) licensing applications for:

- The sale or supply of alcohol;
- Change of opening hours; and
- Entertainment purposes.

Personal injury claims

- Providing advice and representation to clients in relation to personal injury claims (claims for physical injuries, diseases or illnesses, or psychological injuries or illnesses).

Note that additional price transparency rules only apply in relation to claims which are allocated to the fast track (generally, claims which are not worth more than £25,000).

Summary only motoring offences (advice and representation for defendants)

Note that additional price transparency rules only apply in relation to summary only motoring offences under Part I of the Road Traffic Act 1988 and/or s89 of the Road Traffic Regulation Act 1984. For example:

- Driving while disqualified;
- Driving without insurance;
- Careless driving;
- Failing to stop or report; and
- Speeding.

Winding-up petitions

- Providing advice and representation to clients in relation to winding-up companies which owe them monies; and/or
- Providing advice and representation to companies in relation to defending winding-up petitions issued against them.