**BSB Handbook amendments resulting from the UK’s exit from the EU**

**PART 6: DEFINITIONS**

*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

*Registered European Lawyer* - means a European Lawyer who:

a) applied for registration as such by 31October 2019 and was registered by the *Bar Council* and by an *Inn* in accordance with Section 3D; or

b) applied for registration as such under UK legislation adopted to preserve practising rights following the UK’s exit from the European Union.

The designation of *Registered European Lawyer* will cease on 31 December 2020 or on such alternative date as specified in legislation.

*Qualified European lawyer –* **delete definition**

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

**PART 2: CODE OF CONDUCT**

**D5 CROSS-BORDER ACTIVITIES BETWEEN CCBE STATES**

[NB only title changing]

**PART 3: SCOPE OF PRACTICE, AUTHORISATION AND LICENSING RULES**

**Section C: Practising certificate rules**

**C5: Amendment and revocation of practising certificates and litigation extensions**

rS73 The Bar Council (acting by the Bar Standards Board):

.1 shall revoke a practising certificate:

.a if the barrister becomes authorised to practise by another approved regulator;

.b if the barrister or registered European lawyer is disbarred or suspended from practice as a barrister or registered European lawyer whether on an interim basis under section D of Part 5 or otherwise under section B of Part 5;

.c if the barrister or registered European lawyer has notified the Bar Council or the Bar Standards Board that they no longer wish to have a practising certificate;

.d in the case of a Registered European Lawyer, where the individual no longer meets the eligibility requirements; and

.2 may revoke a practising certificate:

.a in the circumstances set out in Rule rS59; or

.b if the barrister or registered European lawyer has given an undertaking to pay the appropriate practising certificate fee and fails to comply with that undertaking in accordance with its terms,

but in either case only after:

1. giving written notice to the relevant barrister or registered European lawyer of the grounds on which the practising certificate may be revoked; and
2. giving the relevant barrister or registered European lawyer a reasonable opportunity to make representations.

**Section D: The registration of European Lawyers Rules**

1. If you are a *European lawyer* and wish to *practise* in England and Wales under a *home professional title*, you may apply to the *Bar Standards Board* to be registered as a *registered European lawyer*. Such an application will be valid if it was made on or before 31 October or in accordance with UK legislation adopted to preserve practising rights following the UK’s exit from the European Union.

**Section E: Entity application and authorisation**

1. To be eligible for authorisation to *practise* as a *BSB entity*, you:
   1. must have arrangements in place designed to ensure at all times that any obligations imposed from time to time on the *BSB entity*, its *managers, owners* oremployees by or under the *Bar Standards Board's* regulatory arrangements, including its rules and disciplinary arrangements, are complied with and confirm that the *BSB entity* and all *owners* and *managers* expressly consent to be bound by the *Bar Standards Board*’s regulatory arrangements (including disciplinary arrangements);
   2. must have arrangements in place designed to ensure at all times that any other statutory obligations imposed on the *BSB entity*, its *managers, owners* or employees, in relation to the *activities* it carries on, are complied with;
   3. must confirm that, subject to the provisions of rS131, you will have in place, at all times, individuals appointed to act as a *HOLP (*who must also be a *manager)* and a *HOFA* of the *BSB entity*;
   4. must confirm that you have or will have appropriate insurance arrangements in place at all times in accordance with Rule C76 and you must be able to provide evidence of those insurance arrangements if required to do so by the *Bar Standards Board*;
   5. must confirm that, in connection with your proposed *practice*, you will not directly or indirectly hold *client money* in accordance with Rule C73 or have someone else hold *client money* on your behalf other than in those circumstances permitted by Rule C74*;*
   6. must confirm that no individual that has been appointed or will be appointed as a *HOLP, HOFA,* *manager* or employee of the *BSB entity* is disqualified from acting as such by the *Bar Standards Board* or any *Approved Regulator* pursuant to section 99 of the *LSA* or otherwise as a result of its regulatory arrangements;
   7. must confirm that you will at all times have a *practising address* in England or Wales;
   8. must confirm that:

.a if you are an *LLP*, you are incorporated and registered in England and Wales, Scotland or Northern Ireland under the Limited Liability Partnerships Act 2000;

.b if you are a *Company*, you are incorporated and registered in England and Wales, Scotland or Northern Ireland under Parts 1 and 2 of the Companies Act 2006;

1. must confirm that at least one manager or employee is an authorised individual in respect of each reserved legal activity which you wish to provide;
2. must confirm that you will pay annual fees as and when they become due.

**PART 4: BAR QUALIFICATION RULES**

Exemptions

rQ11 An application for exemption under this Section must be in such form as may be prescribed by the BSB and contain or be accompanied by the following:

.1 details of the applicant’s educational and professional qualifications and experience that meets the standards required of candidates;

.2 evidence (where applicable) that the applicant is or has been entitled to exercise rights of audience before any court, specifying the rights concerned and the basis of the applicant’s entitlement to exercise such rights;

.3 any other representations or evidence on which the applicant wishes to rely in support of the application;

.4 verified English translations of every document relied on which is not in the English language; and

.5 payment of such fee or fees as may be prescribed.

rQ12 Before deciding whether to grant any exemption under this Section, the BSB may make any further enquiries or require the applicant to provide any further information that it considers relevant.

Full exemption

rQ13 If the BSB is satisfied that an applicant falls within Rule Q14, the BSB will:

.1 exempt the applicant from any component of training prescribed by this Section which the applicant has not fulfilled; and

.2 authorise the applicant to practise as a barrister on their being admitted to an Inn and called to the Bar subject to complying with the Handbook.

rQ14 The following categories of individual fall within this Rule:

.1 an individual who has been granted rights of audience by an approved regulator and who is entitled to exercise those rights in relation to all proceedings in all courts of England and Wales;

.2 subject to Rule rQ15, an individual who has been granted rights of audience by an approved regulator and who is entitled to exercise those rights in relation to either all proceedings in the High Court or all proceedings in the Crown Court of England and Wales (but not both);

.3 a barrister of Northern Ireland who has successfully completed pupillage in accordance with the rules of the Bar of Northern Ireland

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rQ15 The BSB may exceptionally require an applicant who falls within Rule rQ14.2 to do part of pupillage if it considers this necessary having regard particularly to the knowledge, professional experience and intended future practice of the applicant.

Registered European Lawyers

rQ17 The Rules governing registration as a Registered European Lawyer are in Section 3.D of this Handbook.

rQ18 To the extent provided in relevant legislation, the BSB may not require an applicant who is a Registered European Lawyer and who falls within Rule rQ20 or rQ21 to pass a Bar Transfer Test unless it considers that the applicant is unfit to practise as a barrister.

rQ19 In considering whether to require an applicant who falls within Rule rQ21 to pass a Bar Transfer Test, the BSB must:

.1 take into account the professional activities the applicant has pursued while a Registered European Lawyer and any knowledge and professional experience gained of, and any training received in, the law of any part of the United Kingdom and of the rules of professional conduct of the Bar; and

.2 assess and verify at an interview the applicant’s effective and regular pursuit of professional activities and capacity to continue the activities pursued.

rQ20 To fall within this Rule an applicant must have:

.1 for a period of at least three years been a Registered European Lawyer; and

.2 for a period of at least three years effectively and regularly pursued in England and Wales under a Home Professional Title professional activities in the law of England and Wales.

rQ21 To fall within this Rule an applicant must have:

.1 for a period of at least three years been a Registered European Lawyer; and

.2 for a period of at least three years effectively and regularly pursued in England and Wales professional activities under a Home Professional Title; and

.3 for a period of less than three years effectively and regularly pursued in England and Wales under a Home Professional Title professional activities in the law of England and Wales.

rQ22 For the purpose of this Section, activities are to be regarded as effectively and regularly pursued if they are actually exercised without any interruptions other than those resulting from the events of everyday life such as absence through illness or bereavement, customary annual leave or parental leave.

Partial exemption

rQ23 If the BSB is satisfied that an applicant falls within Rule rQ24, the BSB will exempt the applicant from the academic legal training and the vocational training and, if the BSB thinks fit, from part or all of pupillage.

rQ24 The following categories of individual fall within this Rule:

.1 an individual who has been granted rights of audience by another Approved Regulator and is entitled to exercise those rights in relation to any class of proceedings in any of the Senior Courts or all proceedings in county courts or magistrates’ courts in England and Wales;

.2 a Qualified Foreign Lawyer who has for a period of at least three years regularly exercised full rights of audience in courts which administer law substantially similar to the common law of England and Wales;

.3 a teacher of the law of England and Wales of experience and academic distinction.

Temporary call to the Bar of Qualified Foreign Lawyers

rQ26 The BSB will issue a Temporary Qualification Certificate if the applicant submits to the BSB:

.1 evidence which establishes that the applicant falls within Rule Q24.2;

.2 a certificate of good standing; and

.3 evidence which establishes that a professional client wishes to instruct the applicant to appear as counsel in the case or cases for the purposes of which the applicant seeks temporary call to the Bar.