Part 6: Definitions

In this Handbook, the following words and phrases have the meaning set out below:

A

a realistic prospect of a finding of professional misconduct being made

means that the *Commissioner* or an *Independent Decision-Making Panel* considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an *allegation*, that it is more likely than not that a finding of *professional misconduct* will be made

a realistic prospect of the disqualification condition being satisfied

means that the *Commissioner* or an *Independent Decision-Making Panel* considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any tribunal or final determination of an *allegation*, that it is more likely than not that it shall be determined that the *disqualification condition* has been satisfied

academic legal training

(a) UK degree, awarded at level 6 (or above) of the Framework for Higher Education Qualifications, by a recognised degree-awarding body and which contains the following subject content: Contract, Property Law, Tort, Criminal Law, Constitutional and Administrative Law, Equity and Trusts and the Law of the European Union; or

(b) a UK degree, awarded at level 6 (or above) of the Framework for Higher Education Qualifications, by a recognised degree-awarding body together with a degree programme or degree conversion programme (ie Graduate Diploma in Law or equivalent) which includes the following subject content: Contract, Property Law, Tort, Criminal Law, Constitutional and Administrative Law, Equity and Trusts and the Law of the European Union.

administration of oaths

has the same meaning as set out in paragraph 8 of Schedule 2 to the *LSA.*

administrative sanction

means the imposition of an administrative warning, fixed penalty fine or other administrative fine up to the prescribed maximum, or any combination of the above in accordance with Section 5.A.

admission to an Inn

includes readmission of a former member who has ceased (whether as a result of disbarment or otherwise) to be a member of the *Inn.*

AETO

is an Authorised Education and Training Organisation which is authorised by the *BSB* to provide a vocational training course and/or *pupillage* in accordance with the *Authorisation Framework*.

allegation

means, for the purposes of Part 5.A, a *report*, or part of a *report*, that is treated by the *Commissioner* as an allegation under Part 5.A

an association

means where:

(a) *BSB* authorised individuals are *practising* as a chambers; or

(b) *BSB* authorised *person*s are sharing premises and/or costs and/or using a common vehicle for obtaining or distributing work with any *person* other than a *BSB regulated person*, in a manner which does not require the *association* to be authorised as an entity under the *Legal Services Act 2007.*

appeal panel

(a) in Section 5.A means an Appeal Panel constituted in accordance with paragraph rE54, to perform the functions set out in regulations E59 and E60 of that

Section 5.A;

(b) in Section 5.C means an Appeal Panel constituted in accordance with rE267 of that Section 5.C, to perform the functions set out in paragraphs rE287 to rE288 of that Section 5.C;

(c) in Section 5.D means an Appeal Panel constituted in accordance with paragraph 5 of Schedule 1 of that Section 5.D, to perform the functions set out in paragraphs rE331 to rE333 of that Section 5.D

applicable person

Means *persons* who were *unregistered barristers* or *BSB regulated persons* at the time of the conduct complained of (including, for the purposes of Part 5 of the *Handbook* only, *persons* who would have fallen within the definition of *BSB regulated persons* but for the fact that, at the time of the conduct complained of, they had their authorisation or licence *suspended* or revoked, or were subject to a sentence of *suspension* or disbarment, or were subject to a disqualification order (as the case may be) that has subsequently been overturned on appeal).

applicant body

in Part 3, means a licensable body, or a *BSB authorised* body which makes an application to the *Bar Standards Board* for authorisation in accordance with the *Scope of Practice, Authorisation and Licensing Rules* in Part 3.

application fee

means the amount payable by a person to cover the cost of an application process for seeking to be authorised by the *BSB* to carry out any *reserved legal services* or seeking to extend an existing authorisation.

approved regulator

means any body specified as an approved regulator in paragraph 1 of Schedule 4 of the *LSA* or designated as an approved regulator by an order under paragraph 17 of that Schedule

associates

has the meaning given in paragraph 5 to Schedule 13 of the *LSA* namely:

(i) ”associate”, in relation to a *person* (“A”) and:

(a) a shareholding in a body (“S”); or

(b) an entitlement to exercise or control the exercise of voting power in a body (“V”);

means a *person* listed in sub-paragraph (ii).

(ii) The *person*s are:

(a) the spouse or civil *partner* of A;

(b) a child or stepchild of A (if under 18);

(c) the trustee of any settlement under which A has a life interest in possession (in Scotland a life interest);

(d) an undertaking of which A is a director;

(e) an employee of A;

(f) a *partner* of A (except, where S or V is a *partner*ship in which A is a *partner*, another *partner* in S or V);

(g) if A is an undertaking:

(I) a *director* of A;

(II) a subsidiary undertaking of A; or

(III) a *director* or employee of such a subsidiary undertaking;

(h) if A has with any other *person* an agreement or arrangement with respect to the acquisition, holding or disposal of shares or other interests in S or V (whether or not they are interests within the meaning of section 72(3) of the *LSA*), that other *person*; or

(i) if A has with any other *person* an agreement or arrangement under which they undertake to act together in exercising their voting power in relation to S or V, that *person*

authorisation fee

means the fee prescribed from time to time by the *Bar Standards Board* in accordance with Rule S94.

Authorisation Framework

means the framework published by the *BSB* setting permitted pathways and their mandatory training components for the qualification of *barristers* in order to meet the Professional Statement and the criteria for authorisation of *AETOs.* It also includes the prescribed Curriculum and Assessment Strategy and additional publications as detailed in the framework.

authorised (non-BSB) body

means a partnership, *LLP* or company authorised or licensed by another *approved regulator* to undertake *reserved legal activities.*

authorised (non-BSB) individual

means an individual that is authorised to provide reserved legal activities by another *approved regulator* where such an individual is working as a *manager* or an employee of a *BSB entity.*

authorised (non-BSB) person

means an *authorised (non-BSB) body* or an *authorised (non-BSB) individual* (as the case may be).

authorised individual

means *BSB authorised individuals* and *authorised (non-BSB) individuals.*

authorised person

has the meaning set out in section 18(1) of the *LSA.*

B

bankruptcy order

includes a bankruptcy order made pursuant to the Insolvency Act 1986 and any similar order made in any jurisdiction in the world.

Bar

means the Bar of England and Wales.

Bar Council

means The General Council of the Bar as constituted from time to time or a committee thereof.

Bar Qualification Rules

means the rules on qualification set out at Part 4.

Bar Standards Board

means the part of the *Bar Council* established to independently exercise the regulatory functions of the *Bar Council.*

Bar Transfer Test

means an examination administered by the *Bar Standards Board* which:

(a) is designed to assess whether a *person* has the professional knowledge (including knowledge of the rules of professional conduct) required in order to practise as a *barrister* in England and Wales; and

(b) covers subjects not already covered by the education and training of the *person* concerned, the knowledge of which is essential for such *practice.*

barrister

has the meaning given in s. 207 of the *LSA* and includes

(a) *practising barristers*;

(b) *pupils*; and

(c) *unregistered barristers.*

BMIF

means Bar Mutual Indemnity Fund Limited

BSB authorised body

means a body (corporate or unincorporated) which is authorised by the BSB to carry on reserved legal activities and is not a *licensable body*

BSB authorised individuals

means all individuals authorised by the *Bar Standards Board* to carry on *reserved legal activities* including:

a) practising barristers;

b) *pupils* with a *provisional practising certificate*;

c) registered European lawyers

BSB authorised persons

means *BSB entities* and *BSB authorised individuals*

BSB entity

means *BSB authorised body* and *BSB licensed body*

BSB licensed body

means a *licensed body* that has been licensed by the BSB

BSB regulated individuals

means *BSB authorised individuals*, *authorised (non-BSB) individuals employed by BSB authorised bodies and BSB regulated managers*

BSB regulated managers

means a *manager* of a *BSB entity*

BSB regulated person

Includes to the extent described in the application sections of the Handbook:

a) *Practising barristers;*

b) registered European lawyers;

c) BSB entities; and

d) Any employees or *managers* of the above

BTAS

The Bar Tribunals and Adjudication Service ('BTAS') is a body contracted by the Bar Standards Board to administer and appoint hearing panels in line with the provisions of Part 5 of the BSB Handbook.

C

call

means call to the *Bar* in accordance with the Bar Qualification Rules

call declaration

means a declaration made to an *Inn* for the purpose of being called to the *Bar.*

CCBE

means The Council of Bars and Law Societies of Europe

CCBE State

means any state whose legal profession is a full member, an associate member or an observer member of the *CCBE*

Certificate of Good Standing

means:

(a) in relation to a *person* authorised by another *Approved Regulator* or by a *Qualified Foreign Lawyer*, a certificate issued by the *Approved Regulator* or the professional body or other authority responsible for regulating the profession of which the *person* concerned is a member attesting that the *person* concerned:

(i) is of good character;

(ii) has not been the subject of a *Bankruptcy Order* or Directors Disqualification Order nor entered into an individual voluntary arrangement with creditors; and

(iii) has not been prohibited and is not currently suspended from *practising* on account of serious professional misconduct or the commission of a criminal offence;

(b) in relation to a *Qualified Swiss Lawyer*, evidence that the *person* concerned:

(i) is of good character;

(ii) has not been the subject of a *Bankruptcy Order* or Directors Disqualification Order nor entered into an individual voluntary arrangement with creditors; and

(iii) has not been prohibited and is not currently suspended from *practising* on account of serious *professional misconduct* or the commission of a *criminal offence*

chambers

means a place at or from which one or more self-employed barristers or *BSB entities* carry on their practices and also refers where the context so requires to all the *barristers* (excluding pupils) and *BSB entities* who for the time being carry on their *practices* at or from that place

client

means, the *person* for whom you act and, where the context permits,includes prospective and former clients

client money

means

(a) money, securities or other assets beneficially owned by a *client*; or

(b) money, securities or other assets provided by, or for the benefit of, your *client* or intended by another party to be transmitted to your *client*,

But excludes:

(c) a fixed fee paid in advance; or

(d) a payment made in settlement of an accrued debt; or

(e) money which belongs to your *employer*

Code of Conduct for European Lawyers

means the code of conduct adopted by the *CCBE* (as may be amended from time to time) applying to all lawyers undertaking *cross border activities* in a *CCBE State*

Commissioner

the person who is empowered within the executive of the *Bar Standards Board* to carry out the functions and exercise the powers as indicated within the *Handbook*

Company

has the same meaning as in section 1 of the Companies Act 2006

complaint

means, for the purposes of Part 2, a complaint by a *client* about the standard of service received that is addressed either to the *Legal Ombudsman* or the *chambers* or the *BSB authorised person*

conditional fee agreement

means a conditional fee agreement as defined in Section 58 of the Courts and Legal Services Act 1990

conduct litigation or conduct of litigation

has the same meaning as set out in paragraph 4 of Schedule 2 to the *LSA*. Conducting litigation shall be construed accordingly

Convening Order

means the Order described in Regulation E132.c

conviction

means a criminal conviction for an *indictable offence*

Council of the Inns of Court (COIC)

means the Council of the Inns of Court and its successors including any entity or part through which it exercises its functions

court

means any court or tribunal or any other *person* or body whether sitting in public or in private before whom a *barrister* appears or may appear as an advocate

criminal offence

means any offence, wherever committed, under the criminal law of any jurisdiction (including an offence the conviction for which is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974) except:

(a) an offence for which liability is capable of being discharged by payment of a fixed penalty; and

(b) an offence which has as its main ingredient the unlawful parking of a vehicle

Cross border activities

means:

(a) the undertaking by a *BSB authorised person* of foreign work in a *CCBE State* other than the *UK*, whether or not the *BSB authorised person* is physically present in that *CCBE State*; and

(b) any professional contact by a *BSB authorised person* with a lawyer of a *CCBE State* other than the *UK*

D

decision period

for the purposes of applications for authorisation in Part 3 means:

in respect of an application for authorisation or licensing, the period of 6 months;

in respect of a standalone application for authorisation to conduct litigation, the period of 3 months; and

in respect of an application for approval of a *manager, owner, HOLP or HOFA*, the period of 1 month,

in each case, commencing on the last date on which the *Bar Standards Board* receives any of the documentation, information or payments required to be submitted with such application

Definitions Section

means Part 6 of the *Handbook*

determination by consent procedure

means the procedure set out in Regulation E39

devilling

means where a *self-employed barrister* ("A") arranges for another *barrister* ("B") in the same *chambers* to carry out work for A on the basis that A will be responsible for the payment of B's remuneration for such work and will be responsible to the client for the work as if it were their own.

"devil" and "devils" will be construed accordingly

Directions Judge

means a Judge or Queen's Council designated by the *President*

Director

means a *director* of a company, and includes the director of a *BSB entity or an authorised (non-BSB) body* which is a company, and in relation to a societas Europaea includes:

a) in a two-tier system, a member of the management organ and a member of the supervisory organ;

b) in a one-tier system, a member of the administrative organ

directors disqualification order

includes a disqualification order made by a court, or disqualification undertaking accepted by the secretary of state, pursuant to the Company Directors Disqualification Act 1986 and any similar order made or undertaking given in any jurisdiction in the world

disciplinary action

for the purposes of Part 5.A, action taken by the *Bar Standards Board* under the *determination by consent procedure* or by way of referring a disciplinary charge and/or a *disqualification* application to the *Disciplinary Tribunal*

Disciplinary Tribunal

means a Tribunal convened pursuant to E132 of the Disciplinary Tribunal Regulations 2017 to consider an allegation of *professional misconduct* against an *applicable person* (for which the sanctions may include disqualification, where Part 5 so provides) and/or to consider an application for *disqualification* against an *applicable person*

discrimination

has the same meaning as in chapter 2 of the Equality Act 2010

disqualification condition

means that an *applicable person* has (intentionally or through neglect):

a) breached a relevant duty to which the person is subject; or

b) caused, or substantially contributed to, a BSB regulated person breaching a duty imposed under this Handbook (or in the case of a *BSB licensed body* a significant breach of its licence); and

c) in either case, that the BSB is of the view that it is undesirable that the *applicable person* should engage in one or more of the relevant activities

disqualification order

means an order:

a) made by a *Disciplinary Tribunal* in disposing of a disciplinary charge or disqualification application referred to it by the *Commissioner* or an *Independent Decision-Making Panel*; and

b) made on the basis that the *disqualification condition* is satisfied in respect of the *applicable person* who is the subject of the *disqualification order*; and

c) either indefinitely or for a stated period, disqualifying an *applicable person* from one or more relevant activities and prohibiting any *BSB authorised person* from appointing them or employing them in respect of such relevant activities

Disqualify, disqualified or disqualification

means the power of the *Bar Standards Board*, pursuant to Section 5.B, to disqualify an *applicable person* from performing one or more of the *relevant activities* where the *disqualification condition* is satisfied, which power when exercised on an interim basis shall be exercised by the *Commissioner* in accordance with Section 5.D

diversity data

Means information relating to the following characteristics in respect of an individual:

a) Age

b) Disability

c) Pregnancy and maternity

d) Race (including ethnic or national origins, colour or nationality

e) Religion or belief (including lack of belief)

f) Sex

g) Sexual orientation

E

employed barrister

means:

a) an *employed barrister (authorised non-BSB body*); or

b) an *employed barrister* (*BSB entity*); or

c) an *employed barrister* (*non authorised body*)

employed barrister (authorised non-BSB body)

means a *practising barrister* who is employed by an *authorised (non- BSB) body either:*

a) under a contract of employment; or

b) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice),

who supplies *legal services* as a *barrister* in the course of their employment

employed barrister (BSB entity)

means a *practising barrister* who is employed by a *BSB entity* either:

a) under a contract of employment; or

b) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice),

who supplies *legal services* as a *barrister* in the course of their employment

employed barrister (non-authorised body)

means a *practising barrister* who is employed:

a) other than by a *regulated entity*;

b) either:

(i) under a contract of employment; or

(ii) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice);

or

(iii) by virtue of an office under the Crown; and

who supplies *legal services* as a *barrister* in the course of their employment

employer

means *person*s by whom *employed barristers* (non-authorised bodies) are employed including any holding subsidiary or associated company, corporate body or firm of that *person*

enforcement strategy

means the strategy on enforcement from time to time published by the *Bar Standards Board*, in effect as at the date the report is received by, or comes to the attention of, the *Bar Standards Board* under Part 5.A

English law

includes international law that is in force in England and Wales

Equality and Diversity Officer

means the individual appointed as such by the *chambers* or the *BSB entity* (as appropriate), one of whose responsibilities is to ensure compliance with the Equality and Diversity set out at rules C110-C111

European lawyer

means a *person* who is a national of a *Member State* and who is authorised in any *Member State* to pursue professional activities under any of the professional titles appearing in article 2(4) of the European Communities (Lawyer's *Practice*) Regulations 2000 or within the Services of Lawyers and Lawyers' Practice (Revocation etc.) (EU Exit) Regulations 2020, but who is not any of the following:

a) a *solicitor* or *barrister* of England and Wales or Northern Ireland; or

b) a *solicitor* or advocate under the law of Scotland

European Qualifications Regulations

means the European Union (Recognition of Professional Qualifications) Regulations 2015

F

family responsibilities

includes caring responsibilities for older, young, or disabled dependants or relatives

First Tier Tribunal

means the General Regulatory Chamber of the First Tier Tribunal

Fitness to Practise Panel

means a Fitness to Practise Panel constituted under Section 5.D, in accordance with paragraph 4 of schedule 1

foreign client

means a lay *client* who has their centre of main interests outside England and Wales, or who reasonably appears as having that characteristic

foreign lawyer

is a *person* who is a member, and entitled to *practice* as such, of a legal profession regulated within a jurisdiction outside England and Wales and who is not an *authorised person* for the purposes of the *LSA*

foreign work

means *legal services* of whatsoever nature relating to:

a) court or other legal proceedings taking place or contemplated to take place outside England and Wales; or

b) if no court or other legal proceedings are taking place or contemplated, any matter or contemplated matter not subject to the law of England and Wales

full practising certificate

means, in accordance with Rule S63, a *practising* certificate which entitles a *barrister* to exercise a *right of audience* before every *court* in relation to all proceedings

H

Handbook

means this Handbook

harassment

has the same meaning as in section 26 of the Equality Act 2010

HOFA

In relation to a *BSB authorised body*: has the meaning set out in the Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2016

In relation to a *BSB licensed body*: means an individual who meets the requirements set out in paragraph 13 of Schedule 11 to the LSA and has been approved as a Head of Finance and Administration by the BSB in accordance with section E of Part 3

HOLP

In relation to a *BSB authorised body*: has the meaning set out in the Legal Services Act 2007 (General Council of the Bar) (Modification of Functions) Order 2016

In relation to a *BSB licensed body*: means an individual who meets the requirements set out in paragraph 11 of Schedule 11 to the LSA and has been approved as a Head of Legal Practice by the BSB in accordance with section E of Part 3

home professional title

means, in relation to a European lawyer, the professional title or any of the professional titles specified in relation to their *home State* in article 2(4) of the European Communities (Lawyer's *Practice*) Regulations 2000 (as amended) or within the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020 under which they are authorised in their *home State* to pursue professional activities

home regulator

means the body in a *Member State* which authorises a European lawyer to pursue professional activities under any of the professional titles appearing in article 2(4) of the European Communities (Lawyer's *Practice*) Regulations 2000 (as amended) or within the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020 and, if the European lawyer is authorised in more than one *Member State*, it shall mean any such body

home State

means the *Member State* in which a European lawyer acquired the authorisation to pursue professional activities under their home professional title and, if they are authorised in more than one *Member State*, it shall mean any such *Member State*

I

immigration work

means the provision of immigration advice and immigration services, as defined in section 82 of the Immigration and Asylum Act 1999

Independent Decision-Making Body

means a body established by the *Bar Standards Board* to provide a pool of members for *Independent Decision-Making Panels*

Independent Decision-Making Panel

means a panel established to take decisions independently of the executive of the *Bar Standards Board* as provided for in the Handbook and consisting of members of the *Independent Decision-Making Body*, in accordance with Schedule 1 of Part 5.A.

Inn

means one of the four Inns of Court, namely, the Honourable Societies of Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn

" *Inns*" should be construed accordingly

instructions

means *instructions* or directions in whatever form (including a brief to appear as an advocate before a Court) given to a *practising barrister* or a *BSB entity* to supply legal services whether in a contentious or in a non-contentious matter and "instructed" shall have a corresponding meaning

interim panel

means an *interim panel* constituted in accordance with paragraph rE265, to perform the functions set out in paragraphs rE276 to rE278 of Section 5.C

intermediary

means

any *person* by whom a *self-employed barrister* or *BSB entity* is instructed on behalf of a *client* excluding a *professional client* who is not also the *client* save for an *intermediary* in the context of a *referral fee* which includes a *professional client*

J

Justices' clerk

means a serving Justices' clerk or assistant Justices' clerk, appointed under the Courts Act 2003

L

lay member

means either:

(a) a *lay person* appointed to be a member of the *Bar Standards Board*, one of its regulatory committees or the *Independent Decision-Making Body*; or,

(b) a *lay person* appointed by the President to serve on Disciplinary Tribunals, Interim Suspension Panels and Appeal Panels therefrom, and Fitness to Practise Panels and Appeal Panels therefrom

Lay person

means a person who is not and never has been a barrister, who has not completed the training required in order to be called to the Bar, and who is a lay person under paragraph 2(4) and (5) of Schedule 1 to the Legal Services Act 2007

Legal Advice Centre

means a centre operated by a charitable or similar non-commercial organisation at which legal services are habitually provided to members of the public without charge (or for a nominal charge) to the client and:

a) which employs or has the services of one or more solicitors conducting work pursuant to rule 4.16 of the SRA Practice Framework Rules 2011; or

b) which has been and remains designated by the *Bar Standards Board* as suitable for the employment or attendance of *barristers* subject to such conditions as may be imposed by the *Bar Standards Board* in relation to insurance or any other matter whatsoever

Legal Aid Agency

is the executive agency established under Legal Aid Sentencing and Punishment of Offenders Act 2012 to manage and administer the legal aid system

legal aid complaint

has the same meaning as in section 40 of the Administration of Justice Act 1985

Legal Ombudsman

means scheme administered by the Office for Legal Complaints under Part 6 of the *LSA*

legal services

includes legal advice, representation and drafting or settling any statement of case, witness statement, affidavit or other legal document, but does not include:

a) sitting as a judge or arbitrator or acting as a mediator;

b) lecturing in or teaching law or writing or editing law books articles or reports;

c) examining newspapers, periodicals, books, scripts and other publications for libel, breach of copyright, contempt of court and the like;

d) communicating to or in the press or other media;

e) giving advice on legal matters free to a friend or relative or acting as unpaid or honorary legal adviser to any charitable benevolent or philanthropic institution;

f) in relation to a *barrister* who is a non-executive director of a company or a trustee or governor of a charitable benevolent or philanthropic institution or a trustee of any private trust, giving to the other directors trustees or governors the benefit of their learning and experience on matters of general legal principle applicable to the affairs of the company institution or trust;

g) early neutral evaluation, expert determination and adjudications

Legal Services Board

means the independent body established under the *LSA* to be the overarching regulator for the legal profession as a whole

licensable body

Has the same meaning as set out in s. 72 *LSA* namely:

(1) A body ("B") is a licensable body if a *non-authorised person*–

(a) is a *manager* of B, or

(b) has an interest in B.

(2) A body ("B") is also a licensable body if–

(a) another body ("A") is a *manager* of B, or has an interest in B, and

(b) *non-authorised person*s are entitled to exercise, or control the exercise of, at least 10% of the voting rights in A.

(3) For the purposes of this Act, a *person* has an interest in a body if–

(a) the *person* holds shares in the body, or

(b) the *person* is entitled to exercise, or control the exercise of, voting rights in the body.

(4) A body may be licensable by virtue of both subsection (1) and subsection (2).

(5) For the purposes of this Act, a *non-authorised person* has an indirect interest in a licensable body if the body is licensable by virtue of subsection (2) and the *non authorised person* is entitled to exercise, or control the exercise of, voting rights in A.

(6) "shares" means–

(a) in relation to a body with a share capital, allotted shares (within the meaning of the Companies Acts);

(b) in relation to a body with capital but no share capital, rights to share in the capital of the body;

(c) in relation to a body without capital, interests–

(i) conferring any right to share in the profits, or liability to contribute to the losses, of the body, or

(ii) giving rise to an obligation to contribute to the debts or expenses of the body in the event of a winding up;

and references to the holding of shares, or to a shareholding, are to be construed accordingly.

licensed access client

means a *person* or organisation approved as such by the *Bar Standards Board* in accordance with the Licensed Access Recognition Regulations which are available on the *BSB's* website

Licensed Access rules

means the Rules on licensed access set out at Rules C132 to C141

licensed body

Has the same meaning as in s71(2) of the LSA, namely a *licensable body* which has been granted a licence by the *Bar Standards Board* or other licensing authority to undertake *reserved legal activities*;

licensing authority

means an *approved regulator* which is designated as a licensing authority under Part 1 of Schedule 10 to the *LSA,* and whose licensing rules have been approved for the purposes of the *LSA*

limited practising certificate

in accordance with rS65, a limited *practising* certificate authorises a *barrister* to exercise any right of audience that they had on 30 July 2000 as a result of them being a *barrister*

litigation extension fee

means the amount payable by a *BSB authorised person* which has a litigation extension

LLP

means a limited liability *partner*ship formed by being incorporated under the Limited Liability *Partner*ships Act 2000

LSA

means the *Legal Services Act 2007* (as amended)

M

manager

has the same meaning as set out in s. 207 *LSA* namely:

a) a member of an *LLP*;

b) a director of a company;

c) a *partner* in a *partner*ship; or

d) in relation to any other body, a member of its governing body.

material interest

a person holds a material interest in a body (“B”) if the person:

i. holds at least 10% of the shares in B,

ii. is able to exercise significant influence over the management of B by virtue of the person’s shareholding in B,

iii. holds at least 10% of the shares in a parent undertaking (“P”) of B,

iv. is able to exercise significant influence over the management of P by virtue of the person’s shareholding in P,

v. is entitled to exercise, or control the exercise of, voting power in B which, if it consists of voting rights, constitutes at least 10% of the voting rights in B,

vi. is able to exercise significant influence over the management of B by virtue of the person’s entitlement to exercise, or control the exercise of, voting rights in B,

vii. is entitled to exercise, or control the exercise of, voting power in P which, if it consists of voting rights, constitutes at least 10% of the voting rights in P, or

viii. is able to exercise significant influence over the management of P by virtue of the person’s entitlement to exercise, or control the exercise of, voting rights in P.

and for the purposes of this definition “person” means–

i. the person,

ii. any of the person’s associates, or

iii. the person and any of the person's associates taken together;

mediation

means the process whereby the parties to a dispute appoint a neutral *person* (mediator) to assist them in the resolution of their dispute

medical

In relation to any person means a registered medical practitioner

Medical Examiner

means a registered medical practitioner nominated to carry out a medical examination of an Individual under Regulations rE310.1 and rE320.2.a of Section 5.D and provide medical advice to the Fitness to Practise Panel.

medical member

means a person appointed by the President under Section 5.D, in accordance with paragraph 1 of schedule 1 for the purpose of serving on Fitness to Practise and Appeal Panels.

Member State

means a state which is a member of the European Union, the European Economic Area or Switzerland

minor criminal offence

includes:

a) an offence committed in the United Kingdom which is a fixed-penalty offence under the Road Traffic Offenders Act 1988;

b) an offence committed in the United Kingdom or abroad which is dealt with by a procedure substantially similar to that for such a fixed-penalty offence;

c) an offence whose main ingredient is the unlawful parking of a motor vehicle

N

non-authorised body

any body that is not a *regulated entity*

non-authorised individual

means any individual who is not a *BSB authorised individual* or an *authorised (non-BSB) individual*

non-authorised person

means:

a) non-authorised bodies; and

b) non-authorised individuals

non-reserved activities

means any activities other than reserved legal activities

notarial activities

has the same meaning as set out in paragraph 7 of Schedule 2 to the *LSA*

O

Owner

means:

a) in relation to a *BSB entity* that is a company or an *LLP* (or an applicant to become such a body), any *person* who holds a *material interest* in that company or *LLP*;

b) in relation to a *BSB entity* that is a *partner*ship (or an applicant to become such a body), any *partner* of that *partner*ship who holds a *material interest* in that *partner*ship

P

parental leave

means leave from practice taken by a carer of a child preceding or following birth or adoption. This could be the mother, father or adoptive parent of either sex, and includes the married, civil, or de facto partner of a biological or adoptive parent

partner

means a *person* who is or is held out as a *partner* in an unincorporated firm.

partnership

means an unincorporated *partner*ship, and includes any unincorporated firm in which *person*s are or are held out as *partner*s, but does not include an *LLP*

pending criminal proceedings

are pending if a *person*:

(a) is currently charged with, or

(b) is on bail or in detention or custody (or has failed to surrender to custody) in connection with,

any *criminal offence*

period of deferral

A sentence imposed prior to 1 November 2017 that was deferred for a period no less than six months and no more than two years long;

person

includes a body of *person*s (corporate or unincorporated)

practice

means the activities, including business related activities, in that capacity, of:

a) a *practising barrister*;

b) a *BSB entity*;

c) a *manager* of a *BSB entity*

d) an employee of a *BSB entity*

"practise", " *practising*" and " *practised*" should be construed accordingly

practising address

means an address from which the services which consist of or include the carrying on of *reserved legal activities* are being provided

practising barrister

means a *barrister* who *practises* as a *barrister* as defined in Rule S9

practising certificate

means a *full practising certificate*, a *provisional practising certificate*, a *limited practising certificate*, or an *European lawyer's practising certificate* or a temporary *practising* certificate issued by the *Bar Standards Board* or the *Bar Council* (acting by the *Bar Standards Board*)

practising certificate fee

means the amount payable for a *practising certificate* each year, such amount to be calculated by reference to the Schedule of *Practising* Certificate Fees issued by the *Bar Council* from time to time, together with the provisions of Section 3.C

practising certificate year

means the period from 1 April in any calendar year to 31 March in the next calendar year

probate activities

has the same meaning as set out in paragraph 6 of Schedule 2 to the *LSA*

professional client

means in relation to giving *instructions* to a BSB authorised *person*:

a) any *person* authorised by another *approved regulator or licensing authority;*

b) an *employed barrister* or registered European lawyer;

c) any *practising barrister* or registered European lawyer acting on their own behalf;

d) any *BSB authorised person* who is authorised to conduct litigation;

e) a *foreign lawyer*;

f) a Scottish or Northern Irish *Solicitor*; or

g) the representative of any body (such as a Legal Advice Centre or Pro Bono or Free Representation Unit) which arranges for the supply of legal services to the public without a fee, and which has been and remains designated by the *Bar Standards Board* (subject to such conditions as may be imposed by the *Bar Standards Board* in relation to insurance or any other matter whatsoever) as suitable for the instruction of *barristers*, and which instructs a *barrister* to supply legal services without a fee;

professional misconduct

means a breach of this Handbook by an *applicable person* which is not appropriate for disposal by way of the imposition of *administrative sanctions*, pursuant to Section 5.A

professional principles

has the same meaning as set out in s. 1(3) *LSA* namely:

(a) that authorised *person*s should act with independence and integrity,

(b) that authorised *person*s should maintain proper standards of work,

(c) that authorised *person*s should act in the best interests of their clients,

(d) that *person*s who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised *person*s should comply with their duty to the court to act with independence in the interests of justice, and

(e) that the affairs of clients should be kept confidential.

provisional practising certificate

in accordance with Rule S64 a *provisional practising certificate* authorises a *pupil* in their practising period to exercise a *right of audience* before every *court* in relation to all proceedings

public access client

a *client* (other than a *licensed access client*) that instructs a *barrister* directly on their behalf.

public access instructions

means *instructions* given to a *barrister* by or on behalf of a *public access client*, in accordance with Rules C119 to C131

pupil

means an individual who is undertaking either the non-*practising period* of *pupillage* or the *practising period* of *pupillage*, or a part thereof and who is registered with the *Bar Standards Board* as a *pupil*;

pupil supervisor

an *authorised individual* who has been appointed as a *pupil supervisor* by an *AETO*

pupillage

means a period of training which is work-based learning provided by an *AETO* in accordance with its authorisation by the *BSB*

Q

qualified foreign lawyer

means a *person* who is a member of a legal profession regulated in a jurisdiction outside England and Wales and entitled to *practise* as such

qualified lawyer

means a person who is authorised to *practise* by another *Approved Regulator, a Qualified Swiss Lawyer* or a *Qualified Foreign Lawyer*

qualified Swiss lawyer

means a person with the relevant qualifications or professional title within the meaning of Regulation 6 of the Services of Lawyers and Lawyer's Practice (Revocation etc.) (EU Exit) Regulations 2020

qualifying sessions

means professional development events of an educational or collegiate nature arranged by or on behalf of an *Inn*.

Quasi-judicial

acting in any capacity which requires an approach of a judicial nature and compliance with the basic requirements of natural justice; and/or, as an arbitrator; or, as a neutral evaluator between parties; or, as a mediator.

R

referral fee

means any payment or other consideration made in return for the referral of professional *instructions* by an *intermediary,*

For the avoidance of doubt, a payment for the provision of a particular service or for some other reason, and not for the provision or referral of professional

instructions is not a *referral fee* for the purposes of this definition

register of European lawyers

means the register of European lawyers maintained by the *Bar Standards Board* under regulation 15 of the European Communities (Lawyer's Practice) Regulations 2000 (SI 2000/1119).

registered European lawyer

means:

a) a *European lawyer*, who retains registration as such, pending a decision on an application to the *Bar Standards Board* for admission to the *Bar* made before the end of the *Transition Period* and was registered by the *Bar Standards Board* and by an *Inn* in accordance with Section 3D before the end of the *Transition Period*; or

b) a *qualified Swiss lawyer* who applied for registration as such under the *Swiss Citizens' Rights Agreement* and was registered continuously by the *Bar Standards Board* and by an *Inn* in accordance with Section 3D before 1 January 2025; or

c) for the purposes of Part 5 of the *Bar Standards Board Handbook* prior to the end of *Transition Period* was registered as such by the *Bar Standards Board* and by an *Inn* in accordance with Section 3.D.

Registered European lawyer's practising certificate

means, in accordance with rS68, a *practising certificate* which entitles a registered European lawyer to carry on the same reserved legal activities as a full *practising certificate* issued to a *barrister,* save that:

a) a registered European lawyer is only authorised to exercise a right of audience or a right to conduct litigation if they act in conjunction with a *solicitor* or *barrister* who is entitled to practise before the court, tribunal or public authority concerned and who could lawfully exercise that right; and

b) a registered European lawyer is not authorised to prepare for remuneration any instrument creating or transferring an interest in land unless they have a home professional title obtained in Denmark, the Republic of Ireland, Finland, Sweden, Iceland, Liechtenstein, Norway, the Czech Republic, Cyprus, Hungary or Slovakia

regulated entity

Means *BSB entity* or *authorised (non-BSB) body*

regulatory objectives

has the meaning given to it by section 1 of the *LSA* and consists of the following objectives:

a) protecting and promoting the public interest;

b) supporting the constitutional principles of the rule of law;

c) improving access to justice;

d) protecting and promoting the interests of consumers;

e) promoting competition in the provision of the services;

f) encouraging an independent, strong, diverse and effective legal profession;

g) increasing public understanding of the citizen's legal rights and duties; and

h) promoting and maintaining adherence to the professional principles

relevant activity

Means:

a) those activities set out in paragraph 7(3) of the Legal Services Act (General Council of the Bar) (Modification of Functions) Order 2018; or

b) in relation to a *BSB licensed body*, those set out in section 99(2) of the LSA.

Relevant State

means a *Member State*, Iceland, Norway, Liechtenstein or Switzerland

report

For the purposes of rC144.1.c and Part 5.A, a spoken, written or other documentary account that gives information about a particular subject, situation, or event involving any of the categories of person listed in rl7

reserved instrument activities

has the same meaning as set out in paragraph 5 of Schedule 2 to the *LSA*

reserved legal activity

means:

a) the exercise of a right of audience;

b) the *conduct of litigation*;

c) reserved instrument activities;

d) *probate activities*;

e) *notarial activities*; and

f) the administration of oaths;

“reserved activities” shall be construed accordingly

Respondent

Means the *applicable person* who is the subject of: a decision to refer a matter to a *Disciplinary Tribunal* or *Determination by Consent procedure* in part 5.A; a disciplinary charge or charges brought before a *Disciplinary Tribunal* and/or a *disqualification* application made to the *Disciplinary Tribunal* in part 5.B; or against whom the *Bar Standards Board* is considering taking interim action in accordance with section 5.C.

Restriction

in Section 5.D, means a *suspension* or *disqualification*, imposed, extended, varied or replaced by a Panel under Regulations E313, E315, E320, E321 and E331 of Section 5.D

review panel

In Section 5.C, means a review panel constituted in accordance with rE266 of that Section 5.C, to perform the functions set out in paragraphs rE281 to rE283 of that Section 5.C

right of audience

has the same meaning as set out in paragraph 3 of Schedule 2 to the *LSA*;

right to conduct litigation

refer to *conduct of litigation* above

S

Scope of Practice, Authorisation and Licensing Rules

means the rules set out at Part 3 of this *Handbook*

selection panel

any panel formally tasked with the final decision on recruitment or selection or promotion (as the case may be) of *pupil*s, assessed minipupils, tenants, clerks, or staff, or, in the context of a *BSB entity*, any panel formally tasked with the final decision on recruitment or selection or promotion (as the case may be) of *pupil*s, assessed mini-pupils, *manager*s or employees of that *BSB entity*

self-employed barrister

means a *practising barrister* who is *self-employed*

Senior Courts

means the Senior Courts of England and Wales, namely, the Court of Appeal, the High Court of Justice and the Crown Court

solicitor

means a *solicitor* of the Supreme Court of England and Wales

specified amount

means in respect of a *pupil*, the amount payable to a *pupil* in their non-*practising* period or their *practising* period (as appropriate), such amount being specified by the *Bar Standards Board* in the Bar Qualification Manual from time to time

student member

means an individual who is a member of an Inn of Court for the purposes of training to become a *barrister*

suitability criteria

means:

a) in respect of a *HOLP*, the criteria set out at Rules S104, S105 and S110;

b) in respect of a *HOFA*, the criteria set out at Rules S106, S107 and S110;

c) in respect of *owner*s, the criteria set out at Rule S108 and S110; and

d) in respect of *manager*s, the criteria set out at Rule S109 and S110

Supervision Team

means the Supervision Team of the *Bar Standards Board*

suspended or suspension

means to suspend the *practising certificate*, licence or authorisation of a *BSB authorised person*, either generally or in respect of any separate authorisation that person may have to *conduct litigation* or to carry out public access work which power when exercised on an interim basis, shall be exercised in accordance with Section 5.C and when exercised in fitness to practise proceedings shall be exercised in accordance with Section 5.D.

Swiss Citizens' Rights Agreement

means an agreement between the United Kingdom and Switzerland which preserves certain rights of citizens of each country

T

Temporary Qualification Certificate

means a certificate issued by the *Bar Standards Board* under Rule Q26 authorising a Qualified Foreign Lawyer to be admitted to temporary membership of an *Inn* and called to the *Bar* for the purpose of appearing as counsel in a particular case or cases before a court or courts of England and Wales

the President

means the President of the Council of the *Inns* of Court;

the standard directions

mean the standard directions set out at Annex 6 to Section 5.B (as such Annex may be amended or updated by the *Bar Standards Board* from time to time)

trade association

means a body of *persons* (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its members or of *persons* represented by its members, and does not include any association formed primarily for the purpose of securing legal assistance for its members

Transition Period

means the period agreed in the UK-EU Withdrawal Agreement in which the UK is no longer a member of the European Union but remains subject to European Union regulations, including qualification regulations. The transition period ends at 11pm GMT on 31 December 2020

Tribunal Appointments Body

The "Tribunal Appointments Body" is a body appointed by the Council of the Inns of Court which considers the applications of those people who wish to be members of hearing panels, and certifies that those they select to the panels are fit and properly qualified to conduct the business for which they have been selected.

U

UK

means United Kingdom

unfit to practise

when used to describe a *BSB authorised individual* means that the individual:

is incapacitated due to their physical or mental condition (including any addiction); and, as a result, the Individual's fitness to practise is impaired; and, the imposition of a restriction, or the acceptance of undertakings in lieu, is necessary for the protection of the public, is otherwise in the public interest or is in the Individual's own interests.

university

means an institution which makes available educational services under a name which includes the word "university" and in the case of an institution to which section 39(1) of the Higher Education Act 1998 applies which is authorised or has approval to include that word in that name as mentioned in that subsection

unregistered barrister

means an individual who does not hold a *practising* certificate but who has been called to the *Bar* by one of the *Inns* and has not ceased to be a member of the *Bar*

V

victimisation

has the same meaning as in section 27 of the Equality Act 2010

vocational training

means a vocational component training course provided by an *AETO* in accordance with the *Authorisation Framework*

W

workforce

means:

a) in the case of a *Chambers*, the staff, *barristers*, *pupils* and assessed mini-pupils; and

b) in the case of a *BSB entity*, the employees, *managers*, *pupils* and assessed mini-pupils

Y

Years' standing

Means that a *barrister* shall be treated as being of a particular number of years' standing if they:

a) have been entitled to practise and have practised as a *Barrister* (other than as a *pupil* who has not completed *pupillage* in accordance with the *Bar Qualification Rules*) or as a person authorised by another *Approved Regulator*;

b) have made such *practice* their primary occupation; and

c) have been entitled to exercise a *right of audience* before every *court* in relation to all proceedings,

for a period (which need not be continuous and need not have been as a *person* authorised by the same *Approved Regulator*) of at least that number of years.