



REGULATING BARRISTERS

Consultation: Amendment to Bar Standards Board powers

Introduction

1. This consultation proposes a range of new powers for the General Council of the Bar (Bar Council) which would be delegated to the Bar Standards Board (BSB), to enable it to exercise its functions as an approved regulator (AR) more effectively and efficiently. These powers would be obtained via a statutory order under section 69 of the Legal Services Act 2007 (LSA).
2. The BSB undertakes the regulatory functions of the Bar Council, an AR under the LSA. The Bar Council's powers derive from its constitution and all members (and non-members who are authorised to undertake reserved legal activities by the Bar Council) agree to be bound by both its constitution and the Bar Standards Board's regulatory arrangements (including the BSB Handbook). In relation to authorisation to conduct reserved legal activities, the BSB's regulatory arrangements are given a statutory underpinning by the LSA once approved by the Legal Services Board (LSB).
3. The LSB has recently approved an application from the BSB to become a regulator of entities. Whilst considering its new regulatory arrangements, the BSB identified a number of areas where additional powers were needed in order for the Bar Council to exercise the role of AR acting through the BSB more effectively and efficiently. These included identifying areas where it would be useful to extend, or place on a statutory footing, the Bar Council's powers and functions via an order under section 69 of the LSA. In approving these new arrangements, the LSB said that consideration should be given to amending the Bar Council's statutory powers.
4. The rationale for amending the Bar Council's powers is primarily to ensure that a range of regulatory tools and functions may be exercised more effectively. This would ensure a level playing field between different regulatory regimes where different statutory frameworks exist. For example, the BSB has applied to the LSB for designation as a licensing authority under Part 5 of the LSA. If successful, this would enable the BSB to authorise entities with an element of non-lawyer ownership and management (also known as ABSs: alternative business structures). Whilst the Bar Council's current powers as an AR are largely non-statutory, it will (if designated as a licensing authority) acquire a range of statutory powers, but these would only be able to be exercised in relation to ABSs. There are also other statutory regimes (such as the powers given to the Law Society under the Solicitors Act 1974) which provide powers that the BSB currently lacks. The BSB is keen to ensure that it has effective regulatory tools within a statutory framework so that it can undertake its role as a regulator properly, in compliance with the regulatory objectives, and in relation to all those it authorises. To do this, it needs a wider range of statutory powers, as outlined in this consultation.
5. For this reason the proposed changes will affect not just new entities authorised by the BSB but potentially all persons regulated by the BSB. The precise scope of each change is discussed in detail below. In summary, the key changes are:

- a. In order to place the Bar Council's powers on a statutory basis, we propose to seek an order to give the Bar Council an express power to discipline persons other than barristers (including entities, their owners and managers).
 - b. In order to establish a regime consistent with the powers it will acquire as a licensing authority (if designated as such, following a recommendation by the LSB) the proposed order will give the Bar Council a statutory power of intervention equivalent to Schedule 14 of the LSA in respect of non-ABS persons. This would strengthen regulatory arrangements for both individual barristers and entities.
 - c. For similar reasons, we propose that the order will place on a statutory footing, the power to disqualify an individual from being employed by a BSB regulated person (with the BSB maintaining a list of such disqualified people).
 - d. In order to strengthen its enforcement tools and create consistency with other regulatory regimes, we propose that the order will give the Bar Council statutory information gathering powers.
 - e. In order to implement the policy of having appeals relating to entity authorisation heard by the General Regulatory Chamber of the First Tier Tribunal, a jurisdiction for those appeals will be created; and
 - f. In order to ensure that our regulatory regime is sufficiently flexible to adapt to changing risks in the marketplace, we propose that the order will give the Bar Council a power to establish, maintain and require contributions to a compensation fund or similar compensation arrangements (although the BSB does not believe that such a fund is likely to be necessary for the foreseeable future, for reasons outlined below).
6. The precise scope of these new powers is explained in each section below. These new powers will, unless otherwise stated, affect all BSB regulated persons (including barristers, entities, their owners and managers, HOLPs and HOFAs and any other persons who may be regulated by the BSB in the future).
7. The BSB believes that seeking an order under section 69 is the correct means to achieve these policy objectives, because there is no existing legislation that would provide the same or similar outcomes to those identified above. Section 69 enables the LSB to recommend that the Lord Chancellor make an order to enable an AR to carry out its role more effectively or efficiently. The BSB believes that the proposed order is the most proportionate way to deal with the issues that have been identified. In this context, it is important to note that the powers sought in the order need not lead directly to new regulatory arrangements or additional regulation.
8. In some cases the order will only place on a statutory footing non-statutory arrangements that already exist in the BSB Handbook (and hence the justification for those existing powers has already been fully consulted upon and determined and the section 69 Order merely seeks to provide them with a statutory basis).
9. In some cases, the section 69 Order seeks to provide the BSB with the same powers, in respect of barristers and BSB regulated non-ABS entities as it will automatically acquire over ABS entities if designated as a licensing authority for ABS. This is designed to avoid a discrepancy in the scope of the BSB's powers as between different categories of BSB regulated persons. These are new powers but as they track powers the BSB will, by statute,

have for ABS they are not considered to be controversial in terms of principle. Nonetheless, as this category includes proposed intervention powers, respondents to the consultation may wish to comment on the principle, as well as any practical issues that need to be considered when drafting the section 69 Order.

10. In other cases, although the proposed power is new, it is included in the section 69 Order expressly in order to “future proof” the BSB’s regime and on the basis that this does not prejudge whether the BSB would ever consider it right to introduce rules implementing the power within its Handbook. Such rules would not come into effect unless and until the BSB identifies a specific risk in the market and updated regulatory arrangements are approved by the LSB. These powers are included in the section 69 Order as a precautionary measure (given the complexity and time involved in the section 69 process) in order to provide a statutory hook on which a future rule change could, if ever considered necessary, be based. Providing that statutory hook does not prejudge whether any such rule change should in fact be made. That would be subject to separate consultation if and when the BSB decided that any such proposal was warranted.
11. A section 69 Order cannot be made without the formal agreement of the Bar Council and a recommendation from the Legal Services Board (LSB) to the Lord Chancellor. The purpose of this paper is to consult on the policy changes that will be given effect via the section 69 Order, in order to inform an application by the BSB to the LSB for the order. If the LSB agrees to make a recommendation to the Lord Chancellor it will consult separately on the draft order.
12. The deadline for responses is **31 July 2015** and responses should be sent to the BSB Regulatory Policy Department on regulatorypolicy@barstandardsboard.org.uk.

Disciplinary powers over non-barristers

13. The constitution of the Bar Council has been amended by agreement of its members to permit the Bar Council to authorise and regulate non-barristers (including entities and their owners and managers). The Bar Council is therefore permitted by its constitution to enter into contractual arrangements with non-barristers (including entities and their owners and managers) that are authorised by it, under which those entities and individuals agree to abide by the Handbook and submit to the jurisdiction of the Bar Tribunal and Adjudication Service (BTAS).
14. These arrangements have been approved by the LSB in order to permit the BSB to authorise and regulate entities and their owners and managers. Both the BSB and the LSB are satisfied that the BSB has the power through the Bar Council’s constitution to make these changes to its regulatory arrangements and can authorise and regulate non-barristers by entering into a contract with them. The contract binds them to the Handbook and the BSB’s regulatory arrangements. It is a requirement of the LSA that ARs have appropriate disciplinary arrangements. The contractual relationship entered into by those the Bar Council regulates gives it the necessary disciplinary powers, but the BSB believes, as a matter of regulatory best practice, that these powers should be given legislative backing, in relation to its new jurisdiction over non-barristers.
15. The BSB Handbook (Part 5) sets out the BSB’s enforcement powers for non-barristers and the order will seek to place these on an explicitly statutory footing.

The power sought

16. The order will list the types of sanction that the BSB's regulatory arrangements might include (summarising, but not limited to, those set out in Part 5 of the Handbook). These include removal of, suspension of or imposing conditions on authorisation; fines, reprimands, warnings and advice. The BSB will determine the regulatory arrangements that it needs from time to time and the exact nature of the sanctions available will become effective if changes to the BSB's rules are approved by the LSB. The BSB has no current plans for changing the sanctions it can impose and any changes would involve consultation and an application to the LSB for approval.
17. Placing the power to fine in statute has required the BSB to consider what limit of fine would be appropriate, given that elsewhere in the LSA, Parliament felt it inappropriate to provide unlimited fining powers for ARs. In this context, it is proposed that the current statutory maximum for ABS entities be used – this maximum is currently set out in secondary legislation as required by section 95(3) of the LSA and the maximum penalty available is £250 million for a licensed body and £50 million for a manager or employee.¹
18. This is significantly higher than the maximum fines that may be imposed by the Bar Council as an AR, acting through the BSB, under the BSB Handbook currently, which are £250,000 for an entity and £50,000 for an individual. The BSB is not proposing to change the regulatory arrangements in the Handbook or increase the level of fines for its regulated community at present. Any changes to the BSB's power to fine will have to be approved by the LSB after proper consultation. The purpose of adopting the higher statutory maximum is to ensure consistency with the ABS regime and to enable the BSB to vary its maximum fine levels in the future via an application to the LSB rather than requiring legislation. This will put the BSB in the position of being able to make changes to levels of fines as the market develops, if we find that the BSB is authorising different types of entities for whom current levels of fine might not be appropriate, or if there is evidence that current levels are not sufficient to act as a deterrent.

Scope of power

19. This new power will not apply to barristers authorised as individuals by the BSB, for whom the disciplinary regime is well established and clearer in law. It will apply to non-ABS entities and individuals acting as their owners and managers (whilst owners and managers of entities may be barristers, they may also be other types of authorised person – the order will ensure that the BSB's disciplinary regime applies consistently to all).

Question 1: Do you have any comments on the proposal to place disciplinary powers over non-barristers on a statutory footing?

The powers of intervention

20. In previous entity regulation consultations, the BSB considered whether it was necessary to acquire a statutory power of intervention. In broad terms, intervention is the process by which the regulator is able to take control of client money and client files in the public interest when something has gone seriously wrong. Schedule 14 to the LSA provides a statutory power of intervention in relation to licensed bodies (ABS), which the BSB will acquire if it becomes a licensing authority for ABS entities. The grounds for intervention under the LSA can be broadly summarised as:
 - a. Failure to comply with one or more terms of the licence;

¹ Legal Services Act 2007 (Licensing Authorities) (Maximum Penalty) Rules 2011 (SI 2011/1659)

- b. The appointment of a receiver or another defined insolvency event;
 - c. Suspected dishonesty by a manager or an employee;
 - d. Undue delay in dealing with a matter;
 - e. It is necessary to exercise the power for the benefit of clients.
21. In the original Handbook consultation, our stated view was that it was not necessary to acquire a statutory power of intervention for non-ABS entities. This was primarily because the need to take control of client money should not arise, given the prohibition proposed for BSB regulated entities.
22. However, the BSB has concluded that in the longer term it would be more effective to have a statutory power of intervention over all regulated persons to eliminate any residual risk in the event of significant dishonesty, insolvency or abandonment preventing the regulator from taking action to protect clients where something had gone very wrong. These events would fall into the 'high-impact, low-likelihood' category, but developing experience suggests there may in future be situations where a statutory power of intervention, or the threat of it, is necessary in the public interest. Given the changing legal services market in which the Bar is operating (increasing public access, barristers undertaking litigation, new types of business model with the advent of entity regulation) the BSB cannot be certain that the level of risk will remain the same in the future.
23. In certain situations, the regulator needs to be able to move in and take charge of affairs in order to protect the interests of clients by obtaining alternative representation for them or by securing papers or other assets which may belong to them. The situations where this would apply might include where a practice:
- is failing;
 - is entering administration or insolvency;
 - is unable or unwilling to co-operate with its regulator;
 - has been abandoned by members of chambers, or owners or managers of entities, and;
 - where dishonesty is taking place
24. Currently, the BSB must rely on non-statutory powers in such circumstances. These include: imposing conditions, seeking the co-operation of a receiver, applying for a court supervised receivership in the public interest or making use of additional remedies to enforce the contractual relationship between the regulator and the regulated. In practice, these tools may take time and could be challenged. The statutory power of intervention under the LSA (which the BSB will acquire in any case if designated as a licensing authority for ABSs) provides a clearer, more efficient method of taking such action. The BSB believes that it is important that its regulatory regime has consistent powers across all types of regulated person and similar to those of other legal services regulators in order to ensure that clients have a consistent level of protection.

25. This new power would not be restricted to entities. The BSB's recent experience of supervising chambers has highlighted some situations (such as insolvency or mismanagement of chambers) where powers of intervention would similarly be useful in relation to individuals and chambers. This is a power that would be used very rarely in the most serious of situations, but the BSB believes that all clients should be able to benefit from the same protections as those of ABS entities in the event that something goes seriously wrong.
26. We will consult separately on any detailed amendments to the Handbook which are necessary, consequential on the introduction of this intervention power, and on associated guidance. However, the BSB's current intention is to implement an intervention regime, based on the power it will acquire under the section 69 Order, so that this can be resorted to in the rare but serious case where this is reasonably considered necessary. Comments are therefore invited on the merits of this proposal.

The power sought

27. The proposed order will apply Schedule 14 to the LSA to the Bar Council in its capacity as an approved regulator. This will enable the BSB to use the same powers of intervention that it may have as a licensing authority in the future. The order will make minor modifications to the terminology of Schedule 14 to make sure that it applies appropriately to the Bar Council as an AR acting through the BSB, so that the BSB will have consistent powers for all persons it regulates.

Scope of power

28. This power of intervention would apply to all persons regulated by the Bar Council when exercising its functions as an AR acting through the BSB. This includes non-ABS entities, their owners and managers, in addition to individual barristers.

Question 2: Do you have any comments on the proposal to acquire statutory powers of intervention?

Disqualification power

29. The BSB Handbook includes a power to disqualify individuals (which would include, but is not limited to, barristers, managers of entities and employees of entities or individual authorised persons, whether employed directly or indirectly) where the "disqualification condition" is satisfied. The disqualification condition applies where the individual has breached a duty imposed by the Handbook or has caused or substantially contributed to a breach by a BSB regulated person and it is undesirable that the individual should continue to engage in the relevant activity. Therefore the power of disqualification can be applied to a broader range of individuals than those normally regulated by the BSB. It could, for example, apply to a clerk in chambers where he or she has been guilty of such misconduct that the BSB felt it necessary to ensure that the person not only leaves their current role but cannot work for another BSB regulated individual or entity. If the BSB believes that the disqualification condition is met and that it is in the public interest, having regard to the regulatory objectives, to disqualify the individual, then the person is referred to a disciplinary tribunal to consider whether a disqualification should be imposed. The BSB believes that in the interests of transparency and good regulatory practice, this disqualification process should be expressly statutory in nature.

30. A person may be disqualified from any work for a BSB regulated person or from a specific role. For example, an individual might be disqualified from acting as a Head of Legal Practice or Head of Finance and Administration within a BSB authorised entity, but permitted to undertake another role with fewer responsibilities. In any case the disqualification does not amount to an absolute prohibition on seeking future employment, but a BSB regulated person must seek permission from the BSB if they wish to employ someone who has been disqualified in the type of role from which the disqualification order applies. Therefore the BSB can take a proportionate approach based on its assessment of the risks at any given time. Importantly, the individual affected may seek a review of the disqualification at any time.
31. In the Handbook, the power to disqualify applies to a “relevant person”, which includes (but is not limited to) those defined as “regulated persons” by virtue of section 176 of the LSA (essentially those who are managers or employees of authorised persons). However, due to the nature of practice at the Bar (in particular that of self-employed barristers working in chambers) the LSA definition of “regulated person” at section 176 is not sufficiently broad to encompass those such as support staff, who are employed through a service company or similar outsourcing arrangement. The order will give the Bar Council a power that is similar (but not identical) to the power that it would acquire if it were a licensing authority under section 99 of the LSA. This will include disqualification from being an employee, manager, HOLP or HOFA of a BSB authorised person. It may also, where appropriate to do so, draw on similar regulatory powers for solicitors. For example, the power could apply to persons who are employed or otherwise remunerated by a BSB regulated person (or its manager or employee) in connection with their legal practice; or who undertake work in the name of, or under the supervision or direction of a BSB authorised person.
32. The BSB believes that there are strong public interest reasons for ensuring that clerks and others who provide services to BSB regulated persons (whether via a standard contract of employment or through other, more complex arrangements) can be subject to disqualification in the rare situation where something goes seriously wrong and they have caused or substantially contributed to a BSB authorised person breaching their duties. In such circumstances, the BSB may wish to prevent that individual from working for another BSB authorised person. Whilst all BSB authorised persons must agree not to employ (directly or indirectly) any person who has been disqualified by the BSB, the BSB believes it would be prudent to ensure that this whole process is placed on a statutory footing.

The power sought

33. The order will provide for the statutory disqualification process to apply not only to BSB regulated persons and employees and managers of BSB regulated persons, but also to individuals who are providing services to BSB regulated persons where that service is a component of the legal services in respect of which the person is regulated by the BSB. The disqualification condition could therefore apply to clerks who are employed by a separate company but providing clerking services to barristers in chambers. It could also include, for example, services provided freelance to BSB regulated persons (where the individual is remunerated but not subject to a contract of employment).

Scope of power

34. The effect of this change will be to place on a statutory footing the power to disqualify individuals who are not themselves BSB regulated persons as well as regulated persons. This is not a new power and would simply confirm in statute the consent-based powers already included in the BSB Handbook.

Question 3: Do you have any comments on the proposal to place the disqualification power on a statutory footing?

Information gathering

35. The BSB does not currently have a statutory power to require disclosure of information or documents to the regulator. Such provision of information is a fundamental requirement of any regulatory regime. At present, the BSB makes rules requiring those regulated by it to comply with requests to provide information. Failure to do so would constitute misconduct, which could lead to disciplinary action against the individual or entity concerned. In extreme cases, the BSB might seek an order from the courts to enforce such a request. However, sections 93 and 94 of the LSA detail powers that will be available to the BSB in the event that it becomes a licensing authority for ABSs. They provide a clear statutory power to request information or documents, with a power to enforce such notices in the High Court. The BSB believes that an equivalent statutory power would simplify and enhance the powers available to it to ensure that it has access to the information it needs to take effective regulatory action and protect consumers. This would ensure consistency across different regulatory regimes, certainty as to the legal obligation to comply and would lead to greater efficiency in circumstances where the BSB needed to enforce a request for information.

The power sought

36. The order will make equivalent provision to the information powers at sections 93 and 94 of the LSA, applying them to the Bar Council in its capacity as an AR. This will therefore enable the BSB to give a notice if it is necessary to do so for the purpose of investigating whether a BSB regulated person has failed to comply with any requirements imposed by the LSA or by virtue of the BSB's regulatory arrangements. Equivalent other powers to those in sections 93 and 94 will also apply to the Bar Council as an AR acting through the BSB in the same way as they do to licensed bodies.

Scope of power

37. This power would apply to all persons regulated by the BSB, including individual barristers, entities and their owners and managers.

Question 4: Do you have any comments on the proposed information-gathering powers?

Appeals

38. The BSB Handbook permits appeals against a number of authorisation-type decisions in relation to entities. If an entity wishes to challenge the refusal of an authorisation application, the imposition of a condition or a modification of the terms of authorisation, a refusal to grant a modification of authorisation if requested by the entity or the imposition of a suspension (other than as a result of disciplinary proceedings) the entity can first seek a review by the BSB's Qualifications Committee followed by (if the entity remains dissatisfied) an appeal to the High Court. Similar arrangements are in place in relation to a litigation authorisation.
39. Where the BSB has concluded that an individual is unsuitable to act as a HOLP or HOFA, then either the individual affected or the entity can seek a review or appeal in the same way.
40. The appeal route to the High Court was introduced as a temporary measure until the BSB could seek an order to give the jurisdiction for such appeals to the General Regulatory

Chamber of the First Tier Tribunal (which was the stated policy objective in previous entity regulation consultations).

41. This order will empower the BSB to make rules providing for such appeals to be heard by the First Tier Tribunal.

Question 5: Do you have any comments on the proposal to have entity authorisation appeals heard by the First Tier Tribunal?

Compensation arrangements

42. In developing its proposals to become a licensing authority, the BSB has had to consider whether a compensation fund (or equivalent) is necessary. This is because the LSA requires a licensing authority to have “appropriate” compensation arrangements in place. Our starting point has been the risks we would be seeking to cover with such a fund.
43. The primary reason other regulators have compensation funds is to address the risks associated with handling client money, which their regimes expressly permit and seek to regulate. In contrast, the BSB places an express prohibition on individuals or entities handling client money through a clear rule in its Handbook. This preserves and extends to entities the long-standing prohibition on individual barristers handling client money. Past experience of that ban as it has operated in respect of individual barristers supports the view that breaches are likely to be rare. That is especially true in circumstances where (a) the BSB has now established a supervision regime, which will include monitoring compliance with the ban (as outlined below); and (b) alternatives have meantime been developed in the marketplace which eliminate the need for a legal service supplier to hold client money (such as BARCO and similar services, which are regulated by the FCA and carry their own insurance arrangements).
44. One must also bear in mind that those regulated by the BSB are providing advocacy and litigation services and specialist advisory/legal drafting services rather than, for example, providing conveyancing services or other transactional services. This will be confirmed as part of the licensing process and in the context of ongoing supervision. Therefore, the services in question will not involve routinely holding a (potentially substantial) purchase price on behalf of a client, in the way that is characteristic of the services of solicitors or conveyancers regulated by the SRA and the CLC. Rather, to the extent clients do pay any money over to any individual or entity regulated by the BSB, one would expect that money in general to relate only to fees or disbursements. As to settlement monies changing hands in the context of prospective or actual litigation, these could only end up in the hands of someone regulated or licensed by the BSB if, both, the payer was ignorant of the ban and the recipient dishonestly took the payment nonetheless.
45. Given all of those factors, a situation where an ABS licensed by the BSB does hold client money, in breach of the ban, would by definition be exceptional. Such an exceptional situation will only result, in turn, in loss to consumers if, in addition, (a) the client money is misappropriated (whether deliberately or through carelessness) and (b) the client is unable to recover the funds from the ABS or from any other individual who may be civilly liable for the loss (for example, on the principles relating to constructive trust). In general, the Courts would provide an avenue for redress in the event of misapplication or misappropriation of client funds, unless the ABS (and anyone else liable) is insolvent and not good for the amount of any judgment that may be awarded against it. In that scenario, the professional indemnity insurance of the ABS is unlikely to fill the gap left by the ABS being unable to satisfy its liability. That worst case scenario, therefore, is the residual risk we are concerned with. The

BSB has therefore had to consider whether it would be proportionate to establish compensation arrangements to cover this residual risk in establishing a regime for ABSs.

46. The same residual risk, in principle, exists in respect of individual barristers and non-ABS entities. The BSB's existing arrangements for individual barristers and non-ABS entities do not include a compensation fund to guard against the residual risk that they will breach the prohibition in a manner that causes a consumer loss. Such arrangements were not considered necessary when the BSB applied to the LSB to change its rules so as to authorise non-ABS entities. This was because the BSB's experience of regulating the Bar to date suggested that there were insufficient risks to justify introducing compensation arrangements, given in particular the absence of client money from the proposed regime.
47. The BSB acknowledges, however, that its assessment of the risks inherent in the market may change over time, particularly with the onset of entity regulation and growing innovation in the sector. If the BSB is designated as a licensing authority it will acquire a power to establish a compensation fund in any event. The BSB therefore believes it is necessary to "future proof" its regulatory arrangements by seeking the same power in a section 69 Order to enable the Bar Council to do the same in its capacity as AR acting through the BSB. This does not indicate a change of view – the BSB's current view remains that a compensation fund is not necessary for the reasons stated – but it would enable the BSB to act promptly in the interests of consumer protection if the BSB found itself in a position where the evidence warranted taking a different view on that issue. The necessary statutory foundation for any rule change would already be in place, whereas that would otherwise require a further, lengthy, section 69 process. Clearly, if the BSB were in future to change its current assessment on the need for a compensation fund, as the market develops, it would consult fully on the principle of introducing a compensation fund and on any proposed rule changes at that stage.

The power sought

48. The order will include a power to establish and require contributions to a compensation fund or similar arrangement, the purpose of which would be to protect clients in the event that the risks outlined above are likely to materialise in the market.

Scope of power

49. The power would apply to all those regulated by the Bar Council in its capacity as an AR acting through the BSB, ie, individual barristers and non-ABS entities. The BSB does not intend to make use of this power until such time as its assessment of the risks in the market suggests that it is necessary to protect consumers.

Question 6: Do you have any comments in relation to the proposed power to establish compensation arrangements?

Summary of consultation questions

Question 1: Do you have any comments on the proposal to place disciplinary powers over non-barristers on a statutory footing?

Question 2: Do you have any comments on the proposal to acquire statutory powers of intervention?

Question 3: Do you have any comments on the proposal to place the disqualification power on a statutory footing?

Question 4: Do you have any comments on the proposed information-gathering powers?

Question 5: Do you have any comments on the proposal to have entity authorisation appeals heard by the First Tier Tribunal?

Question 6: Do you have any comments in relation to the proposed power to establish compensation arrangements?

The deadline for responses is 31 July 2015 and responses should be sent to the BSB Regulatory Policy Department on regulatorypolicy@barstandardsboard.org.uk.