

Direction 6 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board

1. This is a direction issued pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the “**Act**”).
2. Unless stated otherwise, words defined in the Act have the same meaning when used in this direction.
3. In accordance with paragraph 19(3) of Schedule 4 to the Act, the Board hereby directs that the following alterations to regulatory arrangements are exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4:
 - (a) Alterations by the Bar Standards Board to the Complaints Rules 2009 at Annex J of the Bar Code of Conduct as set out below:
 - i. Removing reference to all processes relating to IPS (service) complaints;
 - ii. Removing the Commissioner’s powers and functions: and
 - iii. Extending the Complaints Committee’s powers and functions to include those previously designated to the Commissioner role.
 - iv. To allow the Bar Standards Board to consider complaints about Barristers who have, since the event giving rise to the complaint, become full time judges.
 - (b) Alterations by the Bar Standards Board to the Fitness to Practice Rules at Annex O and Interim Suspension Rules at Annex N of the Bar Code of Conduct to vest the powers of referral exclusively in the Complaints Committee.

These changes result from a restructure of the complaints system arising from the creation of the Legal Ombudsman service (with the exception of 3 (a) (iv)). A copy of the alteration was submitted to the Board on 28 June 2010 and we have received confirmation from the Bar Standards Board that the above summary accurately summarises all of the alterations that they have requested.

- (c) Alterations by the Bar Standards Board to the Hearings before the Visitors Rules at Annex M to the Code as set out below:
 - i. Updates throughout to reflect changes in nomenclature since 2005 including changes to out of date definitions cited in the Interpretation section;
 - ii. Changes to the order of the Rules to reflect the chronology of the process;
 - iii. Updates to the Rules relating to appeals against qualifications decisions to reflect the Qualifications Committee’s responsibility for such decisions and the new Bar Training Regulations;
 - iv. Inclusion of a provision for service by e-mail;
 - v. Amendments to the Rules covering appeals by the BSB against disciplinary findings to bring them in line with the Rules related to appeals by barristers (see paragraph 4.3 below);

- vi. Inclusion of a requirement that appellants inform the Visitors of any change of address;
- vii. Clarifying and streamlining the Rules in relation to “Directions Judges”;
- viii. Removal of the requirement that Notices of Appeal are also served on the relevant Treasurer of an Inn given that service on the President of COIC is required;
- ix. Consolidation of the provisions in relation to fees into one Rule and clarifying when the fee should be paid (with the Petition of Appeal);
- x. Removal of the prohibition on Benchers of an Inn sitting on appeal panels where the appellant is a member of the same Inn (the risk of bias was considered low and the restriction unwarranted);
- xi. Clarification of the position in relation to raising, on appeal, grounds that were not raised before the body that took the original decision;
- xii. Consolidation of various provisions relating to the Visitors’ powers of determination into one Rule;
- xiii. Deletion of the Rules related to appeals by students against decisions of an Inn to bring the Rules in line with the new processes set out in the Bar Training Regulations;
- xiv. Removal of the separate Rules related to appeals on qualifications decisions as they were either repetitious or outdated;
- xv. Updating the Transition Rule; and
- xvi. Updating the Schedule of service addresses and deemed dates of service.

A copy of the alteration was submitted to the Board on 18 June 2010 and we have received confirmation from the Bar Standards Board that the above summary accurately summarises all of the alterations that they have requested.

4. This direction is to be deemed made on and to be effective from 16 July 2010

For and on behalf of the Legal Services Board

16 July 2010