



## Summary of Decision

The following table is a high level summary of the decision of the Legal Services Board. It is not a formal part of the decision notice.

<b>Purpose of notice</b>
To grant an application from the Bar Standards Board (BSB) to approve alterations to its regulatory arrangements in respect of its Public and Licensed Access Rules.
<b>Alterations that are being approved by this decision</b>
A number of changes to the Public and Licensed Access Rules in the BSB Handbook, and the accompanying Licensed Access Recognition Regulations, which while not included in the BSB Handbook, do form part of the BSB's regulatory arrangements. The alterations simplify the regulations in order to make them more consistent with the rest of the BSB Handbook and to make them more outcomes focussed. The individual changes are included in the decision notice.

## Decision notice

### Issued by the Legal Services Board under Part 3 of Schedule 4 to the Legal Services Act 2007

### The Bar Standards Board's application for approval of changes to its regulatory arrangements in respect of Public and Licensed Access Rules

The Legal Services Board (**LSB**) has granted an application from the Bar Standards Board (**BSB**) to approve alterations to the regulatory arrangements in respect of its Public and Licensed Access Rules. The Bar Council is an approved regulator and the BSB is the regulatory arm to which the Bar Council has delegated its regulatory functions.

This decision notice sets out the decision taken, including a brief description of the changes. The notes at the end of this notice explain the statutory basis for the decision. The chronology for the LSB's handling of this application is set out at the end of this decision notice.

### Proposed changes

1. The BSB is making changes to simplify its rules and ensure consistency with the rest of its handbook and with the BSB's outcomes-focused approach.
2. The following is a summary of the changes:
  - Removal of the requirement for barristers to undertake additional training by November 2015, so that they may undertake public access work
  - Removal of the requirement for barristers who are of less than three years' standing to maintain a Public Access log
  - Removal of the rule that Public Access barristers may only undertake correspondence where it is ancillary to permitted work
  - Introduction of a new requirement that barristers notify clients who are members of professional bodies of the same information as other clients using the Licensed Access Scheme
  - Permitting barristers to simply refer to the list of Licensed Access clients published on the BSB's website to ensure that the client holds a valid licence
  - Removal of references to the Licensed Access Terms of Work (these are published by the Bar Council in its representative capacity) and replacement with the requirement that Licensed Access work is undertaken on agreed terms. Barristers and clients may be free to use standard terms, such as the Licensed Access Terms of Work, if they wish to
  - Introduction of requirement for barristers accepting Licensed Access instructions to retain documents for at least seven years
  - Making public access licences valid for all matters, courts and tribunals
  - Retaining the ability to impose limitations and conditions on licenses in certain circumstances, for example, on the licenses of immigration advisers regulated by

- the Office of the Immigration Service Commissioner (OISC), and in exceptional circumstances
- Putting in place transitional arrangements to allow the BSB to consider whether it is necessary to continue to impose limitations and conditions on existing licences at the point of renewal
  - Updating the First and Second Schedules (which contain lists of Licensed Access clients)
  - Removal of the restriction on members of the professional bodies listed in the First Schedule using the scheme to instruct a barrister for representation in the higher courts and the Employment Appeal Tribunal
  - Moving the First and Second Schedules to guidance
3. The BSB said in its application that the rule changes are designed to achieve the following desired outcomes:
- Removing unnecessary restrictions
  - Simplifying and updating the language used in the rules
  - Ensuring that barristers notify all Licensed Access clients of the same information
  - Permitting barristers to simply refer to the list of Licensed Access clients published on the BSB's website to ensure that the client holds a valid licence
  - Making the whole system for individual approval of licences more proportionate
  - Devising application processes for professional bodies and ombudsman services to be added to the Schedules

### **Key issues considered in the assessment of the application**

4. The original proposals, not taken forward in this application, included a provision that any client not eligible to complain to the Legal Ombudsman (for example, larger organisations), would still be able to instruct any barrister directly. The BSB decided not to proceed with the proposal in light of concerns raised in the consultation. These concerns included that some larger organisations might struggle to give instructions to a non-public access trained barrister just as much as a member of the public would, and that, unlike under the Public and Licensed Access schemes, it could be unclear who (either the client or the barrister) would be responsible for establishing the suitability of the case for direct access. However, the LSB welcomes that the BSB will consider the matter further as part of its wider review of the Scope of Practice Rules which will take place in 2018.
5. The LSB also noted that the BSB has decided to explore the issue of Professional Indemnity Insurance (PII) disclosure as part of its wider work on responding to the Competition and Markets Authority (CMA's) recommendations. We understand this will enable the issue to be considered holistically, alongside other transparency issues. The CMA had suggested that PII cover should be part of minimum information disclosed by providers to consumers. We noted that the BSB's consultation on its response to the CMA report classified PII as a medium priority information for consumers.
6. In the course of its assessment the LSB queried one drafting point with the BSB. It was noticed that the deletion of the wording at Paragraph 3(e) of the Licensed Access

Recognition Regulations removed specific reasons for limitations or conditions being applied to licences, even though the BSB retains broad power to place limitations or conditions on licences as the BSB thinks appropriate. The BSB clarified that under the new arrangements the BSB will only impose limitations and conditions on licences in exceptional circumstances.

### **Decision**

7. The LSB has considered the BSB's application against the criteria in paragraph 25(3) of Schedule 4 to the Legal Services Act 2007 (the Act). It considers that there is no reason to refuse this application and accordingly, the application is granted.
8. The Annex to this decision notice contains the specific amendments to the BSB's regulatory arrangements approved by the LSB.

### **Chronology**

- The LSB confirmed receipt of an application from the BSB on 6 December 2017.
- The 28 day decision period for considering the application ended on 2 January 2017.
- An extension notice was issued on 19 December 2017, extending the initial decision period to 15 January 2018.
- This decision notice is effective from 10 January 2018.
- The decision notice will be published on our website by 12 January 2018.

**Neil Buckley, Chief Executive of the Legal Services Board**  
**10 January 2018**

*Notes:*

1. The LSB is required by Part 3 of Schedule 4 to the Act to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements.
2. Paragraph 25(3) of Schedule 4 to the Act explains that the LSB may refuse an application setting out a proposed change to the regulatory arrangements only if it is satisfied that:
  - (a) granting the application would be prejudicial to the regulatory objectives
  - (b) granting the application would be contrary to any provision made by or by virtue of this Act or any other enactment or would result in any of the designation requirements ceasing to be satisfied in relation to the approved regulator
  - (c) granting the application would be contrary to the public interest
  - (d) the alteration would enable the approved regulator to authorise persons to carry on activities which are reserved legal activities in relation to which it is not a relevant approved regulator
  - (e) the alteration would enable the approved regulator to license persons under Part 5 [of the Act] to carry on activities which are reserved legal activities in relation to which it is not a licensing authority, or
  - (f) the alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration.
3. The designation requirements referred to in paragraph 2(b) above are set out in paragraph 25(4) of Schedule 4 to the Act and are:
  - (a) a requirement that the approved regulator has appropriate internal governance arrangements in place
  - (b) a requirement that the applicant is competent, and has sufficient resources to perform the role of approved regulator in relation to the reserved legal activities in respect of which it is designated, and
  - (c) the requirements set out in paragraphs 13(2)(c) to (e) of Schedule 4, namely that the proposed regulatory arrangements are appropriate, comply with the requirements in respect of resolution of regulatory conflict (imposed by sections 52 and 54 of the Act) and comply with the requirements in relation to the handling of complaints (imposed by sections 112 and 145 of the Act).
4. In accordance with paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules<sup>1</sup> about the manner and form in which applications to alter regulatory arrangements must be made. Amongst other things, the rules highlight the applicant's obligations under section 28 of the Act to have regard to the Better Regulation Principles. They also require applicants to provide information about each proposed change and details of the consultation undertaken.
5. If the LSB is not satisfied that one or more of the criteria for refusal are met, then it must approve the application in whole, or the parts of it that can be approved.

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<sup>1</sup> Rules for Rule Change Applications – Version 2 (November 2010)

## D2.1 PUBLIC ACCESS RULES

rC119 These rules apply to *barristers* instructed by or on behalf of a lay *client* (other than a *licensed access client*) who has not also instructed a *solicitor* or other *professional client* (public access clients). Guidance on public access rules is available on the *Bar Standards Board* website:

<https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/code-guidance/>.

rC120 Before accepting any *public access instructions* from or on behalf of a *public access client*, you must:

- .1 be properly qualified by having been issued with a full *practising certificate*, by having satisfactorily completed the appropriate public access training, and by registering with the *Bar Council* (**acting by the *Bar Standards Board***) as a public access practitioner;
- .2 ~~if you were already registered with the *Bar Council* to undertake public access work on October 4 2013 then they must undertake any additional training required by the *Bar Standards Board* within 24 months of that date or cease to undertake public access work; removed from [date];~~
- .3 take such steps as are reasonably necessary to ascertain whether it would be in the best interests of the *client* or in the interests of justice for *the* public access client to instruct a *solicitor* or other *professional client*; and
- .4 take such steps as are reasonably necessary to ensure that the *client* is able to make an informed decision about whether to apply for legal aid or whether to proceed with public access.

rC121 As a *barrister* with less than three *years' standing* who has completed the necessary training, you must:

- .1 Have a *barrister* who is a qualified person within Rule S22 and has registered with the *Bar Council (acting by the Bar Standards Board)* as a public access practitioner readily available to provide guidance to you;
- ~~.2 **Maintain a log of public access cases you have dealt with, including any issues or problems which have arisen;**~~
- ~~.3 **Seek appropriate feedback from you public access clients on the service provided;**~~
- ~~.4 **Make this log available, on request, to the Bar Standards Board for review.**~~

rC122 You may not accept **direct** instructions from or on behalf of a public access *client* ~~in or in connection with any matter of proceedings in which if~~, in all the circumstances, it would be in the best interests of the public access *client* or in the interests of justice for the public access *client* to instruct a *solicitor* or other *professional client*.

rC123 In any case where you are not prohibited from accepting *instructions*, you must at all times consider the developing circumstances of the case, and whether at any stage it is in the best interests of the public access *client* or in the interests of justice for the public access *client* to instruct a *solicitor* or other *professional client*. If, after accepting **direct** instructions from a public access *client* you form the view that circumstances are such that it would be in the best interests of the public access *client*, or in the interests of justice for the public access *client* to instruct a *solicitor* or other *professional client* you must:

- .1 inform the public access *client* of your view; and
- .2 withdraw from the case in accordance with the provisions of Rules rC25 and rC26 and associated guidance unless the *client* instructs a *solicitor* or other *professional client* to act in the case.

rC124 You must have regard to guidance published from time to time by the *Bar Standards Board* in considering whether to accept and in carrying out any *public access instructions*.

rC125 Having accepted *public access instructions*, you must forthwith notify your public access *client* in writing, and in clear and readily understandable terms, of:

- .1 the work which you have agreed to perform;
- .2 the fact that in performing your work you will be subject to the requirements of Parts 2 and 3 of this *Handbook* and, in particular, Rules rC25 and rC26;
- .3 unless authorised to *conduct litigation* by the *Bar Standards Board*, the fact that you cannot be expected to perform the functions of a *solicitor* or ~~other authorised litigator~~ **other person who is authorised to conduct litigation** and in particular to fulfil ~~limitation obligations, disclosure obligations and other~~ obligations arising out of or related to the *conduct of litigation*;
- .4 the fact that you are self-employed, ~~are not a member of a firm and do not take on any arranging role~~; are not employed by a **regulated entity** and (subject to Rule S26) do not undertake the management, administration or general conduct of a *client's affairs*;
- .5 in any case where you have been instructed by an *intermediary*:
  - .a the fact that you are independent of and have no liability for the *intermediary*; and
  - .b the fact that the *intermediary* is the agent of the lay *client* and not your agent;

- .6 the fact that you may be prevented from completing the work by reason of your professional duties or conflicting professional obligations, and what the *client* can expect of you in such a situation;
- .7 the fees which you propose to charge for that work, or the basis on which your fee will be calculated;
- .8 your contact arrangements; and
- .9 the information about your complaints procedure required by D1.1 of this Part 2.

rC126 Save in exceptional circumstances, you will have complied with Rule rC125 above if you have written promptly to the public access *client* in the terms of the model letter provided on the *Bar Standards Board* website.

rC127 In any case where you have been instructed by an *intermediary*, you must give the notice required by Rule ~~C123~~ **C125** above both:

- .1 directly to the public access *client*; and
- .2 to the *intermediary*.

rC128 Having accepted *public access instructions*, you must keep a case record which sets out:

- .1 the date of receipt of the *instructions*, the name of the lay *client*, the name of the case, and any requirements of the *client* as to time limits;
- .2 the date on which the *instructions* were accepted;
- .3 the dates of subsequent *instructions*, of the despatch of advices and other written work, of conferences and of telephone conversations; **and**
- .4 when agreed, the fee.

rC129 Having accepted *public access instructions*, you must either yourself retain or take reasonable steps to ensure that the lay *client* will retain for at least seven years after the date of the last item of work done:

- .1 copies of all *instructions* (including supplemental *instructions*);
- .2 copies of all advices given and documents drafted or approved;
- .3 the originals, copies or a list of all documents enclosed with any *instructions*; **and**
- .4 notes of all conferences and of all advice given on the telephone.

rC130 ~~Having accepted *public access instructions*, you may undertake correspondence where it is ancillary to permitted work, and in accordance with the guidance published by the *Bar Standards Board*.~~  
removed from [date].

rC131 Save where otherwise agreed:

- .1 you shall be entitled to copy all documents received from your lay *client*, and to retain such copies permanently;
- .2 you shall return all documents received from your lay *client* on demand, whether or not you have been paid for any work done for the lay *client*,  
**and**
- .3 you shall not be required to deliver to your lay *client* any documents drafted by yourself in advance of receiving payment from the lay *client* for all work done for that *client* **and**

~~having accepted *public access instructions* in any civil matter, you may take a proof of evidence from your *client* in that matter.~~

## D2.2 LICENSED ACCESS RULES

rC132 Subject to these rules and to compliance with the Code of Conduct (and to the *Scope of Practice, Authorisation and Licensing Rules*) a *barrister* in self-employed *practice* may accept *instructions* from a *licensed access client* in circumstances authorised in relation to that *client* by the Licensed Access Recognition Regulations (<https://www.barstandardsboard.org.uk/regulatory->

[requirements/for-barristers/licensed-access-recognition-regulations/](https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/licensed-access-recognition-regulations/)) whether that *client* is acting for themselves or another.

rC133 These rules apply to every matter in which a *barrister* in self-employed *practice* is instructed by a *licensed access client* save that Rules rC134.2, ~~rC136, rC137~~ and rC139 do not apply to any matter in which a *licensed access client* is deemed to be a *licensed access client* by reason only of paragraph 7 or paragraph 8 of the Licensed Access Recognition Regulations (<https://www.barstandardsboard.org.uk/regulatory-requirements/for-barristers/licensed-access-recognition-regulations/>).

rC134 You are only entitled to accept *instructions* from a *licensed access client* if at the time of giving *instructions* the *licensed access client*:

- .1 is identified; and
- .2 ~~sends you a copy of the~~ you ensure that the *licensed access client* holds a valid Licence issued by the *Bar Standards Board* (either by requiring the *licensed access client* to send you a copy of the Licence, or referring to the list of *licensed access clients* published on the *Bar Standards Board* website).

rC135 A *barrister* must not accept any *instructions* from a *licensed access client*:

- .1 unless you ~~and your chambers~~ are able to provide the services required of you by that *licensed access client*;
- .2 if you consider it in the interests of the lay *client* or the interests of justice that a *solicitor* or ~~other authorised litigator~~ other *person who is authorised to conduct litigation* or some other appropriate *intermediary* (as the case may be) be instructed either together with you or in your place.

rC136 ~~Having accepted instructions from a licensed access client otherwise than on the terms of the Licensed Access Terms of Work, you:~~

- ~~.1 must first agree in writing the terms upon which you have agreed to do the work and the basis upon which you are to be paid;~~
- ~~.2 must keep a copy of the agreement in writing with the *licensed access client* setting out the terms upon which you have agreed to do the work and the basis upon which you are to be paid. If you agree standard terms with a *licensed access client*, you must keep a copy of the agreement in writing with the *licensed access client* setting out the terms upon which you have agreed and the basis upon which you are to be paid.~~

rC137 Having accepted *instructions* from a *licensed access client*, you must promptly send the *licensed access client*:

- .1 a statement in writing that the *instructions* have been accepted (as the case may be) ~~(1)~~ on the standard terms previously agreed in writing with that *licensed access client* ~~or (2) on the terms of the Licensed Access Terms of Work (and thereafter if requested a copy of the Licensed Access Terms of Work)~~; or
- .2 if you have accepted *instructions* otherwise than on such standard terms ~~or on the terms of the Licensed Access Terms of Work~~, a copy of the agreement in writing with the *licensed access client* setting out the terms upon which you have agreed to do the work and the basis upon which you are to be paid; **and**
- .3 unless you have accepted *instructions* on ~~the terms of the Licensed Access Terms of Work or on standard~~ terms which incorporate the following particulars must at the same time advise the *licensed access client* in writing of:
  - .a the effect of rC21 as it relevantly applies in the circumstances;
  - .b unless authorised by the *Bar Standards Board* to conduct *litigation*, the fact that you cannot be expected to perform the functions of a *solicitor* or ~~other authorised litigator~~ other

**person who is authorised to conduct litigation** and in particular to fulfil ~~limitation obligations disclosure obligations and other~~ obligations arising out of or related to the *conduct of litigation*; and

- .c the fact that circumstances may require the *client* to retain a *solicitor* or ~~other authorised litigator~~ **other person who is authorised to conduct litigation** at short notice and possibly during the case.

rC138 If at any stage you, being instructed by a *licensed access client*, consider it in the interests of the lay *client* or the interests of justice that a *solicitor* or ~~other authorised litigator~~ **other person who is authorised to conduct litigation** or some other appropriate *intermediary* (as the case may be) be instructed either together with you or in your place:

- .1 you must forthwith advise the *licensed access client* in writing to instruct a *solicitor* or ~~other authorised litigator~~ **other person who is authorised to conduct litigation** or other appropriate *intermediary* (as the case may be); and
- .2 unless a *solicitor* or ~~other authorised litigator~~ **other person who is authorised to conduct litigation** or other appropriate *intermediary* (as the case may be) is instructed as soon as reasonably practicable thereafter you must cease to act and must return any *instructions*.

rC139 If at any stage you, being instructed by a *licensed access client*, consider that there are substantial grounds for believing that the *licensed access client* has in some significant respect failed to comply ~~either~~ with the terms of the Licence granted by the *Bar Standards Board* ~~or (where applicable) with the terms of the Licensed Access Terms of Work~~ you must forthwith report the facts to the *Bar Standards Board*.

rC140 Having accepted *instructions* from a *licensed access client*, you must keep a case record (~~whether on card or computer~~) which sets out:

- .1 the date of receipt of the *instructions*, the name of the *licensed access client*, the name of the case, and any requirements of the *licensed access client* as to time limits;
- .2 the date on which the *instructions* were accepted;
- .3 the dates of subsequent *instructions*, of the despatch of advices and other written work, of conferences and of telephone conversations; **and**
- .4 when agreed, the fee.

rC141 Having accepted *instructions* from a *licensed access client*, you must either yourself retain or take reasonable steps to ensure that the *licensed access client* will retain for **six seven** years after the date of the last item of work done:

- .1 copies of *instructions* (including supplemental *instructions*);
- .2 copies of all advices given and documents drafted or approved;
- .3 a list of all documents enclosed with any *instructions*; **and**

notes of all conferences and of all advice given on the telephone.

## THE LICENSED ACCESS RECOGNITION REGULATIONS

1. Authorised licensed access clients are those persons and organisations and/or their members and/or their or their members' employees (as the case may be) who have from time to time been approved as such by the Bar Standards Board.

2. Any person or organisation wishing to be approved as an authorised licensed access client shall apply in writing to the Bar Standards Board by completing an application form in such form and supplying such other information as the Bar Standards Board may from time to time or in any particular case require.

3. In approving any person or organisation as an authorised licensed access client the Bar Standards Board may grant such approval in each case as the Bar Standards Board may think appropriate:

(a)

(i) on a provisional basis or

(ii) on a full basis;

(b)

(i) for a fixed period or

(ii) for a fixed period subject to extension or

(iii) indefinitely;

(c)

(i) to the person or organisation and/or

(ii) to some or all of the members of the organisation and/or

(iii) to some or all of the employees of the person or organisation or its members;

(d) in relation to matters concerning

(i) the person or organisation and/or its members (as the case may be) and/or

(ii) his or its or its members' employees and/or

(iii) his or its or its members' clients or customers; **and**

(e) subject to such limitations or conditions as the Bar Standards Board may think appropriate. **relating to**

**~~(i) the matters in relation to which the authorised licensed access client may instruct a barrister and/or~~**

**~~(ii) the courts or tribunals before which a barrister so instructed may exercise a right of audience and/or~~**

**~~(iii) such other matters (including the means by which the authorised licensed access client shall instruct a barrister) as seem relevant in the circumstances.~~**

4. The Bar Standards Board shall issue to every person or organisation approved as an authorised licensed access client a Licence in such form as the Bar Standards Board may from time to time or in the particular case think appropriate. Such Licence (which may be a provisional Licence or a full Licence):

(a) shall specify (i) the name of the person or organisation who has been approved as an authorised licensed access client (ii) the period (if any) for which the Licence has been granted or (as the case may be) that the Licence has been granted indefinitely and (iii) the limitations or conditions (if any) subject to which the Licence has been granted; **and**

~~(b) may if the Bar Standards Board think appropriate provide that unless otherwise first agreed in writing with an individual barrister or chambers all instructions accepted by any barrister from the authorised licensed access client will be deemed to be given and accepted on the terms of the Licensed Access Terms of Work as approved from time to time by the Bar Standards Board;~~

~~(c) may if the Bar Standards Board think appropriate provide that a copy of the Licence shall be sent with every set of instructions to any barrister instructed by the authorised licensed access client;~~

~~(d)~~ (b) shall remain at all times the property of the **General Council of The Bar Bar Standards Board** to whom (or to whose duly appointed officer) it shall be surrendered on demand.

5. The Bar Standards Board may from time to time:

(a) approve additional persons or organisations as authorised licensed access clients;

(b) withdraw approval (either wholly or in part) from any person or organisation as an authorised licensed access client;

(c) increase reduce or otherwise alter the period for which a person or organisation is approved as an authorised licensed access client;

(d) alter or revoke the limitations or conditions (if any) attached to any approval of a person or organisation as an authorised licensed access client or impose new or additional limitations or conditions;

(e) cancel and demand the surrender of any Licence issued under paragraph 4 of these regulations.

6. In exercising their functions under paragraphs 1, 2, 3, 4 and 5 of these regulations the Bar Standards Board shall comply with the **statutory regulatory** objectives referred to in ~~section 17(1) of the Courts and Legal Services Act 1990 and section 1(2) of the Access to Justice Act 1999~~ **section 1 of the Legal Services Act 2007**, may consult with such persons organisations or bodies as they think appropriate and shall to such extent as they may think appropriate in the particular case have regard to the following matters:

~~(a) the fact that barristers in independent practice operate as a referral profession of specialist consultants;~~

~~(b)~~ (a) the extent to which the person or organisation or its members (as the case may be) are likely to have a significant requirement to retain the services of a barrister for their own benefit or for the benefit of their employers, employees, members, clients or customers (as the case may be);

~~(c)~~ (b) the extent to which whether as a result of professional or other relevant training or by reason of practice and experience the person or organisation or its employees or members (as the case may be) are or may reasonably be expected to be:

(i) providers of skilled and specialist services

(ii) competent in some identifiable area of expertise or experience

(iii) familiar with any relevant area of law

(iv) possessed of the necessary skills to obtain and prepare information and to organise papers and information sufficiently to enable the barrister to fulfill **his their**

duties in a non-contentious matter to the client and in a contentious matter both to the client and to the court

(v) possessed of the necessary skills to take charge and have the general conduct of the matters in respect of which they wish to retain the services of a barrister;

(d) the extent to which the affairs and conduct of the person or organisation or its members (as the case may be) are subject to some appropriate professional disciplinary regulatory or other organisational rules;

(e) the extent to which the person or organisation or its members (as the case may be):

(i) are insured against claims for negligence in relation to their handling of matters in respect of which they wish to retain the services of a barrister

(ii) have made and continue to comply with satisfactory arrangements for holding in separate accounts and maintaining as trust monies any monies received from third parties

(iii) have made and continue to comply with satisfactory arrangements for ensuring that barristers' fees are promptly paid; **and**

(f) such other facts and matters (if any) as seem to them to be relevant in the circumstances.

7. Notwithstanding paragraphs 2, 3 and 4 of these regulations any member of any of the bodies referred to in the First Schedule to these regulations shall be deemed to be an authorised licensed access client (including in relation to matters concerning that member's clients or customers) but

**(a)** only in a matter of a kind which falls generally within the professional expertise of the members of the relevant body; **and**.

**(b) not for the purpose of briefing counsel to appear in or exercise any right of audience before the Judicial Committee of the House of Lords the Privy**

**~~Council the Supreme Court the Crown Court a County Court or the  
Employment Appeals Tribunal.~~**

8. Notwithstanding paragraphs 2, 3 and 4 of these regulations any of the following shall be deemed to be an authorised licensed access client:

(a) an arbitrator, ~~(including for these purposes an adjudicator under the Housing Grants Construction and Regeneration Act 1996)~~ **(as amended)**, but only when instructing ~~counsel a barrister~~ for the purpose of advising on any point of law, practice or procedure arising in or connected with an arbitration in which ~~he has they~~ **have** been or may be appointed; **and**

(b) any person who has been appointed to one of the offices of Ombudsman referred to in the Second Schedule to these regulations, but only when instructing ~~counsel a barrister~~ for the purpose of advising on any point of law, practice or procedure arising in the course of the performance of ~~his~~ **their** duties.

9. Nothing in paragraphs 7 and 8 of these regulations shall prevent:

(a) any person to whom paragraph 7 or paragraph 8 applies making an application in accordance with paragraph 2 of these regulations (in which event paragraphs 3, 4, 5 and 6 of these regulations shall apply to such application and to any Licence issued pursuant to such application);

(b) the Bar Standards Board exercising in relation to any person to whom paragraph 7 or paragraph 8 applies the powers conferred by paragraphs 5(b), 5(c) and 5(d) of these regulations (in which event paragraph 6 of these regulations shall apply).

**THE FIRST SCHEDULE (professional associations may apply to the Bar Standards Board to be added to the First Schedule in accordance with the Licensed Access Recognition Regulations)**

**Part I - Accountants and taxation advisers**

1. The Association of Authorised Public Accountants
2. Association of Taxation Technicians

3. The Association of Chartered Certified Accountants
4. The Chartered Institute of Management Accountants
5. Institute of Chartered Accountants in England and Wales
6. ~~The Institute of Chartered Accountants in Ireland~~ **Chartered Accountants Ireland**
7. Institute of Chartered Accountants ~~in~~ **of** Scotland
8. The Chartered Institute of Taxation
9. The Institute of Financial Accountants
10. ~~The Institute of Indirect Taxation~~

## **Part II - Insolvency practitioners**

1. Insolvency Practitioners Association

## **Part III - Architects surveyors and town planners**

- ~~2. The Architects Registration Council of the UK~~ **1. Architects Registration Board**
- ~~3. The Architects and Surveyors Institute~~
- ~~4. 2.~~ Association of Consultant Architects
- ~~5. 3.~~ The Royal Institute of British Architects
- ~~6. 4.~~ The Royal Institution of Chartered Surveyors
- ~~7. 5.~~ The Royal Town Planning Institute

## **Part IV - Engineers**

1. The Institution of Chemical Engineers
2. The **Chartered** Institution of Civil Engineering Surveyors
3. The Institution of Civil Engineers
4. The Institution of Engineering and Technology
5. Institution of Mechanical Engineers
6. The Institution of Structural Engineers

## **Part V - Valuers**

- ~~1. The Incorporated Society of Valuers & Auctioneers~~

## **Part VI - Actuaries**

~~2.~~ 1. The **Institute and Faculty of Actuaries**

~~3.~~ **Institute of Actuaries**

## **Part VII - Chartered secretaries and administrators**

1. The Institute of Chartered Secretaries and Administrators: **The Governance Institute**

## **Part VIII - Insurers**

~~2.~~ 1. The Association of Average Adjusters

~~3.~~ 2. The Chartered Institute of Loss Adjusters

~~4.~~ 3. The Chartered Insurance Institute

## **THE SECOND SCHEDULE (ombudsman services may apply to the Bar Standards Board to be added to the Second Schedule in accordance with the Licensed Access Recognition Regulations)**

~~1. Parliamentary Commissioner for Administration~~ The Parliamentary and Health Service Ombudsman

~~2. Commissioner for Local Administration (England)~~ The Commission for Local Administration

~~3. Commissioner for Local Administration (Wales)~~ Public Services Ombudsman for Wales

~~4. Health Service Commissioner~~

~~5. Banking Ombudsman~~ 4. The Financial Ombudsman Service

~~6. Building Society Ombudsman~~

~~7. Insurance Ombudsman Bureau~~

~~8. The Personal Investment Authority Ombudsman Bureau Ltd~~

~~9.~~ 5. The Legal **Services** Ombudsman