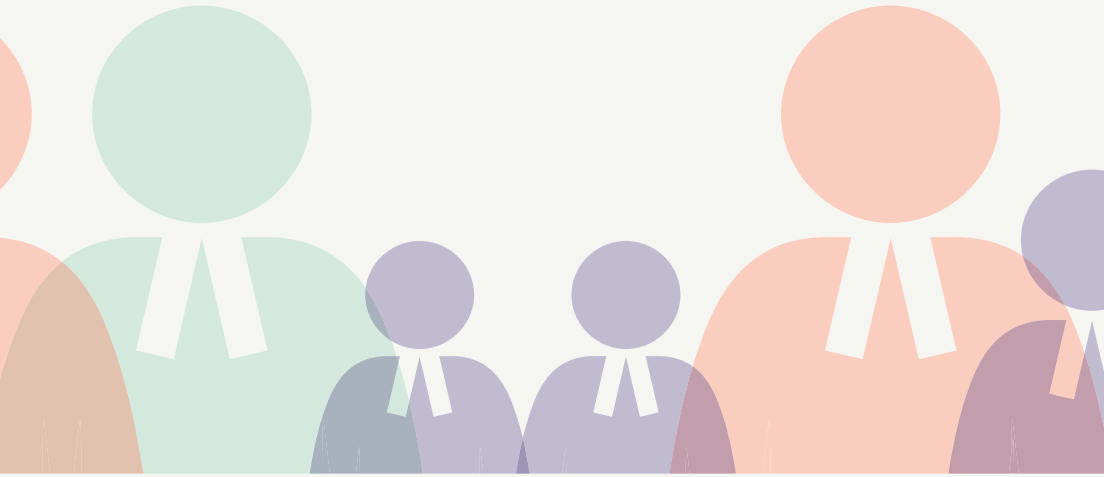


BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS



# Welcome

to the Bar of England  
and Wales.

An introduction to the Bar Standards Board  
and the rules newly called barristers need to know.

BAR  
STANDARDS  
BOARD

REGULATING BARRISTERS

# Your core duties as a barrister.

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# Your core duties as a barrister:

- 1 to observe your duty to the court in the administration of justice;
- 2 to act in the best interests of each client;
- 3 to act with honesty and with integrity;
- 4 to maintain your independence;
- 5 not to behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession;
- 6 to keep the affairs of each client confidential;
- 7 to provide a competent standard of work and service to each client;
- 8 not to discriminate unlawfully against any person;
- 9 to be open and co-operative with your regulators; and
- 10 to take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations.

These core duties are outlined in the BSB Handbook, along with all the rules of professional conduct and guidance. You can find the BSB Handbook on our website at: <https://www.barstandardsboard.org.uk/for-barristers/bsb-handbook-and-code-guidance/the-bsb-handbook.html>

# A personal message from our Chair, Baroness Blackstone



Congratulations on being called to the Bar of England and Wales. It is a significant achievement and I wish you every success in your future career.

As you know, barristers play a vital role in our justice system, and they are also entrusted with important responsibilities. These responsibilities and duties help to protect people who rely on the services barristers provide and to maintain the confidence that the public places in the profession.

As your regulator, we are responsible for promoting and safeguarding the highest standards of practice. One of the reasons we exist is to help you adhere to your professional duties as a barrister. Through our supervisory work we aim to help you and your colleagues to ensure that you know how to deal with any problems or difficulties that may arise, so that we don't have to resort to retrospective action.

Your professional duties as a barrister start from the moment you are called to the Bar and apply even before you are authorised to practise, irrespective of whether you go on to obtain pupillage or not. As soon as you are called to the Bar you become an "unregistered barrister" and you therefore become subject to our official regulatory oversight. We have included more information about the rules that apply to you as an unregistered barrister in this leaflet.

Opposite you can find listed the ten core professional duties of a barrister. Please familiarise yourself with them and let them become your guiding principles throughout your career. The BSB Handbook contains guidance as well as the detailed rules with which you are expected to comply as both a practising barrister and as an unregistered barrister.

Within this leaflet, you will find further important information relating to the next stages of your career. This includes information about:

- what you can and cannot do as an unregistered barrister
- obtaining pupillage; and
- Continuing Professional Development (CPD).

As Chair of the Bar Standards Board, I am committed to regulating the Bar in the public interest, ensuring that the profession values and promotes equality and diversity, supporting your development throughout your career, and ensuring that our Handbook and guidance help you to maintain high standards.



**Tessa Blackstone**

## Why regulation matters

Many people assume that barristers only become regulated by the BSB when they have completed pupillage and actually start to practise as a barrister. But you become a barrister from the moment you are called to the Bar of England and Wales. This means that our regulatory oversight begins when you become a member of the Bar and our rules for unregistered, non-practising barristers apply immediately.

There is good reason for this, because regulation offers important protection to the public as well as to the profession itself.

Our regulation is about safeguarding the high standards expected of all barristers. This ensures that the value of the term “barrister” is protected and that the profession can continue to enjoy its reputation for excellence around the world. At the same time, our aim is to ensure that when they engage the services of a barrister, the public can expect them to act with the highest possible standards of professional conduct at all times. This trust and confidence is at the very heart of our legal system.

# The BSB's approach to regulation

As well as acting in the public interest, we aim to support those whom we regulate to face the future.

We take a risk-based approach to regulating the Bar meaning that we focus on the aspects within our rules that can have the biggest impact on our regulatory objectives. (See box panel).

Amongst other things this means that we seek to work closely with the barristers whom we regulate to take steps to prevent things from going wrong (although if and when it is necessary, we also take retrospective action such as enforcement measures). It means our approach is NOT about waiting for you to make a mistake and then taking disciplinary action against you. We are a proactive and proportionate regulator.

We want you to understand our rules and regulations, and to apply them during your professional practice and, where appropriate, during your time as an unregistered barrister. For help and guidance you can also contact the Bar Council's Ethical Enquiries Service at <https://www.barcouncil.org.uk/support-for-barristers/ethics.html>



**16,618**  
registered barristers regulated

(and a further 52,156 barristers without practising certificates who are also subject to our regulation)  
as at 31 March 2019

## Our Regulatory Objectives

The work that we do is governed by the Legal Services Act 2007 (the Act) as well as a number of other statutes.

Our objectives are laid down in the Act. We share them with the other legal services regulators. They are:

- protecting and promoting the public interest;
- supporting the constitutional principle of the rule of law;
- improving access to justice;
- protecting and promoting the interests of consumers;
- promoting competition in the provision of services;
- encouraging an independent, strong, diverse and effective legal profession;
- increasing public understanding of citizens' legal rights and duties; and
- promoting and maintaining adherence to the professional principles.



# Independent regulation

The BSB has a robust governance structure overseen by a Board made up of a combination of lay people and barristers. It has a lay majority and a lay Chair.

We act strictly independently of the Bar Council and the profession that we regulate. This is important, as it helps to assure the public that regulatory action is taken in their interests rather than in the interests of individual barristers or the Bar as a whole.

We are funded by practising barristers who pay an annual Practising Certificate Fee (PCF) which also helps to fund the Bar Council, the Legal Ombudsman and the Legal Services Board. The PCF is an annual graduated fee which is set in accordance with a barrister's income.

## Our Board



Up to 7 Barrister members



Chair



Up to 8 Lay members  
(including the Chair)

# Promoting equality and diversity

As the regulator of barristers, we have a statutory duty to promote equality and diversity throughout the profession.

One of the ways in which we do this is by setting out certain values and behaviours that we expect all barristers to exhibit. These include a duty not to discriminate unlawfully and to treat people with respect and dignity. There is more information about our work to promote equality and diversity on our website at <https://www.barstandardsboard.org.uk/about-us/equality-and-diversity.html>



We seek to promote  
**diversity at the Bar  
and beyond.**

# Important regulatory information for unregistered barristers

Now that you have been called to the Bar, unless and until you have a valid practising certificate, you will be an “unregistered barrister”.

As an unregistered barrister you must comply with relevant parts of the BSB Handbook. The following list (which is not exhaustive) is designed as a helpful reminder about some of the most important of these rules:

Only practising barristers (ie those with a valid practising certificate) are allowed to provide “reserved legal activities” which are as follows:

- the exercise of a right of audience;
- the conduct of litigation;
- reserved instrument activities;
- probate activities;
- notarial activities; and
- the administration of oaths.

As an unregistered barrister you may provide unreserved legal services, but you must not “hold yourself out” as a barrister (ie use the title barrister) when supplying or offering to supply legal services. If you provide unreserved legal services you must comply with all of the Core Duties; and

You are not allowed to provide immigration advice and services unless you have been authorised to do by the Office of the Immigration Services Commissioner (OISC).

You should also be aware that certain provisions within the BSB Handbook apply to you at all times, including when you are not providing legal services. These include the Core Duty not to behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession, and the Core Duty to be open and co-operative with your regulators.

You can read more about the rules governing unregistered barristers on our website at [www.barstandardsboard.org.uk/media/1666521/1\\_guidance\\_for\\_unregistered\\_barristers\\_barristers\\_without\\_practising\\_certificates\\_-\\_supplying\\_legal\\_services\\_and\\_holding\\_out.pdf](http://www.barstandardsboard.org.uk/media/1666521/1_guidance_for_unregistered_barristers_barristers_without_practising_certificates_-_supplying_legal_services_and_holding_out.pdf)

We may take disciplinary action against unregistered barristers who do not comply with these rules, and we want to help you comply with our rules which are designed to protect the public interest. For help and guidance about our rules you can consult our Handbook <https://www.barstandardsboard.org.uk/the-bsb-handbook.html> or contact the Bar Council's Ethical Enquiries Service at <https://www.barcouncil.org.uk/support-for-barristers/ethics.html>

Please do also subscribe to our monthly Regulatory Update email for the Bar. It contains essential regulatory news and updates for all barristers. To subscribe, please register as an “unregistered barrister” at [www.mybar.org.uk](http://www.mybar.org.uk)



OWNER



MANAGER



We authorised 108 specialised legal services businesses in 2018/19.

# Some information about pupillage

Many of you will now be seeking pupillage. This is an essential component of qualification at the Bar, in which pupils gain practical training under the supervision of experienced barristers. Pupillage is divided into two parts: a non-practising period, normally lasting six months, where pupils shadow, and work with, an approved pupil supervisor and the second practising period, normally also lasting six months, where pupils, with their pupil supervisor's permission, can supply legal services and exercise rights of audience.

Since 1 September 2019, the way in which pupils are assessed has changed to reflect the requirements set out in the Professional Statement for Barristers <https://www.barstandardsboard.org.uk/training-qualification/the-professional-statement.html>.

## Pupillage Advertising Requirements

Chambers and other organisations that offer pupillages must advertise all vacancies on the designated website [www.pupillagegateway.com](http://www.pupillagegateway.com). As of 1 November 2020, they must also recruit pupils in line with the Pupillage Gateway timetable which runs from late November to early May. This prescribes the timelines for each stage of recruiting pupils, including the publication of adverts, submission dates for applications, shortlisting, interviews and making offers.

## Pupillage Funding Requirements

Since 1 January 2021, the minimum funding award for pupillage has been £18,960 for pupillages in London; and;

- £16,601 for those outside London.

These rates are set having regard to the Living Wage Foundation's recommended minimum hourly rates.

The minimum funding award increases annually each January.

All pupil barristers should receive a written pupillage agreement to explain the rights and obligations of pupils and those providing their pupillage.

## Where to find Pupillage information

Competition for pupillage is intense. Applicants are therefore advised to make sure that they are suited to a career at the Bar by visiting court, talking to people in the legal profession and undertaking work experience, such as mini-pupillages in barristers' chambers or "marshalling" with a judge. Applicants should also ensure that they have thoroughly researched the chambers or other organisations offering pupillage to which they have applied.

## If you have begun or are about to begin a period of pupillage:

- you must register your pupillage before the pupillage begins
- you must notify the Bar Standards Board of any material changes to your pupillage (eg a change in date of commencement, a change in supervisor or a change in the proposed end date of pupillage)
- you must comply with the requirements of those who are providing your pupillage; and

- if you undertake Youth Court work during your practising period of pupillage, you must register this fact with the BSB either before or within 28 days of undertaking the work.

All chambers are required to have an anti-harassment policy that covers pupils as well as practising barristers and staff. In addition, the Bar Council offers a helpline for pupils and produces a range of equality and diversity documents.

More support and advice for pupils including advice on gaining adequate experience during pupillage is available in our Bar Qualification Manual at <https://www.barstandardsboard.org.uk/training-qualification/bar-qualification-manual.html>

### **If you do not yet have a pupillage:**

- you must begin your pupillage within five years from the date that you passed the vocational component of Bar training.
- until you have completed pupillage and obtained a practising certificate, you may not, in connection with offering or supplying legal services, hold yourself out as a barrister or exercise any right of audience as a barrister.

# Continuing Professional Development (CPD)

In an increasingly competitive market for legal services, barristers need to develop and keep updated specialist areas of knowledge and skills. They also need to develop sufficient flexibility to adapt to the changing demands of clients, the profession and their own careers.

The BSB is committed to ensuring that the profession continues to offer legal services of the very highest quality, so all practising barristers are required to complete CPD. Whilst attending courses alone will not guarantee that appropriate standards are maintained, we consider that a programme of continuing professional development is essential if barristers are to maintain and improve their skills.

You will be required to undertake CPD once you have successfully completed pupillage and have begun to practise as a barrister.

For the first three years that you practise, you will be required to comply with the CPD requirements outlined in the New Practitioners' Programme which is a set programme of training.

Once you have more than three years' experience, you will become subject to the Established Practitioners' Programme, which is a more flexible programme through which you can plan your own training needs.

Details of the current requirements under both Programmes can be found on our website at: <https://www.barstandardsboard.org.uk/for-barristers/cpd.html>



## “MyBar” and “Regulatory Update”

As you are now a member of the Bar of England and Wales, you have access to our “MyBar” portal at: <https://mybar.org.uk/>

“MyBar” is where you can manage your applications and authorisations with the BSB, including applying for your first Practising Certificate. It is a joint portal, meaning that you will also be able to access services provided by the Bar Council.

Please subscribe to our monthly Regulatory Update email for the Bar. It contains essential regulatory news and updates for all barristers. When you log in to MyBar for the first time, just choose your communication/data and social media preferences opting in to receive ‘Bar Standards Board Regulatory Updates & Information’. When you start the practising period of your pupillage, we will automatically send the email to you.



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