

## Summary of decision

The purpose of this summary sheet is to provide a high level and accessible synopsis of the Legal Services Board's ("the LSB") decision. Readers are recommended to read the formal decision notice below for further detail. **This summary is not and should not be taken as a formal part of the LSB's decision notice under the Legal Services Act 2007 ("the Act").**

The LSB's decision is to grant in full the application from the Bar Standards Board ("the BSB") to make changes to its regulatory arrangements to introduce new Enforcement Decision Regulations into the BSB Handbook to establish a new framework for the operation of the BSB's enforcement decision-making functions.

The most significant changes give effect to a simplified enforcement process which provides for:

- decisions to be made by a Commissioner, a new executive role within the BSB, relating to the assessment of incoming information about alleged breaches of the BSB Handbook, administrative sanctions, referral of matters to a new independent decision-making panel, and disciplinary action either by consent or referral to the Disciplinary Tribunal and
- a new independent decision-making panel that will make decisions on alleged breaches of the Handbook, administrative sanctions and disciplinary action by consent, including the imposition of sanctions under this procedure, or referral to the Disciplinary Tribunal.

The new Enforcement Decision Regulations also modify and carry over some existing rules that form part of the Complaints Regulations, which the new Enforcement Decision Regulations will replace. These include:

- Changes in 'complaints' terminology so as to refer to these as 'reports' and following assessment, 'allegations'
- The procedure for assessment of reports and investigation of allegations
- Referrals to other bodies
- Outcomes of investigations
- Professional misconduct proceedings
- Appeals
- Reconsidering allegations
- Confidentiality and disclosure
- Interpretation and commencement

Following the assessment of the BSB's application, the LSB has concluded that the changes do not meet the refusal criteria in the Act.

## Decision notice

### **The Bar Standards Board's application for the approval of Part 5A Enforcement Decision Regulations of the BSB Handbook.**

The Legal Services Board (“**LSB**”) has granted an application from the Bar Standards Board (“**BSB**”) for approval of changes to its regulatory arrangements to insert the Enforcement Decision Regulations as rules rE1 to rE66 into Section A, Part 5 of the BSB Handbook (“the new regulations”), replacing the existing Complaints Regulations to establish a new framework for the operation of the BSB’s enforcement decision-making functions.

1. The LSB is required by Part 3 of Schedule 4 to the Legal Services Act 2007 (“the Act”) to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements.
2. This application has been made by the BSB. The Bar Council is an approved regulator and the BSB is the regulatory body to which the Bar Council has delegated its regulatory functions.
3. This notice sets out the decision taken, including a summary of the changes. The notes at page 12 of this notice explain the statutory basis for the decision.
4. The chronology for the LSB’s handling of this application is also set out below.

### **Chronology**

- The LSB confirmed receipt of an application from the BSB on 4 June 2019.
- The 28 day initial decision period for considering the application ended on 8 July 2019.
- The equality impact assessments, annex G of the application, were provided by the BSB on 26 June 2019.
- On 27 June 2019 the LSB issued an extension notice, which extended the initial decision period to 1 September 2019.
- This decision notice is effective from 29 August 2019.
- The decision notice will be published on the LSB’s website by 2 September 2019.

### **Background**

5. On 4 June 2019, the BSB submitted an application to the LSB for the approval of changes to its regulatory arrangements to insert the new Enforcement Decision Regulations as rules rE1 to rE66 into Section A, Part 5 of the BSB Handbook (“the new regulations”), replacing the existing Complaints Regulations. The new regulations aim to establish a simplified framework for the operation of the BSB’s enforcement

decision-making functions. The application<sup>1</sup> also sought approval for a number of minor consequential amendments to other provisions in the BSB Handbook.

### Governance review

6. In May 2013, the LSB assessed the BSB's enforcement regime as part of the LSB's regulatory standards report<sup>2</sup>. The report found the BSB's enforcement regime to be complex and considered more should be done to empower Executive decision-making.
7. Since 2014, the BSB has carried out an ongoing review of its governance arrangements to ensure they reflect modern and best regulatory practice. The plans set out in the application reflect the programme of work outlined in the BSB's 2016-19 Strategic Plan which committed it to the following:
  - centralising work within the BSB to assess incoming information about activity in the profession and market as a whole
  - aligning regulatory decision-making more consistently and clearly with the regulatory objectives in section 1 of the Act, through improvements to the governance of independent decision-making.
8. The first phase of the governance review was implemented in January 2016 and left in place the operational decision-making Committees: the Qualifications Committee (QC) and the Professional Conduct Committee (PCC). The QC, which has 19 members, is responsible for taking decisions on waivers from the BSB Handbook requirements and deciding appeals from the Inns of Court on the discipline of students. The PCC, which has up to 45 members, is responsible for taking all decisions on complaints, including decisions following an investigation to impose administrative sanctions or referring cases of professional misconduct to an independent Disciplinary Tribunal.
9. In August 2017, the QC was disbanded and Authorisation Review Panels (ARP) introduced in its place. These changes are part of the BSB's ongoing work to ensure its regulatory decision-making reflects good practice, is consistently risk-based and where appropriate, independent of the profession and the BSB.

### **Proposed changes**

#### The Commissioner

10. The new regulations set out powers for the new executive role of a Commissioner<sup>3</sup> (in practice a role assigned to the BSB Director General which can be fulfilled by staff members under a scheme of delegation) who will make decisions carried out under

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<sup>1</sup> Annex B to the application by the Bar Standards Board to the Legal Services Board under Part 3 of Schedule 4 to the Legal Services Act 2007 for approval of draft Part 5.A Enforcement Decision Regulations of the BSB Handbook.

<sup>2</sup> Developing regulatory standards: An assessment of the Bar Standards Board, May 2013.

<sup>3</sup> The role of Commissioner will be provided for in amendments to the BSB's Standing Orders which do not form part of this application for approval by the LSB.

the existing regulatory arrangements by the PCC. This body delegated responsibilities to the BSB in practice, so the new regulations will largely streamline and simplify current practice. The Commissioner will be responsible for assessing reports of alleged breaches of the BSB Handbook, determining breaches and imposing administrative sanctions, referral of matters to a new independent decision-making panel (“Panel”), and disciplinary action either by consent or referral to the Disciplinary Tribunal. The BSB’s application states that it will consolidate into one central assessment team resources to support the Commissioner in undertaking these responsibilities. Paragraphs 13 to 19 and 23 below set out in detail the Commissioner’s powers under the new regulations.

### The Independent Decision Making Panel

11. The new regulations also provide for the Panel to perform some of the decision making functions currently carried out by the PCC and ARP. A Panel will be formed on a case by case basis from a pool of qualified persons – the Independent Decision Making Body (“IDMB”) - established by the BSB.<sup>4</sup> The Panel will make decisions on alleged breaches of the Handbook referred to it by the Commissioner, administrative sanctions and disciplinary action by consent (including the imposition of sanctions under this procedure) or referral to the Disciplinary Tribunal. Paragraphs 20 to 22 below set out in detail the IDMB’s powers under the new regulations. The new regulations do not provide an ongoing role for the PCC or ARP, which will both be disbanded. The BSB states that some members of the PCC will be eligible for, and all members of the ARP will transfer to, the IDMB; thus ensuring continuity by retaining, and transferring knowledge and experience to the new framework.

### Changes to terminology

12. The new regulations move away from the terminology of ‘complaints’ currently used in the Complaints Regulations. Instead of referring to ‘complaints’, all incoming data about barristers and regulated persons is referred to as a ‘report’ and subsequently ‘allegation’ once the matter is under investigation. This change in terminology brings the BSB into closer alignment with the SRA. The proposed consequential amendments to Part 6 Definitions of the BSB Handbook insert a new definition of ‘report’ to mean, for the purposes of 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 r17<sup>5</sup>’.

### The assessment of reports

#### *Powers of the Commissioner*

13. The new regulations give the Commissioner power to:

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<sup>4</sup> The remit of the IDMB will be made in amendments to the BSB’s Standing Orders.

<sup>5</sup> In summary all barristers, registered European lawyers, authorised or licensed bodies, non-BSB authorised individuals, BSB entities and their owners and managers, and certain pupils.

- gather information relating to applicable persons from any source, for the purposes of assessing whether there has been a potential breach of the BSB Handbook
- determine that a report or part of a report can be treated as an allegation
- delegate his/her powers to any person, group or body
- refer a report or signpost the provider of the report to the Legal Ombudsman.

14. These proposed rules also give power to the Commissioner to refer reports to various other persons and bodies, where relevant, such as the Lord Chancellor or Office of Judicial Complaints where a report relates to a person in judicial office.

#### *Initial assessment of reports*

15. These proposed rules clarify when the Commissioner may treat a report as an allegation and the factors to which they must have regard. These largely reflect the provisions and criteria currently retained in the Complaints Regulations for determining whether to progress a report to investigation. The 12 month time limit for submission of complaints from the date of conduct in the current Complaints Regulations will not be carried over into the new regulations.

#### Investigation of allegations

##### *Powers of the Commissioner*

16. This proposed rule makes clear that the Commissioner's powers include (but are not limited to) carrying out the investigation of an allegation as appropriate, and withdrawal of any allegation.

##### *Investigating allegations*

17. These proposed rules retain and modify the current rules in the Complaints Regulations, so as to provide:

- the Commissioner must not conclude any investigation of an allegation without taking reasonable steps to ensure the person subject to the allegation has been informed of it and given a reasonable opportunity to comment
- if a new report comes to light during the investigation of an allegation that meets the criteria for the initial assessment of reports (as set out above) it may be treated as a new allegation and investigated accordingly
- the Commissioner may defer further investigation of an original allegation until a new allegation has been investigated
- no further investigation or opportunity to respond is required where the subject matter of the new allegation has already been investigated and the applicable person has already had an opportunity to respond.

## Possible outcomes of the investigation of an allegation

### *Powers of the Commissioner*

18. These proposed rules give certain powers to the Commissioner in relation to decisions regarding the conclusion of an investigation. They are similar to those that appear in the Complaints Regulations but broadly vest powers that were formerly held by the PCC in the Commissioner. The proposed rules state that the Commissioner has the power to decide that the conduct alleged:

- did not constitute a breach of the BSB Handbook or that there was insufficient evidence of a breach
- did constitute a breach of the BSB Handbook but in the circumstances no enforcement action should be taken
- did constitute a breach of the BSB Handbook and should be dealt with by an administrative sanction
- would, if proved, require disciplinary action<sup>6</sup> and not an administrative sanction because it is sufficiently serious to amount to professional misconduct (such as a conviction for dishonesty, deception or driving under the influence as set out in rE19.4 of the proposed rules).

19. The Commissioner may also refer the allegation for supervisory action or may issue the applicable person with advice.

### *Powers of the Panel for allegations referred to it*

20. These proposed rules confer on the Panel the power to decide that the allegations referred to it by the Commissioner:

- did not constitute a breach of the BSB Handbook
- did constitute a breach of the BSB Handbook but no enforcement action should be taken
- did constitute a breach of the BSB Handbook but that it should be dealt with by administrative sanction
- raise a realistic prospect of a finding of professional misconduct being made or a disqualification condition being satisfied and, having regard to the regulatory objectives, it is in the public interest to pursue disciplinary action.

21. The Panel may also refer the allegation for supervisory action or may issue the applicable person with advice.

22. In exercising its powers the Panel, as with the Commissioner, must have regard to the BSB enforcement strategy and any BSB published policy and guidance.

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<sup>6</sup> The proposed regulatory arrangement defines Disciplinary Action as: for the purposes of Part 5.A [of the BSB Handbook], 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.

*Administrative sanction*

23. The proposed rules give the Commissioner and the Panel the power to impose an administrative fine and warnings. They reflect the rules in the Complaints Regulations, which have been reworded.

Professional misconduct proceedings

*Disciplinary action*

24. The proposed rules retain but reword and reorganise the rules which appear in the Complaints Regulations on disciplinary action and clarify that this covers determinations by consent as well as referring a disciplinary charge and/or disqualification application to the Disciplinary Tribunal. To this end, a new definition of Disciplinary Action is inserted into the Part 6 Definitions of the BSB Handbook.

25. These proposed rules include:

- the circumstances in which an allegation shall be referred for disciplinary action (where the Panel or Commissioner is satisfied that there is a realistic prospect of a finding of professional misconduct being made or of the disqualification condition being satisfied, and that it is in the public interest to pursue disciplinary action)
- the power for the Panel to finally determine the allegation with the consent of the person against which the allegation is being made ('determination by consent procedure') and the circumstances in which the Panel may do so
- the standard of proof that will be applied, as set out in the BSB Handbook, for the determination by consent procedure
- When the criminal standard of proof will be applied.

*Determination by consent*

26. The proposed rules include:

- the circumstances in which the determination by consent procedure may be terminated, or the allegation referred to a three-person Disciplinary Tribunal
- the sanction the Panel may impose, having regard to the relevant BSB policy and guidelines
- the requirement to publish findings and sanctions on the same basis as provided for in the Disciplinary Tribunal Regulations
- no right of appeal of the outcome if the determination by consent procedure is accepted by the applicable person, because that person's express consent is required for a finding to be made and a sanction imposed (mirroring existing requirements).

*Disciplinary Tribunal*

27. The proposed rules include:

- the requirement for the Commissioner or Panel to decide whether to constitute a three-person or five person panel
- the circumstances in which a five person panel may be constituted

- the sanctions the Commissioner or Panel are likely to impose based on the indicative sanctions guidance published by the BSB and the previous disciplinary record of the applicable person
- other procedural issues such as when additional charges or disciplinary applications which may be dealt with together and referring the matter to the Commissioner or Panel when an administrative sanction should be imposed.

### Appeals

28. The proposed rules have been retained from the Complaints Regulations but reworded. They set out:

- the right of appeal from a decision to impose an administrative sanction
- the appeals process including notice of appeal and oral hearings
- that the decision of the appeal panel is final
- powers of the appeal panel to direct that an administrative fine or appeal fee already paid can be refunded.

### *Reconsidering allegations which have already been disposed of*

29. These proposed rules have been retained from the Complaints Regulations but reworded. They set out that the Commissioner or a Panel may reconsider an allegation which has been disposed of by the Commissioner or a Panel and the circumstances in which it may do so and the action it may take.

### *Confidentiality*

30. The proposed rules partially retain those contained in the Complaints Regulations and have been reworded. The proposed rules make clear that the BSB must keep confidential reports and allegations which are being assessed or investigated, and set out the circumstances in which disclosure may be made.

### Interpretation and commencement provisions

31. These proposed rules have been retained from the Complaints Regulations and reworded as appropriate.

## **Evidence base to inform proposals**

32. The BSB has developed a significant evidence base to inform its proposals, which includes:

- commissioning an independent consultant to carry out two separate reviews: one review focused on the PCC and enforcement decision-making; and the other focussed on the QC and authorisation decision-making
- completing internal research into the viability of moving to the proposed enforcement decision-making model
- consulting publicly on a proposed approach between March and May 2018
- testing the proposed changes through pilot exercises which have been running since September 2017.



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

33. The LSB notes the BSB's proposed changes, which continue the progress the BSB has made in modernising its governance and regulatory enforcement regime since the LSB's regulatory standards report was published in May 2013. Having considered the BSB's application and supporting documents, the LSB makes the following key points in relation to the application.

### The IDMB and the Panel

34. In its application the BSB sets out the options it considered to address the concerns about its PCC which were raised in the LSB's 2013 regulatory standards report, before deciding to introduce the Panel. Options included the case examiner model, which is common in health care regulation. In the case examiner model, independent decision makers (usually called Case Examiners or Case Adjudicators) work alone or in pairs (sequentially) to make decisions on cases, rather than a panel (like the BSB's current PCC) taking decisions at the end of an investigation.

35. As set out above, the BSB explored a wide range of options in coming to the conclusion to introduce the Panel. It considered a number of factors including the flexibility of the new structures to apply to other regulatory decisions, such as appeals against authorisation decisions.

36. The BSB has explained that a Panel under the proposed rules will be made up of persons drawn from IDMB on a case by case basis, to make independent decisions in the more serious enforcement cases and in relation to reviews/appeals of authorisation decisions. This arrangement will replace both the PCC and the ARP and, if necessary in the future, a Panel will be formed for matters that require decision-making independent of the Executive.

37. Initially, the BSB expects that more than 30 members will be required to support the work of the IDMB, with this reducing over the first three years of the IDMB's operation.

38. We note that Disciplinary Tribunal decisions will be taken by panels of five members or three members. The Disciplinary Tribunal will not have a lay majority unlike the Panel.

39. During the LSB's assessment of the application, the BSB amended its new regulations to include the procedures and composition of the Panel formed from persons drawn from the IDMB, as these would be regulatory arrangements under the new framework. Schedule 1 of the new regulations make clear that the Panel will have a lay majority. We welcome the move to set out these requirements in the new regulations. We expect alterations to rules or regulations (however they may be described) that fall within the meaning of regulatory arrangements in Section 21 of the Act to require approval by the LSB as set out under Schedule 4 before they have effect.

40. The BSB has confirmed that it will monitor the operation and effectiveness of the IDMB model closely and in future years may revisit whether the case examiner model has a place in its regulatory arrangements.

#### Implementation

41. Information on implementation of the proposed changes is provided in the application. The BSB has also confirmed that all cases under consideration on the date the new regulations come into force, will be subject to and decided under the new regime. The BSB will inform complainants in all live cases of the pending changes to the decision-making regime and notify them that their 'complaint' will be treated as a 'report' or an 'allegation' post implementation and the implications of this. From September 2019, the BSB will post similar information on its website so that those submitting complaints in the weeks prior to implementation are aware of the changes.
42. We note the BSB intends to take steps to mitigate potential issues with part decided cases by informing the PCC that it ought only to take decisions in which it can fully decide all aspects of the case prior to implementation of the new regime. This means cases referred to the PCC prior to implementation but where a decision has not been made once the new regulations come into force, will be put back to the Executive and decided by a Panel under the new regulations.
43. We note that the new regulations provide for the Commissioner and the Panel to have regard to the BSB enforcement strategy and any published BSB policy and guidance that appear relevant in exercising their functions under Part 5A of the Handbook. The BSB application states that the assessment of information received by the Commissioner to determine whether it amounts to a 'report' or 'allegation' (and therefore referable to the Panel) will be set out in policy and guidance documents. We expect the policy and guidance documents on the new regulations to be finalised and published before the regulations come into force.
44. We also expect the policy and guidance documents on the new regulations to provide detail on the consideration undertaken by the Commissioner and the Panel before a decision is reached on sanctions or disciplinary action.

#### Anonymised decision making

45. Current practice is for cases that are presented to the PCC in a summary case report to have the name and gender of both the barrister subject to the allegation and the complainant anonymised. The BSB's application explains its proposed approach to anonymising case papers for Panels. The BSB intends to anonymise the name and gender of the barrister to assist with ensuring decisions are not tainted by unconscious bias, but not that of the complainant. This is out of step with standard practice within other regulators. As this does not form part of the regulatory arrangements that the LSB needs to approve, we will follow up with the BSB on this point through our regulatory performance framework, which includes an expected outcome (E3) that requires consistency and protection of both consumers and the public interest within the enforcement process.

### Impact assessment

46. The BSB plans to monitor the changes that are proposed through its annual enforcement reporting process. It has also committed to monitoring the impact of specific changes, such as the removal of the time limit for the submission of reports. The BSB plans to evaluate the success of the new regime through ongoing independent review of cases.
47. The LSB is assured by the commitments the BSB has made to establish this ongoing process of impact assessment and to make any subsequent changes and improvements that are necessary as a result. We will monitor its progress through our regulatory performance function.

### **Decision**

48. The LSB has considered the BSB's application against the refusal criteria in paragraph 25(3) of Schedule 4 to the Act. It considers there are no reasons to refuse this application and, accordingly grants the application in full.
49. **Annex A** to this decision notice contains the alterations to the regulatory arrangements of the BSB's Handbook that are approved by the LSB.

**Matthew Hill, Chief Executive of the Legal Services Board Acting under delegated authority granted by the Board of the Legal Services Board**

**29 August 2019**

*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 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>7</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>7</sup> LSB's Rules for applications to alter regulatory arrangements – Version 2 April 2018  
[https://www.legalservicesboard.org.uk/what\\_we\\_do/regulation/pdf/New%20folder%20\(2\)/FINAL\\_Rules\\_for\\_applications\\_to\\_alter\\_regulatory\\_arrangements.pdf](https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/New%20folder%20(2)/FINAL_Rules_for_applications_to_alter_regulatory_arrangements.pdf)

## Annex A

### Enforcement Decision Regulations 2019

rE1 These regulations set out the powers and functions in relation to: the assessment of *reports* and the investigation of *allegations* which may indicate a potential breach of the *Handbook* or require regulatory action; the decisions available to the *Commissioner* and an *Independent Decision-Making Panel* at the conclusion of an investigation; the reconsideration of *allegations* that have been disposed of; and the disclosure of *reports* or *allegations* by the *Bar Standards Board*. These regulations also set out the operation of the *administrative sanction* appeal procedure and the *determination by consent procedure*

### A1. The assessment of *reports*

#### Powers of the *Commissioner* in relation to the assessment of *reports*

rE2 The powers of the *Commissioner* include (but are not limited to):

- .1 gathering information relating to *applicable persons* from any source for the purposes of assessing whether there has been a potential breach of the *Handbook*; and
- .2 exercising the power under rE12 to determine that a *report* or part of a *report* may be treated as an *allegation*.

rE3 The *Commissioner* shall have the power to authorise any *person*, group or body to fulfil any function or exercise any power given to the *Commissioner* by this Section 5.A. Any authorisations given must be in writing and may be either or both retrospective and prospective, and either or both general and for a particular purpose.

#### Reference to the Legal Ombudsman

rE4 If a *report* is received by the *Bar Standards Board* from a person entitled to complain to the *Legal Ombudsman* about the subject of the *report*, the *Commissioner* must refer the *report* without further consideration to the *Legal Ombudsman* or signpost the provider of the *report* to the *Legal Ombudsman*.

#### Reference where an *applicable person* acting in judicial or *quasi-judicial* capacity

rE5 If it appears to the *Commissioner* that a *report* relates to an *applicable person's* actions in a part-time or temporary judicial or *quasi-judicial* capacity, the *Commissioner* must refer the *report* to the person or body responsible for the appointment of the *applicable person* to the judicial or *quasi-judicial* office concerned or another person or body responsible for considering such reports ("the appropriate body"), where it appears that the appropriate body should consider the *report*, requesting notification of the outcome of the

appropriate body's consideration as soon as it has been dealt with, subject to rE6 to rE8 below.

rE6 Where:

- .1 the appropriate body refuses to deal with the *report*; or
- .2 it appears there is no appropriate body

the *Commissioner* may consider the *report* in accordance with the provisions of this Section 5.A.

rE7 When the appropriate body has dealt with the *report*, or the *Commissioner* considers that the appropriate body has not dealt with it within a reasonable time or fully or satisfactorily, the *Commissioner* may consider the *report* in accordance with the provisions of this Section 5.A. and may consider any finding made and any action taken by the appropriate body.

rE8 The *Commissioner* must not consider or take action in relation to a *report* arising in substance from dissatisfaction or disagreement with anything decided, done or said by the *applicable person* in the proper exercise of their judicial or *quasi-judicial* functions.

#### **Reference to the Lord Chancellor or other appropriate body**

rE9 If it appears to the *Commissioner* that the *report* relates to the conduct of an *applicable person* who, since the events giving rise to the *report* took place, has been appointed to and continues to hold full-time judicial office and has ceased to practise, the *Commissioner* shall not consider the *report* further and must direct the person from whom the *report* is received to the Lord Chancellor or the Office of Judicial Complaints or to such other person or appropriate body with responsibility for addressing complaints about judges.

#### **Reference to any other person**

rE10 If it appears to the *Commissioner* that a *report* in respect of an *applicable person* might more appropriately be dealt with by another body (e.g. an *Inn*, Circuit, employer, a complaint handling body or any other professional or regulatory body), the *Commissioner* may refer the *report* to such other body.

rE11 If, having referred a *report* to another body under rE10, the *Commissioner* subsequently considers that the *report* has not been dealt with by that other body within a reasonable time or fully or satisfactorily, the *Commissioner* may choose to exercise the powers set out in rE2.1 and rE2.2 above.

#### **Initial assessment of reports**

rE12 Where the *Commissioner*, having regard to rE13, considers that a *report*:

.1 discloses a potential breach of the *Handbook* by an *applicable person*; and/or

.2 potentially satisfies the *disqualification condition*

the *Commissioner* may treat the *report* as an *allegation*.

rE13 In determining whether to treat a *report* as an *allegation* under rE12 the *Commissioner* must have regard to:

.1 whether the conduct disclosed in the *report* or its consequences presents sufficient risk to the *regulatory objectives* to justify further action;

.2 whether the conduct disclosed in the *report* can be properly and fairly investigated; and

.3 whether the conduct disclosed in the *report* could not more appropriately be dealt with under one or more of the provisions set out at rE4 to rE11 above.

## **A2. Investigation of *allegations***

### **Powers of the *Commissioner* in relation to the investigation of *allegations***

rE14 The powers of the *Commissioner* include (but are not limited to) the power at any time:

.1 to carry out the investigation of *allegations* as appropriate; and

.2 to withdraw any *allegation* and treat it as if a decision under rE12 had not been made.

### **Investigating *allegations***

rE15 The *Commissioner* must not conclude any investigation of an *allegation* without taking reasonable steps to ensure that the *applicable person* has been informed of the *allegation* and given a reasonable opportunity to comment on the *allegation*.

rE16 If a new *report* comes to light during an investigation of an *allegation* that meets the criteria of rE12, it may be treated as a new *allegation* and investigated in accordance with the provisions of Section 5.A.

rE17 The *Commissioner* may defer further consideration of the original *allegation* until a new *allegation* has been investigated.

rE18 No further investigation or opportunity to respond is required where the subject matter of a new *allegation* has already been investigated by the

*Commissioner* and the *applicable person* has already been given an opportunity to comment on it during the original investigation.

### **A3. Possible outcomes of the investigation of an *allegation***

#### **Powers of the *Commissioner* in relation to the conclusion of investigations**

rE19 At the conclusion of an investigation of an *allegation* the *Commissioner* has the power to decide:

- .1 that the conduct alleged did not constitute a breach of the *Handbook*, or that there was insufficient evidence of a breach of the *Handbook* (on the civil standard of proof);
- .2 that the conduct alleged did constitute a breach of the *Handbook* (on the civil standard of proof) but that, in all the circumstances, no enforcement action should be taken in respect of the breach;
- .3 that the conduct alleged did constitute a breach of the *Handbook* (on the civil standard of proof) and that the breach should be dealt with by the imposition of an *administrative sanction*;
- .4 that the conduct alleged may constitute a breach of the *Handbook* and, if the breach were to be proved, that an *administrative sanction* under rE19.3 would not be appropriate in all the circumstances, and that the subject matter of the *allegation* against an *applicable person* involves:
  - a. a conviction for an offence of dishonesty or deception; or
  - b. a conviction for an offence under Section 4, Section 5 or Section 5A Road Traffic Act 1988 (Driving or being in charge of a motor vehicle with alcohol concentration/ concentration of a controlled drug above prescribed limit); or
  - c. a breach of Part 3 or 4 of the *Handbook*; or
  - d. any failure to pay an administrative fine within the relevant time; or
  - e. a failure to comply with any requirements of a sanction imposed following *Disciplinary Action*;in which case the *allegation* may form the subject matter of a referral to *Disciplinary Action*; or
- .5 to refer an *allegation* to an *Independent Decision-Making Panel* for a decision.

rE20 In conjunction with a decision under rE19 the *Commissioner* may refer any *allegation* for supervisory action.



rE21 In conjunction with a decision under rE19.1 or rE19.2 the *Commissioner* may issue the *applicable person* with advice.

**Powers of an *Independent Decision-Making Panel* in relation to *allegations* referred to it**

rE22 Where an *allegation* has been referred to an *Independent Decision-Making Panel* under rE19.5 the *Independent Decision-Making Panel* has the power to decide:

- .1 that, on the evidence before it, the conduct alleged did not constitute a breach of the *Handbook*, or that there was insufficient evidence of a breach of the *Handbook* (on the civil standard of proof); or
- .2 that, on the evidence before it, the conduct alleged did constitute a breach of the *Handbook* (on the civil standard of proof) but that, in all the circumstances, no enforcement action should be taken in respect of the breach; or
- .3 that, on the evidence before it, the conduct alleged did constitute a breach of the *Handbook* (on the civil standard of proof) and that the breach should be dealt with by an *administrative sanction*; or
- .4 that
  - a. there is a *realistic prospect of a finding of professional misconduct being made* or there is a *realistic prospect of the disqualification condition being satisfied*, and
  - b. having regard to the *regulatory objectives*, it is in the public interest to pursue *Disciplinary Action*

in which case the *allegation* must form the subject matter of *Disciplinary Action*.

rE23 In conjunction with a decision under rE22 the *Independent Decision-Making Panel* may recommend the matter be referred for supervisory action.

rE24 In conjunction with a decision under rE22.1 or rE22.2 the *Independent Decision-Making Panel* may issue the *applicable person* with advice.

***Independent Decision-Making Panel* and *Commissioner* powers/requirements**

rE25 In exercising its powers under Section 5.A, the *Commissioner* or an *Independent Decision-Making Panel* must have regard to the *Bar Standards Board enforcement strategy* and any published *Bar Standards Board* policy and guidance that appear to be relevant.

### ***Administrative sanction***

- rE26 Pursuant to rE19.2 and rE22.2 above, the *Commissioner* or an *Independent Decision-Making Panel* may impose an *administrative sanction* on an *applicable person* where there is sufficient evidence on the balance of probabilities of a breach of the *Handbook* by that *applicable person*.
- rE27 The *Commissioner* or an *Independent Decision-Making Panel* may only impose an *administrative sanction* on an *applicable person* pursuant to rE26 where:
- .1 the *Commissioner* or an *Independent Decision-Making Panel* considers that to impose an *administrative sanction* is proportionate and sufficient in the public interest; or
  - .2 where the matter falls to be considered under rE209 of Section 5.B of the *Handbook*.
- rE28 In determining the level of *administrative sanction* to be imposed, the *Commissioner* or an *Independent Decision-Making Panel* must have regard to any published *Bar Standards Board* policy that appears to the *Commissioner* or an *Independent Decision-Making Panel* to be relevant.
- rE29 The maximum level of a fine which can be imposed by the *Commissioner* or an *Independent Decision-Making Panel* under rE19.3 and rE22.3 is:
- .1 £1,000 (one thousand pounds) where the fine is to be imposed on an *applicable person* who is not a BSB entity; or
  - .2 £1,500 (one thousand and five hundred pounds) where the fine is to be imposed on a *BSB entity*.
- rE30 Any decision to impose an *administrative sanction* will be recorded and may, where appropriate, be considered for continued monitoring and supervision but will not be disclosed to any third parties except in accordance with Section A7 of these regulations.
- rE31 The *applicable person* may appeal a decision of the *Commissioner* or an *Independent Decision-Making Panel* to impose an *administrative sanction* in accordance with Section 5.A of the *Handbook*
- rE32 In the case of a *non-authorised individual* (other than an unregistered barrister, a manager of a BSB entity or a registered European lawyer who does not have a current practising certificate) who at the time of the alleged conduct was an employee of a *BSB authorised person* the *Commissioner* or an *Independent Decision-Making Panel* may only:
- .1 decide that no further action should be taken in relation to the *allegation*;  
or

- .2 make an application to the *Disciplinary Tribunal* that the *non-authorised individual* be subject to a *disqualification order*.

## A4. Professional misconduct proceedings

### *Disciplinary Action*

rE33 Where rE19.4 or rE22.4 is applicable, the *allegation* shall be referred to *Disciplinary Action* only where the *Commissioner* or an *Independent Decision-Making Panel* is satisfied that:

- .1 there is a *realistic prospect of a finding of professional misconduct being made* or there is a *realistic prospect of the disqualification condition being satisfied*; and
- .2 having regard to the *regulatory objectives*, it is in the public interest to pursue *Disciplinary Action*.

rE34 Where the *Commissioner* or an *Independent Decision-Making Panel* is satisfied that the requirements of rE33 are met, an *allegation* which the *Commissioner* or an *Independent Decision-Making Panel* is otherwise intending to refer to the *Disciplinary Tribunal* may, with the consent of the *applicable person* against whom the *allegation* is made, be finally determined by an *Independent Decision-Making Panel*. This is referred to as the “*determination by consent procedure*”.

rE35 The *Commissioner* or an *Independent Decision-Making Panel* must, in deciding whether to refer an *allegation* to the *determination by consent procedure*, consider all the circumstances. However, the *Commissioner* or an *Independent Decision-Making Panel* may only make the *allegation* subject to the *determination by consent procedure* if:

- .1 the *applicable person* submits to the jurisdiction of an *Independent Decision-Making Panel*; and
- .2 the *Commissioner* or an *Independent Decision-Making Panel* considers that:
  - a. there are no substantial disputes of fact which can only fairly be resolved by oral evidence being taken; and
  - b. having regard to the *regulatory objectives*, it is in the public interest to resolve the *allegation* under the *determination by consent procedure*; and
  - c. the potential *professional misconduct* or *disqualification condition*, if proved, combined with the *applicable person's* previous disciplinary history, does not appear to be such as to warrant a period of *suspension* or disbarment, the withdrawal of an *authorisation* or

*licence* (as appropriate) or the imposition of a *disqualification order* (or equivalent by another *Approved Regulator*).

- rE36 *Disciplinary Action* will be conducted in accordance with such procedures as the *Bar Standards Board* may prescribe from time to time, including in Section 5.B of the Handbook, and will apply the appropriate standard of proof as described in rE37, rE38, rE164, and rE261A.
- rE37 Where a matter is to be considered under the *determination by consent procedure* as per rE34, the standard of proof to be applied is the civil standard of proof, except when rE38 applies.
- rE38 In considering *allegations* under the *determination by consent procedure*, the *Commissioner* or an *Independent Decision-Making Panel* must apply the criminal standard of proof when deciding charges of *professional misconduct* where the conduct alleged within that charge occurred prior to 1 April 2019, including where the same alleged conduct continued beyond 31 March 2019 and forms the basis of a single charge of *professional misconduct*.

### ***Determination by Consent***

- rE39 Where the *Commissioner* or an *Independent Decision-Making Panel* has decided to refer an *allegation* to the *determination by consent procedure* in accordance with rE35, the *Commissioner* or an *Independent Decision-Making Panel* (as the case may be) may terminate the *determination by consent procedure* at any time if it no longer considers that the requirements of rE35 are satisfied, or for any other good reason.
- rE40 If the *determination by consent procedure* ends other than by a finding and sanction to which the *applicable person* consents, then an *allegation* may be referred to a three-person *Disciplinary Tribunal*.
- rE41 An *Independent Decision-Making Panel* may impose on an *applicable person* against whom a charge of *professional misconduct* has been found proved under the *determination by consent procedure* any one or more the following:
- .1 an order to pay a fine to the *Bar Standards Board* (the amount of such fine to be determined having regard to the relevant sanctions guidance) on such terms as to payment as the *Independent Decision-Making Panel* thinks fit;
  - .2 the imposition of any conditions on their licence or authorisation (where appropriate);
  - .3 a reprimand by the *Bar Standards Board*;
  - .4 advice by the *Independent Decision-Making Panel* as to their future conduct; and

.5 an order to complete (or, in the case of a *BSB entity*, an order to procure that any relevant *managers* or employees complete) continuing professional development of such nature and duration as an *Independent Decision-Making Panel* shall direct and to provide satisfactory proof of compliance with this order to the *Commissioner*.

rE42 In determining what sanction, if any, to impose under the *determination by consent procedure*, an *Independent Decision-Making Panel* shall have regard to any relevant policy or guidelines issued by the *Bar Standards Board* and/or by the *Council of the Inns of Court* from time to time.

rE43 An *Independent Decision-Making Panel* may not make an award of costs when dealing with an *allegation* under the *determination by consent procedure*.

rE44 The *Commissioner* must publish any finding and sanction resulting from the *determination by consent procedure* to the same extent as such publication would have taken place on a finding and sanction by a *Disciplinary Tribunal*, as provided for in the *Disciplinary Tribunal Regulations*.

rE45 If the *applicable person* accepts the outcome of the *determination by consent procedure*, no one may appeal against it.

### ***Disciplinary Tribunal***

rE46 At the same time as the *Commissioner* or an *Independent Decision-Making Panel* directs that an *allegation* shall form the subject matter of a disciplinary charge and/or *disqualification* application before a *Disciplinary Tribunal*, the *Commissioner* or an *Independent Decision-Making Panel* must also decide whether a three-person panel or a five-person panel is to be constituted.

rE47 In deciding whether to direct the constitution of a three-person or a five-person panel, the *Commissioner* or an *Independent Decision-Making Panel* shall consider the sanction which it considers is likely to be imposed on the *applicable person* if the charge or application is proved, having regard to:

- .1 any indicative sanctions guidance published by *BTAS/COIC/Bar Standards Board* from time to time; and
- .2 the previous disciplinary record of the *applicable person*.

rE48 The *Commissioner* or an *Independent Decision-Making Panel* may direct that a five-person panel is to be constituted if it considers that:

- .1 having regard to any indicative sanctions guidance published by *BTAS/COIC/Bar Standards Board*, in all the circumstances, a sanction of disbarment or *suspension* from *practice* for more than twelve months may be appropriate; or

- .2 having regard to any indicative sanctions guidance published by *BTAS/COIC/Bar Standards Board*, in all the circumstances, a sanction of indefinite *disqualification* or *disqualification* for a defined term of more than twelve months may be appropriate; or
- .3 having regard to any indicative sanctions guidance published by *BTAS/COIC/Bar Standards Board*, in all the circumstances, a sanction of a *BSB entity* having its authorisation or licence revoked or *suspended* for a period of more than twelve months may be appropriate; or
- .4 the *allegation* involves a conviction for dishonesty or deception

otherwise the *Commissioner* or an *Independent Decision-Making Panel* must direct that a three-person panel is to be constituted.

rE49 The *Commissioner* or an *Independent Decision-Making Panel* must inform the *applicable person* of the direction that it has made pursuant to rE48. There is no appeal against the decision to refer a matter to a three or a five-person panel.

rE50 The *Commissioner* or an *Independent Decision-Making Panel* may:

- .1 refer to the same *Disciplinary Tribunal* any charges and/or *disqualification* applications which they consider may conveniently be dealt with together; and
- .2 refer any additional charges or *disqualification* applications relating to the same *applicable person* to the *Disciplinary Tribunal* which is dealing with the original disciplinary charge or *disqualification* application (as the case may be), even if the additional charge or application, by itself, may be regarded as insufficiently serious to merit disposal by a *Disciplinary Tribunal* of that level.

rE51 When the *Commissioner* or an *Independent Decision-Making Panel* has directed that an *allegation* shall form the subject matter of a charge or application before a *Disciplinary Tribunal*, the *Commissioner* is responsible for bringing the charge or application on behalf of the *Bar Standards Board* and prosecuting that charge before such *Disciplinary Tribunal*. If so:

- .1 the *Commissioner* may arrange for the appointment of a representative to settle the charge and to present the case before the *Disciplinary Tribunal*; and
- .2 any charges shall be brought in the name and on behalf of the *Bar Standards Board*.

rE52 Section 5.B applies in respect of the procedure to be followed by the *Disciplinary Tribunal*

rE53 Where a *Disciplinary Tribunal* directs that matter(s) be referred to *Commissioner* or an *Independent Decision-Making Panel* under rE209 to consider whether an *administrative sanction* should be imposed, the *Commissioner* or an *Independent Decision-Making Panel* shall consider the matter in accordance with rE26 to rE32 or take no enforcement action in accordance with rE19.2 and rE22.2.

## A5. Appeals

rE54 An *applicable person* has a right to appeal from a decision to impose an *administrative sanction*. That appeal is to an *appeal panel* nominated by the *President* in the same composition as a *three-person panel* constituted under rE141 of the *Disciplinary Tribunal Regulations*.

rE55 An appeal, if made, shall be made by the *applicable person* sending to the *Commissioner*, within 28 days of the imposition of the *administrative sanction*, a notice identifying the decision appealed against, the decision the *applicable person* contends for, the grounds of such appeal and a statement whether the *applicable person* requires their appeal to be disposed of at an oral hearing. If the *applicable person* does not expressly request an oral hearing, the appeal will be dealt with by a review of the papers. The appeal is a review of the original decision, not a re-hearing.

rE56 The notice must be accompanied by a sum as prescribed by the *Bar Standards Board* from time to time. The sum will be payable to the *Bar Standards Board* to cover expenses.

rE57 Where the appeal is to be dealt with at an oral hearing then:

- .1 at least 5 working days before the time set for the appeal, the *Bar Standards Board* will provide each member of the *appeal panel* and the *applicable person* with a paginated bundle of the correspondence and other documents on its files relating to the original decision; and
- .2 the *applicable person* and *Bar Standards Board* may be represented at the hearing.

rE58 The decision of an *appeal panel* is final and shall not be not subject to any further appeal or reconsideration.

rE59 The *appeal panel* must decide whether to set aside or to vary the original decision.

rE60 If the *appeal panel* allows the appeal in whole or in part, the *appeal panel* may direct that any administrative fine or appeal fee already paid by the *applicable person* be refunded either in whole or in part, but the appeal panel has no power to award costs.

## A6. Reconsidering *allegations* which have been disposed of

- rE61 The *Commissioner* or an *Independent Decision-Making Panel* may reconsider an *allegation* which has been disposed of by the *Commissioner* or an *Independent Decision-Making Panel* respectively where:
- .1 new evidence becomes available which leads it to conclude that it should do so, or
  - .2 for some other good reason.
- rE62 Following such reconsideration, the *Commissioner* may take any further or different action the *Commissioner* thinks fit, as if any earlier decision had not been made.

## A7. Confidentiality

- rE63 The *Bar Standards Board* must keep *reports* and *allegations* assessed or investigated under these regulations confidential. The *Bar Standards Board* must not disclose the fact that a *report* exists, or details of the *report* or of its treatment as an *allegation* or otherwise, or of its disposal save as specified in this Section 5.A, or as otherwise required by law.
- rE64 Disclosure may be made:
- .1 for the purpose of the *Bar Standards Board's* regulatory assurance, supervision or authorisations functions; or
  - .2 for the purpose of keeping the *applicable person*, or any source of information relating to the *applicable person*, informed of the progress of the consideration of a *report* or *allegation*; or
  - .3 for the purpose of publicising any forthcoming public hearing of charges arising from the *allegation*; or
  - .4 where the *applicable person* consents; or
  - .5 in response to a request from the selection panel or a member of its secretariat in respect of an application by a *barrister* for silk; or from any body responsible for the appointment of judges in respect of an application for judicial appointment; or from some other body or the *BSB authorised individual* for a *certificate of good standing* in respect of a *barrister*; or
  - .6 for the purposes of providing examples of the types of behaviour that may constitute breaches of the *e* either externally or internally within the *Bar Standards Board*, provided that where disclosure occurs in these circumstances although details of the individual *reports* or *allegations*



may be published, any relevant party's identities will remain anonymous;  
or

- .7 with the approval of the *Commissioner*, where the *Commissioner* considers it is in the public interest to disclose some or all of the details of the *report* or *allegation*.

## **A8. Interpretation**

- rE65 For the avoidance of doubt, this Section 5.A does not prevent the immediate operation of the *Interim Suspension and Disqualification Regulations* or the *Fitness to Practise Regulations*, where appropriate.

## **A9. Commencement**

- rE66 This Section 5.A shall come into force in accordance with the provisions of Part 1 of this Handbook.

## Schedule 1

### Proceedings and Composition of the *Independent Decision-Making Panels*

- 1) An *Independent Decision-Making Panel* shall:
  - a) for the purposes of Part 5A, consist of five members of the *Independent Decision-Making Body*;
  - b) for all other purposes, consist of three members of the *Independent Decision-Making Body*;and shall have a lay majority of at least one.
- 2) *Independent Decision-Making Panel* meetings shall be held in private.
- 3) Decisions of *Independent Decision-Making Panels* must be recorded in writing.
- 4) *Independent Decision-Making Panel* meetings shall be held at a frequency to be determined by the *Bar Standards Board*.
- 5) *Independent Decision-Making Panels* may, at any time, invite any person to attend an *Independent Decision-Making Panel* meeting in an advisory or consultative capacity.
- 6) *Independent Decision-Making Panel* meetings may be held in person, by email, by telephone or via videoconference.

**Consequential amendments to existing provisions in the BSB Handbook are shown in tracked changes in the second column below. New provisions inserting definitions into Part 6 of the Handbook are at the end of the table**

Regulation	Current provision	Proposed provision
<b>Foreword</b>	Current foreword	<del>Current</del> -Updated foreword
<b>I6</b>	<p>The <i>Handbook</i> includes Core Duties, Outcomes, Guidance, Rules and Regulations. “CD” refers to Core Duties, “o” to Outcomes, “g” to Guidance, “r” to Rules and Regulations. The Regulations form the basis upon which enforcement action may be taken and are set out in Part E of this Handbook. The effect of something being classified as a Core Duty, Outcome, Guidance, Rule or Regulations is as follows:</p> <p style="padding-left: 40px;">.1 Core Duties - these underpin the entire regulatory framework and set the mandatory standards that all <i>BSB regulated persons</i> or <i>unregistered barristers</i> are required to meet. They also define the core elements of professional conduct. Disciplinary proceedings may be taken against a <i>BSB regulated person</i> or <i>unregistered barrister</i> if the <i>Bar Standards Board</i> believes there has been a breach by that person of the Core Duties set out in this <i>Handbook</i> and that such action would be in accordance with the <i>Enforcement Policy</i>.</p>	<p>The <i>Handbook</i> includes Core Duties, Outcomes, Guidance, Rules and Regulations. “CD” refers to Core Duties, “o” to Outcomes, “g” to Guidance, “r” to Rules and Regulations. The Regulations form the basis upon which enforcement action may be taken and are set out in Part E of this Handbook. The effect of something being classified as a Core Duty, Outcome, Guidance, Rule or Regulations is as follows:</p> <p style="padding-left: 40px;">.1 Core Duties - these underpin the entire regulatory framework and set the mandatory standards that all <i>BSB regulated persons</i> or <i>unregistered barristers</i> are required to meet. They also define the core elements of professional conduct. Disciplinary proceedings may be taken against a <i>BSB regulated person</i> or <i>unregistered barrister</i> if the <i>Bar Standards Board</i> believes there has been a breach by that person of the Core Duties set out in this <i>Handbook</i> and that such action would be in accordance with the <i>Enforcement <del>Policy</del>Strategy</i>.</p>

	<p><b>.2</b> The Outcomes - these explain the reasons for the regulatory scheme and what it is designed to achieve. They are derived from the <i>regulatory objectives</i> as defined in the LSA and the risks which must be managed if those objectives are to be achieved. They are not themselves mandatory rules, but they are factors which <i>BSB regulated persons</i> or <i>unregistered barristers</i> should have in mind when considering how the Core Duties, Conduct Rules or Bar Qualification Rules (as appropriate) should be applied in particular circumstances. The <i>Bar Standards Board</i> will take into account whether or not an Outcome has, or might have been, adversely affected when considering how to respond to alleged breaches of the Core Duties, Conduct Rules or Bar Qualification Rules.</p> <p><b>.3</b> The Rules – The Rules serve three purposes:</p> <p><b>.a</b> the Conduct Rules supplement the Core Duties and are mandatory. Disciplinary proceedings may be taken against a <i>BSB regulated person</i> or <i>unregistered barrister</i> if the <i>Bar Standards Board</i> believes there has been a breach by that</p>	<p><b>.2</b> The Outcomes - these explain the reasons for the regulatory scheme and what it is designed to achieve. They are derived from the <i>regulatory objectives</i> as defined in the LSA and the risks which must be managed if those objectives are to be achieved. They are not themselves mandatory rules, but they are factors which <i>BSB regulated persons</i> or <i>unregistered barristers</i> should have in mind when considering how the Core Duties, Conduct Rules or Bar Qualification Rules (as appropriate) should be applied in particular circumstances. The <i>Bar Standards Board</i> will take into account whether or not an Outcome has, or might have been, adversely affected when considering how to respond to alleged breaches of the Core Duties, Conduct Rules or Bar Qualification Rules.</p> <p><b>.3</b> The Rules – The Rules serve three purposes:</p> <p><b>.a</b> the Conduct Rules supplement the Core Duties and are mandatory. Disciplinary proceedings may be taken against a <i>BSB regulated person</i> or <i>unregistered barrister</i> if the <i>Bar Standards Board</i> believes there has been a breach by that</p>
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	<p>person of the Conduct Rules set out as applying to them in Part 2 of this <i>Handbook</i> and that it would be in accordance with the <i>Enforcement policy</i> to take such action. However, the Conduct Rules are not intended to be exhaustive. In any situation where no specific Rule applies, reference should be made to the Core Duties. In situations where specific Rules do apply, it is still necessary to consider the Core Duties, since compliance with the Rules alone will not necessarily be sufficient to comply with the Core Duties;</p> <p><b>.b</b> the Rules contained within “Scope of Practice Rules” set out the requirements for authorisation and the scope of practice for different kinds of <i>BSB authorised person</i> and include some rules relevant to <i>unregistered barristers</i>. These rules are mandatory;</p> <p><b>.c</b> the rest of Part 3 and Part 4 set out the requirements which must be met by a <i>person</i> before they may undertake a specific role within those regulated by the <i>Bar Standards Board</i>. If a person fails</p>	<p>person of the Conduct Rules set out as applying to them in Part 2 of this <i>Handbook</i> and that it would be in accordance with the <i>Enforcement <del>policy</del> Strategy</i> to take such action. However, the Conduct Rules are not intended to be exhaustive. In any situation where no specific Rule applies, reference should be made to the Core Duties. In situations where specific Rules do apply, it is still necessary to consider the Core Duties, since compliance with the Rules alone will not necessarily be sufficient to comply with the Core Duties;</p> <p><b>.b</b> the Rules contained within “Scope of Practice Rules” set out the requirements for authorisation and the scope of practice for different kinds of <i>BSB authorised person</i> and include some rules relevant to <i>unregistered barristers</i>. These rules are mandatory;</p> <p><b>.c</b> the rest of Part 3 and Part 4 set out the requirements which must be met by a <i>person</i> before they may undertake a specific role within those regulated by the <i>Bar Standards Board</i>. If a person fails</p>
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	<p>to meet those requirements, they will not be permitted to undertake that role by the <i>Bar Standards Board</i>. Where requirements are continuing and a <i>BSB regulated person</i> or unregistered barrister fails to meet such requirements which are relevant to that <i>BSB regulated person</i> or unregistered barrister, the <i>Bar Standards Board</i> may take steps in accordance with Part 3 or Part 5 to have that <i>BSB regulated person</i> or unregistered barrister prevented from continuing within that role.</p> <p><b>.4</b> Guidance –</p> <p><b>.a</b> Guidance serves a number of purposes:</p> <p><b>.i</b> to assist in the interpretation and application of the Core Duties or Rules to which such Guidance relates.</p> <p><b>.ii</b> to provide examples of the types of conduct or behaviour that the Rules are intended to encourage</p>	<p>to meet those requirements, they will not be permitted to undertake that role by the <i>Bar Standards Board</i>. Where requirements are continuing and a <i>BSB regulated person</i> or unregistered barrister fails to meet such requirements which are relevant to that <i>BSB regulated person</i> or unregistered barrister, the <i>Bar Standards Board</i> may take steps in accordance with Part 3 or Part 5 to have that <i>BSB regulated person</i> or unregistered barrister prevented from continuing within that role.</p> <p><b>.4</b> Guidance –</p> <p><b>.a</b> Guidance serves a number of purposes:</p> <p><b>.i</b> to assist in the interpretation and application of the Core Duties or Rules to which such Guidance relates.</p> <p><b>.ii</b> to provide examples of the types of conduct or behaviour that the Rules are intended to encourage</p>
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	<p>or which would likely indicate compliance with the relevant Rule or, conversely, which may constitute non-compliance with the Rule to which such Guidance relates.</p> <p><b>.iii</b> to explain how the Rule applies to a particular type of <i>BSB regulated person</i> or <i>unregistered barrister</i> and how that particular person could comply with that Rule.</p> <p><b>.iv</b> to act as a signpost to other rules or to guidance on the <i>Bar Standard's Board</i> website or elsewhere which may be relevant when considering the scope of the Rule.</p> <p><b>.v</b> in Part 3, to give further information about the process of applying for authorisation and about how the <i>Bar Standards Board</i> intends to exercise its discretionary powers in</p>	<p>or which would likely indicate compliance with the relevant Rule or, conversely, which may constitute non-compliance with the Rule to which such Guidance relates.</p> <p><b>.iii</b> to explain how the Rule applies to a particular type of <i>BSB regulated person</i> or <i>unregistered barrister</i> and how that particular person could comply with that Rule.</p> <p><b>.iv</b> to act as a signpost to other rules or to guidance on the <i>Bar Standard's Board</i> website or elsewhere which may be relevant when considering the scope of the Rule.</p> <p><b>.v</b> in Part 3, to give further information about the process of applying for authorisation and about how the <i>Bar Standards Board</i> intends to exercise its discretionary powers in</p>
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	<p style="text-align: center;">relation to the authorisation of entities.</p> <p><b>.b</b> The Guidance set out in this Handbook is not the only guidance which is relevant to <i>BSB regulated persons</i> and <i>unregistered barristers</i>. In addition to the Guidance, the <i>Bar Standards Board</i> has published and will publish from time to time various guidance on its website which supplements this <i>Handbook</i>, including (but not limited to):</p> <p><b>.i</b> the Bar Qualification Manual; and</p> <p><b>.ii</b> the BSB’s Supporting Information on the BSB Handbook Equality Rules.</p> <p><b>.c</b> In carrying out their obligations or meeting the requirements of this <i>Handbook</i>, <i>BSB regulated persons</i> and <i>unregistered barristers</i> must have regard to any relevant guidance issued by the <i>Bar Standards Board</i> which will be taken into account by the <i>Bar Standards Board</i> if there is an</p>	<p style="text-align: center;">relation to the authorisation of entities.</p> <p><b>.b</b> The Guidance set out in this Handbook is not the only guidance which is relevant to <i>BSB regulated persons</i> and <i>unregistered barristers</i>. In addition to the Guidance, the <i>Bar Standards Board</i> has published and will publish from time to time various guidance on its website which supplements this <i>Handbook</i>, including (but not limited to):</p> <p><b>.i</b> the Bar Qualification Manual; and</p> <p><b>.ii</b> the BSB’s Supporting Information on the BSB Handbook Equality Rules.</p> <p><b>.c</b> In carrying out their obligations or meeting the requirements of this <i>Handbook</i>, <i>BSB regulated persons</i> and <i>unregistered barristers</i> must have regard to any relevant guidance issued by the <i>Bar Standards Board</i> which will be taken into account by the <i>Bar Standards Board</i> if there is an</p>
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	<p>alleged breach of or otherwise non-compliance with of the obligations imposed on a <i>BSB regulated person</i> or <i>unregistered barrister</i> under this <i>Handbook</i>. Failure to comply with the guidance will not of itself be proof of such breach or non-compliance but the <i>BSB regulated person</i> or <i>unregistered barrister</i> will need to be able to show how the obligation has been met notwithstanding the departure from the relevant guidance.</p> <p><b>.5</b> Regulations – Part 5 of this <i>Handbook</i> sets out the regulations which bind the <i>Bar Standards Board</i> when it considers alleged breaches of the <i>Handbook</i> and subsequent enforcement action. These Regulations also bind the various Tribunals and panels referred to in that Part and all persons who are subject to the enforcement process. When considering enforcement action under Part 5, the <i>Bar Standards Board’s</i> response to any alleged breach of or non-compliance with the Core Duties or the Rules will be informed by the impact of the alleged breach or non-compliance on the achievement of the relevant Outcomes, as well by as its own <i>Supervision and Enforcement Policies</i> and any other policies published from time</p>	<p>alleged breach of or otherwise non-compliance with of the obligations imposed on a <i>BSB regulated person</i> or <i>unregistered barrister</i> under this <i>Handbook</i>. Failure to comply with the guidance will not of itself be proof of such breach or non-compliance but the <i>BSB regulated person</i> or <i>unregistered barrister</i> will need to be able to show how the obligation has been met notwithstanding the departure from the relevant guidance.</p> <p><b>.5</b> Regulations – Part 5 of this <i>Handbook</i> sets out the regulations which bind the <i>Bar Standards Board</i> when it considers alleged breaches of the <i>Handbook</i> and subsequent enforcement action. These Regulations also bind the various Tribunals and panels referred to in that Part and all persons who are subject to the enforcement process. When considering enforcement action under Part 5, the <i>Bar Standards Board’s</i> response to any alleged breach of or non-compliance with the Core Duties or the Rules will be informed by the impact of the alleged breach or non-compliance on the achievement of the relevant Outcomes, as well by as its own <i>Supervision and Enforcement Policies Strategies</i> and any other policies</p>
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	to time which the <i>Bar Standards Board</i> regards as relevant (taking into account the nature of the alleged breach or non-compliance).	published from time to time which the <i>Bar Standards Board</i> regards as relevant (taking into account the nature of the alleged breach or non-compliance).
<b>rl7.9</b>	<p>Subject to paragraphs <b>Error! Reference source not found.</b> to <b>Error! Reference source not found.</b> below, this <i>Handbook</i> applies to the following categories of person:</p> <p>.1 all <i>barristers</i>, that is to say:</p> <p>.a barristers who hold a practising certificate in accordance with Section 3.C ("<i>practising barristers</i>");</p> <p>.b barristers who are undertaking <i>pupillage</i>, or a part thereof and who are registered with the <i>Bar Standards Board</i> as a <i>pupil</i> ("<i>pupils</i>"); and</p> <p>.c all <i>unregistered barristers</i>;</p> <p>.2 European lawyers registered as such by the <i>Bar Council</i> and by an <i>Inn</i> in accordance with Section 3.D but only in connection with professional work</p>	<p>Subject to paragraphs <b>Error! Reference source not found.</b> to <b>Error! Reference source not found.</b> below, this <i>Handbook</i> applies to the following categories of person:</p> <p>.1 all <i>barristers</i>, that is to say:</p> <p>.a barristers who hold a practising certificate in accordance with Section 3.C ("<i>practising barristers</i>");</p> <p>.b barristers who are undertaking <i>pupillage</i>, or a part thereof and who are registered with the <i>Bar Standards Board</i> as a <i>pupil</i> ("<i>pupils</i>"); and</p> <p>.c all <i>unregistered barristers</i>;</p> <p>.2 European lawyers registered as such by the <i>Bar Council</i> and by an <i>Inn</i> in accordance with Section 3.D but only in connection with professional work</p>

	<p>undertaken by them in England and Wales ("<i>registered European lawyers</i>");</p> <p><b>.3</b> bodies which have been authorised <b>or licensed</b> by the <i>Bar Standards Board</i> in accordance with Section 3.E of this Handbook ("<i>BSB entities</i>");</p> <p><b>.4</b> individuals who are authorised to provide <i>reserved legal activities</i> by another <i>Approved Regulator</i> where such individuals are employed by a <i>BSB authorised person</i> ("<i>authorised (non-BSB) individuals</i>");</p> <p><b>.5</b> all managers of <i>BSB entities</i>;</p> <p><b>.6</b> to the extent that this <i>Handbook</i> is expressed to apply to them in their capacity as such, owners of a <i>BSB entity</i>;</p> <p><b>.7</b> solely as regards provisions in this <i>Handbook</i> relating to disqualification from performing a <i>relevant activity</i> or <i>relevant activities</i> and not otherwise, any <i>non-authorised individuals</i> who are employed by a <i>BSB authorised person</i>; and</p>	<p>undertaken by them in England and Wales ("<i>registered European lawyers</i>");</p> <p><b>.3</b> bodies which have been authorised <b>or licensed</b> by the <i>Bar Standards Board</i> in accordance with Section 3.E of this Handbook ("<i>BSB entities</i>");</p> <p><b>.4</b> individuals who are authorised to provide <i>reserved legal activities</i> by another <i>Approved Regulator</i> where such individuals are employed by a <i>BSB authorised person</i> ("<i>authorised (non-BSB) individuals</i>");</p> <p><b>.5</b> all managers of <i>BSB entities</i>;</p> <p><b>.6</b> to the extent that this <i>Handbook</i> is expressed to apply to them in their capacity as such, owners of a <i>BSB entity</i>;</p> <p><b>.7</b> solely as regards provisions in this <i>Handbook</i> relating to disqualification from performing a <i>relevant activity</i> or <i>relevant activities</i> and not otherwise, any <i>non-authorised individuals</i> who are employed by a <i>BSB authorised person</i>; and</p>
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	<p><b>.8</b> solely as regards Section 4.B of the <i>Handbook</i>, individuals who wish to be called to the Bar and to become qualified to practise as a barrister and authorised education and training organisations.</p> <p><b>.9</b> and persons within paragraphs r11.1 to 7 (with the exception of pupils without a provisional practising certificate, unregistered barristers and owners) are referred to as "<i>BSB regulated persons</i>" throughout this <i>Handbook</i>. For the purposes of Part 5 of the Handbook these persons (and those who are no longer <i>BSB regulated persons</i> or <i>unregistered barristers</i> but who were at the time when any conduct was complained of) are referred to as "<i>applicable persons</i>". For the avoidance of doubt, the Handbook continues to apply to those who are subject to suspension.</p>	<p><b>.8</b> solely as regards Section 4.B of the <i>Handbook</i>, individuals who wish to be called to the Bar and to become qualified to practise as a barrister and authorised education and training organisations.</p> <p><b>.9</b> and persons within paragraphs r11.1 to 7 (with the exception of pupils without a provisional practising certificate, unregistered barristers and owners) are referred to as "<i>BSB regulated persons</i>" throughout this <i>Handbook</i>. For the purposes of Part 5 of the Handbook these persons (and those who are no longer <i>BSB regulated persons</i> or <i>unregistered barristers</i> but who were at the time when any conduct was complained of <u>or reported</u>) are referred to as "<i>applicable persons</i>". For the avoidance of doubt, the Handbook continues to apply to those who are subject to suspension.</p>
<p><b>r114</b></p>	<p>Where:</p> <p><b>.1</b> a matter is being dealt with under The Disciplinary Tribunal Regulations 2014 as at 1 November 2017; or Annex J (The Complaints Rules 2011), Annex K (The Disciplinary Tribunals Regulations (2009) (Reissued 1 February 2012)), Annex M (Hearings before the Visitors Rules), Annex N (Interim Suspension Rules) or</p>	<p>Where:</p> <p><b>.1</b> a matter is being dealt with under <u>the Complaints Regulations prior to 15 October 2019; or t</u>The Disciplinary Tribunal Regulations 2014 <u>as at</u> prior to 1 November 2017; or Annex J (The Complaints Rules 2011), Annex K (The Disciplinary Tribunals Regulations (2009) (Reissued 1 February 2012)), Annex M (Hearings before the Visitors Rules),</p>

	<p>Annex O (Fitness to Practise Rules) as at 6 January 2014; or</p> <p>.2 anything done or omitted to be done or otherwise arising before 6 January 2014 required referral for consideration in accordance with any of the above Annexes,</p> <p>then Part 5 of this <i>Handbook</i> shall apply to all such cases and any step taken pursuant to the Annexes then applying (if any) shall be regarded, unless otherwise decided, as having been taken pursuant to the equivalent provisions of Part 5 of this <i>Handbook</i>, save that no fine in excess of £15,000 may be imposed by a <i>Disciplinary Tribunal</i> in respect of conduct before 6 January 2014 and no financial <i>administrative sanction</i> in excess of £300 may be imposed by the <i>PCC</i> in respect of conduct before 6 January 2014.</p>	<p>Annex N (Interim Suspension Rules) or Annex O (Fitness to Practise Rules) <del>as at</del><u>prior to</u> 6 January 2014; <u>and that matter has not concluded or been disposed of;</u> or</p> <p>.2 anything done or omitted to be done or otherwise arising before 6 January 2014 required referral for consideration in accordance with any of the above Annexes,</p> <p>then Part 5 of this <i>Handbook</i> shall apply to all such cases and any step taken pursuant to the Annexes then applying (if any) shall be regarded, unless otherwise decided, as having been taken pursuant to the equivalent provisions of Part 5 of this <i>Handbook</i>, save that no fine in excess of £15,000 may be imposed by a <i>Disciplinary Tribunal</i> in respect of conduct before 6 January 2014 and no financial <i>administrative sanction</i> in excess of £300 may be imposed by the <u>Commissioner or an Independent Decision-Making Panel</u>.<del>PCC</del> in respect of conduct before 6 January 2014.</p>
<p><b>gC81</b></p>	<p>Disputes about costs are one of the most frequent complaints. The provision of clear information before work starts is the best way of avoiding such complaints. <i>The Legal Ombudsman</i> has produced a useful guide "An Ombudsman's view of good costs service" which can be found on its website.</p>	<p>Disputes about costs are one of the most frequent <u>complaints</u>. The provision of clear information before work starts is the best way of avoiding such <u>complaints</u>. <i>The Legal Ombudsman</i> has produced a useful guide "An Ombudsman's view of good costs service" which can be found on its website.</p>

<p><b>rC64.2</b></p>	<p>You must:</p> <ul style="list-style-type: none"> <li>.1 promptly provide all such information to the <i>Bar Standards Board</i> as it may, for the purpose of its regulatory functions, from time to time require of you, and notify it of any material changes to that information;</li> <li>.2 comply in due time with any decision or sentence imposed by the <i>Bar Standards Board</i>, a <i>Disciplinary Tribunal</i>, the High Court, the <i>First Tier Tribunal</i> an <i>interim panel</i>, a <i>review panel</i>, an <i>appeal panel</i> or a <i>Fitness to Practise Panel</i>;</li> <li>.3 if you are a <i>BSB entity</i> or an <i>owner</i> or <i>manager</i> of a <i>BSB entity</i> and the conditions outlined in rS113.5 apply, give the <i>Bar Standards Board</i> whatever co-operation is necessary;</li> <li>.4 comply with any notice sent by the <i>Bar Standards Board</i> or its agent; and</li> <li>.5 register within 28 days if you undertake work in the Youth Court if you did not register when applying for a practising certificate.</li> </ul>	<p>You must:</p> <ul style="list-style-type: none"> <li>.1 promptly provide all such information to the <i>Bar Standards Board</i> as it may, for the purpose of its regulatory functions, from time to time require of you, and notify it of any material changes to that information;</li> <li>.2 comply in due time with any decision or sentence imposed by the <i>Bar Standards Board</i>, a <i>Disciplinary Tribunal</i>, the High Court, the <i>First Tier Tribunal</i> an <i>interim panel</i>, a <i>review panel</i>, an <i>appeal panel</i>, <u>an <i>Independent Decision-Making Panel</i></u> or a <i>Fitness to Practise Panel</i>;</li> <li>.3 if you are a <i>BSB entity</i> or an <i>owner</i> or <i>manager</i> of a <i>BSB entity</i> and the conditions outlined in rS113.5 apply, give the <i>Bar Standards Board</i> whatever co-operation is necessary;</li> <li>.4 comply with any notice sent by the <i>Bar Standards Board</i> or its agent; and</li> <li>.5 register within 28 days if you undertake work in the Youth Court if you did not register when applying for a practising certificate.</li> </ul>
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<p><b>rC144.1.c</b></p>	<p>If you are an <i>unregistered barrister</i> and you supply <i>legal services</i> (other than as provided for in Rule <b>Error! Reference source not found.</b>) to any inexperienced <i>client</i> then, before supplying such services:</p> <p>.1 you must explain to the <i>client</i> that:</p> <p>.a (unless you are supplying <i>legal services</i> pursuant to Rule S12) you are not acting as a <i>barrister</i>;</p> <p>.b you are not subject to those parts of the Code of Conduct and other provisions of this <i>Handbook</i> which apply only to <i>BSB authorised persons</i>;</p> <p>.c the <i>Bar Standards Board</i> will only consider <i>complaints</i> about you which concern the Core Duties or those parts of the Code of Conduct and other provisions of this <i>Handbook</i> which apply to you;</p> <p>.d (unless you are covered by professional indemnity insurance) you are not covered by professional indemnity insurance;</p>	<p>If you are an <i>unregistered barrister</i> and you supply <i>legal services</i> (other than as provided for in Rule <b>Error! Reference source not found.</b>) to any inexperienced <i>client</i> then, before supplying such services:</p> <p>.1 you must explain to the <i>client</i> that:</p> <p>.a (unless you are supplying <i>legal services</i> pursuant to Rule S12) you are not acting as a <i>barrister</i>;</p> <p>.b you are not subject to those parts of the Code of Conduct and other provisions of this <i>Handbook</i> which apply only to <i>BSB authorised persons</i>;</p> <p>.c the <i>Bar Standards Board</i> will only consider <del><i>complaints</i></del> <i>reports</i> about you which concern the Core Duties or those parts of the Code of Conduct and other provisions of this <i>Handbook</i> which apply to you;</p> <p>.d (unless you are covered by professional indemnity insurance) you are not covered by professional indemnity insurance;</p>
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	<p>.e they have the right to make a <i>complaint</i>, how they can complain, to whom, of any time limits for making a <i>complaint</i> but that they have no right to complain to the <i>Legal Ombudsman</i> about the services you supply; and</p> <p>.f in respect of any legal advice you provide, there is a substantial risk that they will not be able to rely on legal professional privilege.</p> <p>.2 you must get written confirmation from the <i>client</i> that you have given this explanation.</p> <p>For the purposes of this Rule 0, an inexperienced <i>client</i> includes any individual or other person who would, if you were a <i>BSB authorised person</i>, have a right to bring a <i>complaint</i> pursuant to the Legal Ombudsman Scheme Rules.</p>	<p>.e they have the right to make a <i>complaint</i>, how they can complain, to whom, of any time limits for making a <i>complaint</i> but that they have no right to complain to the <i>Legal Ombudsman</i> about the services you supply; and</p> <p>.f in respect of any legal advice you provide, there is a substantial risk that they will not be able to rely on legal professional privilege.</p> <p>.2 you must get written confirmation from the <i>client</i> that you have given this explanation.</p> <p>For the purposes of this Rule 0, an inexperienced <i>client</i> includes any individual or other person who would, if you were a <i>BSB authorised person</i>, have a right to bring a <i>complaint</i> pursuant to the Legal Ombudsman Scheme Rules.</p>
<p><b>rQ38</b></p>	<p>Where provision is made under this Section for a review of a decision by the <i>BSB</i>, this review may be delegated to an <i>Authorisation Review Panel</i>, where specified by the <i>BSB</i>.</p>	<p>Where provision is made under this Section for a review of a decision by the <i>BSB</i>, this review may be delegated to an <del><i>Authorisation Review Panel</i></del> <i>Independent Decision-Making Panel</i>, where specified by the <i>BSB</i>.</p>



<p><b>rE67-rE100A</b></p>	<p>The Enforcement Decision Regulations will be replacing the Complaints Regulations. The Complaints Regulations are numbered from rE1 to rE100A inclusive. The Enforcement Decision Regulations are significantly shorter and finish at rE66. rE67 to rE100A will be stated as “Removed” in the BSB Handbook to avoid issues with numbering.</p>	<p>The Enforcement Decision Regulations will be replacing the Complaints Regulations. The Complaints Regulations are numbered from rE1 to rE100A inclusive. The Enforcement Decision Regulations are significantly shorter and finish at rE66. rE67 to rE100A will be stated as “Removed” in the BSB Handbook to avoid issues with numbering.</p>
<p><b>rE101</b></p>	<p>These Regulations will apply following the referral of a matter by the PCC to a <i>Disciplinary Tribunal</i>, in accordance with Part 5 Section A.</p>	<p>These Regulations will apply following the referral of <del>a</del><u>an</u> <del>matter by</del><u>allegation by</u> the <del>PCC</del><u>PCG</u> <del>Commissioner or an</del><u>Commissioner or an</u> <del>Independent Decision-Making Panel</del><u>Independent Decision-Making Panel</u> to a <i>Disciplinary Tribunal</i>, in accordance with Part 5 Section A.</p>
<p><b>rE102.1</b></p>	<p>The Bar Standards Board must ensure that a copy of the charge(s) and/or application(s):</p> <ul style="list-style-type: none"> <li>.1 is served on the relevant <i>respondent(s)</i>, together with a copy of these Regulations not later than ten weeks (or five weeks if the PCC has directed that the prosecution of the charges be expedited) after the date on which the PCC decides to refer the matter to a <i>Disciplinary Tribunal</i>; and</li> <li>.2 at the same time, ensure that copies of the charge(s) and/or application(s) are sent to <i>BTAS</i>.</li> </ul>	<p>The Bar Standards Board must ensure that a copy of the charge(s) and/or application(s):</p> <ul style="list-style-type: none"> <li>.1 is served on the relevant <i>respondent(s)</i>, together with a copy of these Regulations not later than ten weeks (<del>or five weeks if the PCC has directed that the prosecution of the charges be expedited</del>) after the date on which the <del>PCC</del><u>Commissioner or an Independent Decision-Making Panel</u> <del>PCG</del> decides to refer the matter to a <i>Disciplinary Tribunal</i>; and</li> <li>.2 at the same time, ensure that copies of the charge(s) and/or application(s) are sent to <i>BTAS</i>.</li> </ul>
<p><b>rE138</b></p>	<p>No person who has been engaged in the investigation of a complaint or application against a <i>respondent</i> in</p>	<p>No person who has been engaged in the investigation of <u>an</u> <del>complaint</del><u>allegation</u>, or application against a</p>

	<p>accordance with the relevant procedure or otherwise shall act as Clerk of proceedings under these Regulations arising out of that complaint or application.</p>	<p><i>respondent</i> in accordance with the relevant procedure or otherwise shall act as Clerk of proceedings under these Regulations arising out of that <del>complaint</del> <u>allegation</u> or application.</p>
<b>rE144</b>	<p>A <i>person</i> must not be nominated to serve on a <i>Disciplinary Tribunal</i> if they:</p> <ul style="list-style-type: none"> <li>.1 are a member of the <i>Bar Council</i> or of any of its committees; or</li> <li>.2 are a member of the <i>Bar Standards Board</i> or of any of its committees; or</li> <li>.3 was a member of the <i>Bar Standards Board</i> or of any of its committees at any time when the matter was being considered by the <i>Bar Standards Board</i>.</li> </ul>	<p>A <i>person</i> must not be nominated to serve on a <i>Disciplinary Tribunal</i> if they:</p> <ul style="list-style-type: none"> <li>.1 are a member of the <i>Bar Council</i> or of any of its committees <u>or the <i>Independent Decision-Making Body</i></u>; or</li> <li>.2 are a member of the <i>Bar Standards Board</i> or of any of its committees <u>or the <i>Independent Decision-Making Body</i></u>; or</li> <li>.3 <del>was</del> <u>were</u> a member of the <i>Bar Standards Board</i> or of any of its committees <u>or the <i>Independent Decision-Making Body</i></u> at any time when the matter was being considered by the <i>Bar Standards Board</i>.</li> </ul>
<b>rE167</b>	<p>Any party may refer to the fact (if relevant) that the <i>determination by consent procedure</i> was used before the complaint was referred as a charge before a <i>Disciplinary Tribunal</i>. However, no reference may be made to the substance of the procedure (including, without limitation, any reference to the contents of any report produced in the course of such procedure, or to the circumstances in which the determination by consent procedure ended),</p>	<p>Any party may refer to the fact (if relevant) that the <i>determination by consent procedure</i> was used before the <del>complaint</del> <u>allegation</u> was referred as a charge before a <i>Disciplinary Tribunal</i>. However, no reference may be made to the substance of the procedure (including, without limitation, any reference to the contents of any report produced in the course of such procedure, or to the circumstances in which the determination by consent</p>

	<p>unless and until the <i>respondent</i> refers to the substance of the procedure in the course of presenting their case, or when they are being sanctioned.</p>	<p>procedure ended), unless and until the <i>respondent</i> refers to the substance of the procedure in the course of presenting their case, or when they are being sanctioned.</p>
<b>rE209</b>	<p>In any case where a charge of <i>professional misconduct</i> has not been found proved, the <i>Disciplinary Tribunal</i> may direct that the matter(s) be referred to the <i>Bar Standards Board</i> for it to consider whether an <i>administrative sanction</i> should be imposed in accordance with the provisions of rE37.3 of the <i>Complaints Regulations</i>, where:</p> <p style="padding-left: 40px;">.1 The <i>Disciplinary Tribunal</i> is satisfied there is sufficient evidence on the balance of probabilities of a breach of the <i>Handbook</i> by the <i>respondent</i>; and</p> <p style="padding-left: 40px;">.2 The <i>Disciplinary Tribunal</i> considers that such referral to the <i>Bar Standards Board</i> is proportionate and in the public interest</p>	<p>In any case where a charge of <i>professional misconduct</i> has not been found proved, the <i>Disciplinary Tribunal</i> may direct that the matter(s) be referred to the <i>Bar Standards Board</i> for it to consider whether an <i>administrative sanction</i> should be imposed in accordance with the provisions of <del>rE37.3</del>rE19.3 or rE22.3 of the <del>Complaints Regulations</del><u>Enforcement Decision Regulations</u>, where:</p> <p style="padding-left: 40px;">.1 The <i>Disciplinary Tribunal</i> is satisfied there is sufficient evidence on the balance of probabilities of a breach of the <i>Handbook</i> by the <i>respondent</i>; and</p> <p style="padding-left: 40px;">.2 The <i>Disciplinary Tribunal</i> considers that such referral to the <i>Bar Standards Board</i> is proportionate and in the public interest</p>
<b>rE218</b>	<p>Whether or not a <i>Disciplinary Tribunal</i> finds any charge or application proved against a <i>barrister</i> who is a <i>pupil supervisor</i>, if the <i>Disciplinary Tribunal</i> considers that the circumstances of the <i>complaint</i> are relevant to the <i>respondent</i> in their capacity as a <i>pupil supervisor</i>, it may notify the <i>respondent's AETO</i> and/or the <i>BSB</i> of those concerns in such manner as it sees fit.</p>	<p>Whether or not a <i>Disciplinary Tribunal</i> finds any charge or application proved against a <i>barrister</i> who is a <i>pupil supervisor</i>, if the <i>Disciplinary Tribunal</i> considers that the circumstances of the <del>complaint</del><u>allegation</u> are relevant to the <i>respondent</i> in their capacity as a <i>pupil supervisor</i>, it may notify the <i>respondent's AETO</i> and/or the <i>BSB</i> of those concerns in such manner as it sees fit.</p>

<p><b>rE236</b></p>	<p>In cases where one or more charges of <i>professional misconduct</i> have been proved, and/or a <i>disqualification order</i> has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules:</p> <p>.1 by the <i>respondent</i> against finding and/or sanction;</p> <p>.2 with the consent of the Chair of the <i>Bar Standards Board</i> or the Chair of the <i>PCC</i>, by the <i>Bar Standards Board</i> against sanction.</p>	<p>In cases where one or more charges of <i>professional misconduct</i> have been proved, and/or a <i>disqualification order</i> has been made, an appeal may be lodged with the High Court in accordance with the Civil Procedure Rules:</p> <p>.1 by the <i>respondent</i> against finding and/or sanction;</p> <p>.2 with the consent of the <del>Chair of the Bar Standards Board</del> or the <del>Chair of the PCC</del> Commissioner, by the <i>Bar Standards Board</i> against sanction.</p>
<p><b>rE237</b></p>	<p>In any case where any charge of <i>professional misconduct</i> or application to <i>disqualify</i> has been dismissed, the <i>Bar Standards Board</i> may (with the consent of the Chair of the <i>Bar Standards Board</i> or of the Chair of the <i>PCC</i>) lodge an appeal with the High Court in accordance with the Civil Procedure Rules.</p>	<p>In any case where any charge of <i>professional misconduct</i> or application to <i>disqualify</i> has been dismissed, the <i>Bar Standards Board</i> may (with the consent of the <del>Commissioner</del> <del>Chair of the Bar Standards Board</del> or of the <del>Chair of the PCC</del>) lodge an appeal with the High Court in accordance with the Civil Procedure Rules.</p>
<p><b>rE263</b></p>	<p>In addition to the above, this Section 5.C sets out the basis upon which the <i>PCC</i> may impose an immediate interim <i>suspension</i> or <i>disqualification</i> on any <i>applicable person</i> subject to the criteria outlined at 0 to 0 below, and pending consideration by an <i>interim panel</i> in accordance with this Section 5.C.</p>	<p>In addition to the above, this Section 5.C sets out the basis upon which the <del>Chair of the Independent Decision-Making Body</del> <i>PCC</i> may impose an immediate interim <i>suspension</i> or <i>disqualification</i> on any <i>applicable person</i> subject to the criteria outlined at 0 to 0 below, and pending consideration by an <i>interim panel</i> in accordance with this Section 5.C.</p>
<p><b>rE264</b></p>	<p>Anything required by this Section 5.C to be done or any discretion required to be exercised by, and any notice</p>	<p>Anything required by this Section 5.C to be done or any discretion required to be exercised by, and any notice</p>

	<p>required to be given to, the <i>President</i> or the <i>PCC</i>, may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the <i>PCC</i> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).</p>	<p>required to be given to, the <i>President</i> or the <u>Chair of the Independent Decision-Making Body and Commissioner</u><del>PCC</del>, may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the <u>Chair of the Independent Decision-Making Body and Commissioner</u><del>PCC</del> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).</p>
<p><b>rE268</b></p>	<p>On receipt of a <i>complaint</i> or any other information, the <i>PCC</i> may refer a <i>respondent</i> to an <i>interim panel</i> if:</p> <ul style="list-style-type: none"> <li>.1 subject to 0: <ul style="list-style-type: none"> <li>.a the <i>respondent</i> has been convicted of, or charged with, a <i>criminal offence</i> in any jurisdiction other than a <i>minor criminal offence</i>; or</li> <li>.b the <i>respondent</i> has been convicted by another <i>Approved Regulator</i>, for which they have been sentenced to a period of suspension or termination of the right to practise; or</li> </ul> </li> </ul>	<p>On receipt of a <del>complaint</del><u>referral</u> or any other information, the <del>PCC</del><u>Commissioner</u> may refer a <i>respondent</i> to an <i>interim panel</i> if:</p> <ul style="list-style-type: none"> <li>.1 subject to 0: <ul style="list-style-type: none"> <li>.a the <i>respondent</i> has been convicted of, or charged with, a <i>criminal offence</i> in any jurisdiction other than a <i>minor criminal offence</i>; or</li> <li>.b the <i>respondent</i> has been convicted by another <i>Approved Regulator</i>, for which they have been sentenced to a period of suspension or termination of the right to practise; or</li> </ul> </li> </ul>

	<p><b>.c</b> the <i>respondent</i> has been intervened into by the <i>Bar Standards Board</i>; or</p> <p><b>.d</b> removed;</p> <p><b>.e</b> the referral is necessary to protect the interests of <i>clients</i> (or former or potential <i>clients</i>); and</p> <p><b>.2</b> the <i>PCC</i> decides having regard to the <i>regulatory objectives</i> that pursuing an interim <i>suspension</i> or an interim <i>disqualification order</i> is appropriate in all the circumstances.</p>	<p><b>.c</b> the <i>respondent</i> has been intervened into by the <i>Bar Standards Board</i>; or</p> <p><b>.d</b> removed;</p> <p><b>.e</b> the referral is necessary to protect the interests of <i>clients</i> (or former or potential <i>clients</i>); and</p> <p><b>.2</b> the <i>PCC-Commissioner</i> decides having regard to the <i>regulatory objectives</i> that pursuing an interim <i>suspension</i> or an interim <i>disqualification order</i> is appropriate in all the circumstances.</p>
<b>rE269</b>	No matter shall be referred to an <i>interim panel</i> on any of the grounds of referral set out in rE262.1.a to rE262.1.b unless the <i>PCC</i> considers that, whether singly or collectively, the relevant grounds of referral would warrant, in the case of a <i>BSB authorised person</i> , a charge of <i>professional misconduct</i> and referral to a <i>Disciplinary Tribunal</i> , or, in the case of a <i>applicable person</i> , an application to a <i>Disciplinary Tribunal</i> for <i>disqualification</i> (in each case such referral or application to be made in accordance with Section 5.B).	No matter shall be referred to an <i>interim panel</i> on any of the grounds of referral set out in rE262.1.a to rE262.1.b unless the <i>PCC-Commissioner</i> considers that, whether singly or collectively, the relevant grounds of referral would warrant, in the case of a <i>BSB authorised person</i> , a charge of <i>professional misconduct</i> and referral to a <i>Disciplinary Tribunal</i> , or, in the case of a <i>applicable person</i> , an application to a <i>Disciplinary Tribunal</i> for <i>disqualification</i> (in each case such referral or application to be made in accordance with Section 5.B).
<b>rE270</b>	If the <i>PCC</i> refers a <i>respondent</i> to an <i>interim panel</i> under 0, the <i>PCC</i> (or the Chair on its behalf) shall go on to consider whether or not the <i>respondent</i> should be subject to an immediate interim <i>suspension</i> or	If the <i>PCC-Commissioner</i> refers a <i>respondent</i> to an <i>interim panel</i> under 0, the <i>PCC-Chair of the Independent Decision-Making Body</i> <del>(or the Chair on its behalf)</del> shall <del>go on to</del> consider whether or not the <i>respondent</i> should be

	<i>disqualification</i> under 0 pending disposal by the <i>interim panel</i> .	subject to an immediate interim <i>suspension</i> or <i>disqualification</i> under 0 pending disposal by the <i>interim panel</i> .
<b>rE271</b>	An immediate interim <i>suspension</i> or <i>disqualification</i> may only be imposed if the <i>PCC</i> is satisfied that such a course of action is justified having considered the risk posed to the <i>public</i> if such interim <i>suspension</i> or <i>disqualification</i> were not implemented and having regard to the <i>regulatory objectives</i> .	An immediate interim <i>suspension</i> or <i>disqualification</i> may only be imposed if the <u>Chair of the <i>PCC</i> <i>Independent Decision-Making Body</i></u> is satisfied that such a course of action is justified having considered the risk posed to the <i>public</i> if such interim <i>suspension</i> or <i>disqualification</i> were not implemented and having regard to the <i>regulatory objectives</i> .
<b>rE272</b>	Any immediate interim <i>suspension</i> or <i>disqualification</i> imposed by the <i>PCC</i> shall: <ul style="list-style-type: none"> <li>.1 take immediate effect;</li> <li>.2 be notified in writing by the <i>PCC</i> to the <i>respondent</i>;</li> <li>.3 remain in force until the earlier of: <ul style="list-style-type: none"> <li>.a such time as an <i>interim panel</i> has considered the matter; or</li> <li>.b the date falling four weeks after the date on which the immediate interim <i>suspension</i> or</li> </ul> </li> </ul>	Any immediate interim <i>suspension</i> or <i>disqualification</i> imposed by the <u>Chair of the <i>PCC</i> <i>Independent Decision-Making Body</i></u> shall: <ul style="list-style-type: none"> <li>.1 take immediate effect;</li> <li>.2 be notified in writing by the <i>PCC</i> <u>Commissioner</u> to the <i>respondent</i>;</li> <li>.3 remain in force until the earlier of: <ul style="list-style-type: none"> <li>.a such time as an <i>interim panel</i> has considered the matter; or</li> <li>.b the date falling four weeks after the date on which the immediate</li> </ul> </li> </ul>

	<p><i>disqualification</i> is originally imposed;</p> <p>.4 where relevant, result in the removal of the relevant <i>BSB authorised individual's practising certificate, litigation extension</i> and/or right to undertake public access work (as appropriate);</p> <p>.5 where relevant, result in the imposition of conditions on the relevant <i>BSB authorised person's</i> authorisation and/or licence (as appropriate)</p> <p>.6 be published on the <i>Bar Standards Board's</i> website; and</p> <p>.7 be annotated on the <i>Bar Standards Board's</i> register of <i>BSB authorised persons</i> which is to be maintained by the <i>Bar Standards Board</i> in accordance with rS60.2 ad rS129 or be included on the <i>Bar Standards Board's</i> register of individuals that are the subject of a <i>disqualification order</i> (as appropriate).</p>	<p>interim <i>suspension</i> or <i>disqualification</i> is originally imposed;</p> <p>.4 where relevant, result in the removal of the relevant <i>BSB authorised individual's practising certificate, litigation extension</i> and/or right to undertake public access work (as appropriate);</p> <p>.5 where relevant, result in the imposition of conditions on the relevant <i>BSB authorised person's</i> authorisation and/or licence (as appropriate)</p> <p>.6 be published on the <i>Bar Standards Board's</i> website; and</p> <p>.7 be annotated on the <i>Bar Standards Board's</i> register of <i>BSB authorised persons</i> which is to be maintained by the <i>Bar Standards Board</i> in accordance with rS60.2 ad rS129 or be included on the <i>Bar Standards Board's</i> register of individuals that are the subject of a <i>disqualification order</i> (as appropriate).</p>
<p><b>gE1</b></p>	<p>If an immediate interim <i>suspension</i> or <i>disqualification</i> has been imposed by the <i>PCC</i> it must be considered by an <i>interim panel</i> within four weeks of the date that that the immediate interim <i>suspension</i> or <i>disqualification</i> is originally imposed. If it is not considered by an <i>interim</i></p>	<p>If an immediate interim <i>suspension</i> or <i>disqualification</i> has been imposed by the <u>Chair of the Independent Decision-Making Body</u>-<i>PCC</i> it must be considered by an <i>interim panel</i> within four weeks of the date that that the immediate interim <i>suspension</i> or <i>disqualification</i> is</p>



	<p><i>panel</i> within that period, it shall automatically fall away and no further period of interim <i>suspension</i> or <i>disqualification</i> may be imposed on the <i>respondent</i> until the matter is considered by an <i>interim panel</i>.</p>	<p>originally imposed. If it is not considered by an <i>interim panel</i> within that period, it shall automatically fall away and no further period of interim <i>suspension</i> or <i>disqualification</i> may be imposed on the <i>respondent</i> until the matter is considered by an <i>interim panel</i>.</p>
<b>gE2</b>	<p>If, subsequent to the imposition of an immediate <i>suspension</i> or <i>disqualification</i> under 0, the <i>applicable person</i> agrees to provide to the <i>PCC</i> an undertaking in written terms in accordance with the provisions of rE262.4 below which is satisfactory to the <i>PCC</i> and which is subject to such conditions and for such period as the <i>PCC</i> may agree, the <i>PCC</i> may elect to remove or qualify the immediate interim <i>suspension</i> or <i>disqualification</i> pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i>. For the avoidance of doubt, in these circumstances the referral to the <i>interim panel</i> shall also be withdrawn in accordance with the provisions of 0 below.</p>	<p>If, subsequent to the imposition of an immediate <i>suspension</i> or <i>disqualification</i> under 0, the <i>applicable person</i> agrees to provide to the <u><i>PGC-Commissioner</i></u> an undertaking in written terms in accordance with the provisions of rE262.4 below which is satisfactory to the <u><i>PGC-Commissioner</i></u> and which is subject to such conditions and for such period as the <u><i>PGC-Commissioner</i></u> may agree, the <u><i>PGC-Commissioner</i></u> may elect to remove or qualify the immediate interim <i>suspension</i> or <i>disqualification</i> pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i>. For the avoidance of doubt, in these circumstances the referral to the <i>interim panel</i> shall also be withdrawn in accordance with the provisions of 0 below.</p>
<b>rE273</b>	<p>As soon as practicable after the <i>PCC</i> has made a decision to refer a <i>respondent</i> to an <i>interim panel</i>, the <i>Bar Standards Board</i> shall write to the <i>President</i> notifying them of the decision and informing them about whether or not an immediate interim <i>suspension</i> or <i>disqualification</i> has also been imposed on such <i>respondent</i>.</p>	<p>As soon as practicable after the <u><i>PGC-Commissioner</i></u> has made a decision to refer a <i>respondent</i> to an <i>interim panel</i>, the <i>Bar Standards Board</i> shall write to the <i>President</i> notifying them of the decision and informing them about whether or not an immediate interim <i>suspension</i> or <i>disqualification</i> has also been imposed on such <i>respondent</i>.</p>
<b>rE274.3</b>	<p>As soon as practicable after receipt of the notice referred to in 0, the <i>President</i> shall write to the <i>respondent</i></p>	<p>As soon as practicable after receipt of the notice referred to in 0, the <i>President</i> shall write to the <i>respondent</i></p>

	<p>notifying them of the decision, together with a copy of these <i>Enforcement Regulations</i>, and briefly setting out the details that have caused the referral to the <i>interim panel</i>. The letter of notification shall:</p> <ul style="list-style-type: none"> <li>.1 where relevant, inform the <i>respondent</i> that they are the subject of an immediate interim <i>suspension</i> or <i>disqualification</i> (as appropriate) together with a summary of the consequences of that decision;</li> <li>.2 lay down a fixed time and date (normally not less than 14 and not more than twenty-one days from the date of the letter) for the hearing to take place. One alternative shall be given;</li> <li>.3 invite the <i>respondent</i> to accept one or other of the dates proposed or to provide a written representation to the <i>President</i>, which should be copied to the Chair of the <i>PCC</i>, objecting to both dates with reasons and providing two further alternative dates which shall be not more than: <ul style="list-style-type: none"> <li>.a four weeks after the date of the imposition of the immediate interim <i>suspension</i> or <i>disqualification</i>, where relevant; or</li> </ul> </li> </ul>	<p>notifying them of the decision, together with a copy of these <i>Enforcement Regulations</i>, and briefly setting out the details that have caused the referral to the <i>interim panel</i>. The letter of notification shall:</p> <ul style="list-style-type: none"> <li>.1 where relevant, inform the <i>respondent</i> that they are the subject of an immediate interim <i>suspension</i> or <i>disqualification</i> (as appropriate) together with a summary of the consequences of that decision;</li> <li>.2 lay down a fixed time and date (normally not less than 14 and not more than twenty-one days from the date of the letter) for the hearing to take place. One alternative shall be given;</li> <li>.3 invite the <i>respondent</i> to accept one or other of the dates proposed or to provide a written representation to the <i>President</i>, which should be copied to the <del>Chair of the</del> <i>PGC Commissioner</i>, objecting to both dates with reasons and providing two further alternative dates which shall be not more than: <ul style="list-style-type: none"> <li>.a four weeks after the date of the imposition of the immediate interim <i>suspension</i> or <i>disqualification</i>, where relevant; or</li> </ul> </li> </ul>
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	<p><b>.b</b> in all other cases, twenty-one days from the date of the letter of notification;</p> <p>Any such representation must be received by the <i>President</i> not more than ten days from the date of the letter of notification. The <i>President</i> shall consider any such representation together with any representations from the Chair of the <i>PCC</i>, and either confirm one of the original dates or re-fix the hearing. If no such representation is received within ten days of the date of the letter of notification the hearing shall take place at the time and date first fixed pursuant to rE262.2 above. The <i>President's</i> decision, which shall be notified in writing to the <i>respondent</i> by the <i>President</i>, shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the <i>President</i>.</p> <p><b>.4</b> inform the <i>respondent</i> that they may by letter to the Chair of the <i>PCC</i> undertake, pending the disposal of any charge(s) or application(s) by a <i>Disciplinary Tribunal</i>.</p>	<p><b>.b</b> in all other cases, twenty-one days from the date of the letter of notification;</p> <p>Any such representation must be received by the <i>President</i> not more than ten days from the date of the letter of notification. The <i>President</i> shall consider any such representation together with any representations from the <del>Chair of the <i>PCC</i></del> <i>Commissioner</i>, and either confirm one of the original dates or re-fix the hearing. If no such representation is received within ten days of the date of the letter of notification the hearing shall take place at the time and date first fixed pursuant to rE262.2 above. The <i>President's</i> decision, which shall be notified in writing to the <i>respondent</i> by the <i>President</i>, shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the <i>President</i>.</p> <p><b>.4</b> inform the <i>respondent</i> that they may by letter to the <del>Chair of the <i>PCC</i></del> <i>Commissioner</i> undertake, pending the disposal of any charge(s) or application(s) by a <i>Disciplinary Tribunal</i>.</p>
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	<p><b>.a</b> to be immediately <i>suspended</i> or <i>disqualified</i> (in which case the consequences set out at rE262.4 to rE262.7 would apply);</p> <p><b>.b</b> not to accept or carry out any <i>public access instructions</i>; and/or</p> <p><b>.c</b> to inform their professional and/or lay <i>clients</i> about any <i>convictions</i>, charges or other matters leading to a referral, in written terms satisfactory to the Chair of the <i>PCC</i>;</p> <p>and summarising the consequences of the <i>respondent</i> electing to make such an undertaking (which for the avoidance of doubt, may include those set out at rE262.4 to rE262.7 above);</p> <p><b>.5</b> shall inform the <i>respondent</i> that they are entitled to make representations in writing or orally, by themselves or by others on their behalf; and</p>	<p><b>.a</b> to be immediately <i>suspended</i> or <i>disqualified</i> (in which case the consequences set out at rE262.4 to rE262.7 would apply);</p> <p><b>.b</b> not to accept or carry out any <i>public access instructions</i>; and/or</p> <p><b>.c</b> to inform their professional and/or lay <i>clients</i> about any <i>convictions</i>, charges or other matters leading to a referral, in written terms satisfactory to the <del>Chair of the</del> <i>PGC Commissioner</i>;</p> <p>and summarising the consequences of the <i>respondent</i> electing to make such an undertaking (which for the avoidance of doubt, may include those set out at rE262.4 to rE262.7 above);</p> <p><b>.5</b> shall inform the <i>respondent</i> that they are entitled to make representations in writing or orally, by themselves or by others on their behalf; and</p>
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	<p><b>.6</b> shall inform the <i>respondent</i> that they are entitled to request an expedited hearing of any charges of <i>professional misconduct</i> or applications for <i>disqualification orders</i> by a <i>Disciplinary Tribunal</i>.</p>	<p><b>.6</b> <del>shall inform the <i>respondent</i> that they are entitled to request an expedited hearing of any charges of <i>professional misconduct</i> or applications for <i>disqualification orders</i> by a <i>Disciplinary Tribunal</i>.</del></p>
<b>rE275</b>	<p>If a <i>respondent</i> sends a letter in accordance with rE274.4 above which is satisfactory to the Chair of the <i>PCC</i>, the Chair shall accept the undertaking contained in the letter in lieu of the <i>interim panel</i> imposing any period of interim <i>suspension</i> or interim <i>disqualification</i> pending the disposal by a <i>Disciplinary Tribunal</i> of any charges of <i>professional misconduct</i> or applications for a <i>disqualification order</i> (as the case may be).</p>	<p>If a <i>respondent</i> sends a letter in accordance with rE274.4 above which is satisfactory to the <del>Chair of the <i>PCC</i></del> <i>Commissioner</i>, the Chair shall accept the undertaking contained in the letter in lieu of the <i>interim panel</i> imposing any period of interim <i>suspension</i> or interim <i>disqualification</i> pending the disposal by a <i>Disciplinary Tribunal</i> of any charges of <i>professional misconduct</i> or applications for a <i>disqualification order</i> (as the case may be).</p>
<b>rE278.5.c</b>	<p>At the conclusion of the hearing the <i>interim panel</i>:</p> <p><b>.1</b> may decide not to impose any period of interim <i>suspension</i>, interim <i>disqualification</i> or other order;</p> <p><b>.2</b> may impose a period of interim <i>suspension</i> or interim <i>disqualification</i> (in each case, either unconditionally or subject to conditions) pending the hearing before a <i>Disciplinary Tribunal</i>, provided that no interim <i>suspension</i> or interim <i>disqualification</i> may be imposed unless the <i>interim panel</i> considers that:</p>	<p>At the conclusion of the hearing the <i>interim panel</i>:</p> <p><b>.1</b> may decide not to impose any period of interim <i>suspension</i>, interim <i>disqualification</i> or other order;</p> <p><b>.2</b> may impose a period of interim <i>suspension</i> or interim <i>disqualification</i> (in each case, either unconditionally or subject to conditions) pending the hearing before a <i>Disciplinary Tribunal</i>, provided that no interim <i>suspension</i> or interim <i>disqualification</i> may be imposed unless the <i>interim panel</i> considers that:</p>

	<p><b>.a</b> were a <i>Disciplinary Tribunal</i> to find a related charge of <i>professional misconduct</i> proven, it would be likely to impose a sentence of disbarment (with respect to <i>barrister respondents</i>), a sentence of <i>suspension</i> (with respect to <i>barrister respondents</i> or <i>registered European lawyer respondents</i> or <i>BSB entity respondents</i>), revocation of the licence or authorisation (with respect to <i>BSB entity respondents</i>) or a <i>disqualification order</i> (with respect to <i>applicable person respondents</i>); and</p> <p><b>.b</b> such interim <i>suspension</i> or interim <i>disqualification</i> is in the public interest;</p> <p><b>.3</b> in lieu of imposing a period of interim <i>suspension</i> or interim <i>disqualification</i>, the <i>interim panel</i> may either:</p> <p><b>.a</b> where the <i>respondent</i> is a <i>BSB authorised person</i>, direct the <i>respondent</i> to carry out their or its future activities in accordance with such interim conditions on the <i>respondent's</i> authorisation or licence as the <i>interim panel</i> may</p>	<p><b>.a</b> were a <i>Disciplinary Tribunal</i> to find a related charge of <i>professional misconduct</i> proven, it would be likely to impose a sentence of disbarment (with respect to <i>barrister respondents</i>), a sentence of <i>suspension</i> (with respect to <i>barrister respondents</i> or <i>registered European lawyer respondents</i> or <i>BSB entity respondents</i>), revocation of the licence or authorisation (with respect to <i>BSB entity respondents</i>) or a <i>disqualification order</i> (with respect to <i>applicable person respondents</i>); and</p> <p><b>.b</b> such interim <i>suspension</i> or interim <i>disqualification</i> is in the public interest;</p> <p><b>.3</b> in lieu of imposing a period of interim <i>suspension</i> or interim <i>disqualification</i>, the <i>interim panel</i> may either:</p> <p><b>.a</b> where the <i>respondent</i> is a <i>BSB authorised person</i>, direct the <i>respondent</i> to carry out their or its future activities in accordance with such interim conditions on the <i>respondent's</i> authorisation or licence as the <i>interim panel</i> may</p>
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	<p>think fit pending final disposal of the charges or application against them or it; or</p> <p><b>.b</b> where the <i>respondent</i> is a <i>manager</i> or employee of a <i>BSB authorised person</i>, direct such <i>person</i> (after affording the <i>BSB authorised person</i> an opportunity to be heard) to take such steps in relation to the <i>respondent</i> as the <i>interim panel</i> may think fit, which may include limits on the type of work the <i>respondent</i> is to be permitted to do, or requirements as to their supervision or training, pending final disposal of the charges or application against them;</p> <p><b>.c</b> accept from the <i>respondent</i> an undertaking in written terms satisfactory to the <i>interim panel</i> (and subject to such conditions and for such period as the <i>interim panel</i> may agree):</p> <p><b>.i</b> to be immediately <i>suspended or disqualified</i>; or</p>	<p>think fit pending final disposal of the charges or application against them or it; or</p> <p><b>.b</b> where the <i>respondent</i> is a <i>manager</i> or employee of a <i>BSB authorised person</i>, direct such <i>person</i> (after affording the <i>BSB authorised person</i> an opportunity to be heard) to take such steps in relation to the <i>respondent</i> as the <i>interim panel</i> may think fit, which may include limits on the type of work the <i>respondent</i> is to be permitted to do, or requirements as to their supervision or training, pending final disposal of the charges or application against them;</p> <p><b>.c</b> accept from the <i>respondent</i> an undertaking in written terms satisfactory to the <i>interim panel</i> (and subject to such conditions and for such period as the <i>interim panel</i> may agree):</p> <p><b>.i</b> to be immediately <i>suspended or disqualified</i>; or</p>
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	<p><b>.ii</b> not to accept or carry out any <i>public access instructions</i> or to <i>conduct litigation</i>; or</p> <p><b>.iii</b> to inform their professional and lay <i>clients</i> about any <i>convictions</i>, charges or other matters leading to a referral;</p> <p>pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i> provided always that the <i>respondent</i> accepts that the following consequences may arise as a result of such undertaking being provided depending on the nature of the undertaking being provided:</p> <p><b>(1)</b> the removal of the relevant <i>BSB authorised individual's practising certificate, litigation extension</i> and/or right to undertake</p>	<p><b>.ii</b> not to accept or carry out any <i>public access instructions</i> or to <i>conduct litigation</i>; or</p> <p><b>.iii</b> to inform their professional and lay <i>clients</i> about any <i>convictions</i>, charges or other matters leading to a referral;</p> <p>pending the disposal of any charges or application by a <i>Disciplinary Tribunal</i> provided always that the <i>respondent</i> accepts that the following consequences may arise as a result of such undertaking being provided depending on the nature of the undertaking being provided:</p> <p><b>(1)</b> the removal of the relevant <i>BSB authorised individual's practising certificate, litigation extension</i> and/or right to undertake</p>
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	<p><i>public access work</i> (as appropriate);</p> <p><b>(2)</b> the imposition of conditions on the relevant <i>BSB authorised person's</i> authorisation and/or licence (as appropriate);</p> <p><b>(3)</b> publication of the details of such interim <i>suspension</i> or <i>disqualification</i> on the <i>Bar Standards Board's</i> website; and</p> <p><b>(4)</b> either the inclusion of a note on the <i>Bar Standards Board's</i> register of <i>BSB authorised persons</i> to the effect that such <i>BSB authorised person</i> is temporarily <i>suspended</i> from <i>practice</i> or the inclusion of the details of such</p>	<p><i>public access work</i> (as appropriate);</p> <p><b>(2)</b> the imposition of conditions on the relevant <i>BSB authorised person's</i> authorisation and/or licence (as appropriate);</p> <p><b>(3)</b> publication of the details of such interim <i>suspension</i> or <i>disqualification</i> on the <i>Bar Standards Board's</i> website; and</p> <p><b>(4)</b> either the inclusion of a note on the <i>Bar Standards Board's</i> register of <i>BSB authorised persons</i> to the effect that such <i>BSB authorised person</i> is temporarily <i>suspended</i> from <i>practice</i> or the inclusion of the details of such</p>
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	<p style="text-align: center;">interim <i>disqualification</i> on the <i>Bar Standards</i> Board's register of individuals that are the subject of a <i>disqualification</i> <i>order</i>;</p> <p><b>.4</b> shall set down in writing signed by the Chair of the <i>interim panel</i> the decision of the <i>interim panel</i> and the terms of any period of interim <i>suspension</i>, interim <i>disqualification</i> or interim condition imposed under these <i>Interim Suspension and Disqualification Regulations</i> or accepted (in the form of an undertaking) under rE262.3.c above.</p> <p><b>.a</b> Where the <i>respondent</i> is a <i>BSB authorised individual</i>, the imposition of any period of <i>suspension</i> shall be recorded as follows:</p> <p>“That.....be <i>suspended</i> from <i>practice</i> as a ..... and be prohibited from holding themselves out as being a ..... for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry</p>	<p style="text-align: center;">interim <i>disqualification</i> on the <i>Bar Standards</i> Board's register of individuals that are the subject of a <i>disqualification</i> <i>order</i>;</p> <p><b>.4</b> shall set down in writing signed by the Chair of the <i>interim panel</i> the decision of the <i>interim panel</i> and the terms of any period of interim <i>suspension</i>, interim <i>disqualification</i> or interim condition imposed under these <i>Interim Suspension and Disqualification Regulations</i> or accepted (in the form of an undertaking) under rE262.3.c above.</p> <p><b>.a</b> Where the <i>respondent</i> is a <i>BSB authorised individual</i>, the imposition of any period of <i>suspension</i> shall be recorded as follows:</p> <p>“That.....be <i>suspended</i> from <i>practice</i> as a ..... and be prohibited from holding themselves out as being a ..... for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry</p>
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	<p>is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>suspension</i> or such <i>Disciplinary Tribunal</i> may otherwise direct.“ (Note: If the Panel decides that the <i>suspension</i> should apply to only part of the <i>respondent’s practice</i> or shall be subject to conditions, such part or such conditions (as the case may be) shall be recorded);</p> <p><b>.b</b> Where the <i>respondent</i> is a <i>BSB entity</i>, the imposition of any period of <i>suspension</i> shall be recorded as follows:</p> <p>“That ..... have its BSB licence/authorisation <i>suspended</i> for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>suspension</i> or such <i>Disciplinary Tribunal</i> may otherwise direct.“ (Note: If the Panel decides that the <i>suspension</i> should apply to only part of the <i>respondent’s practice</i> or shall be subject</p>	<p>is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>suspension</i> or such <i>Disciplinary Tribunal</i> may otherwise direct.“ (Note: If the Panel decides that the <i>suspension</i> should apply to only part of the <i>respondent’s practice</i> or shall be subject to conditions, such part or such conditions (as the case may be) shall be recorded);</p> <p><b>.b</b> Where the <i>respondent</i> is a <i>BSB entity</i>, the imposition of any period of <i>suspension</i> shall be recorded as follows:</p> <p>“That ..... have its BSB licence/authorisation <i>suspended</i> for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>suspension</i> or such <i>Disciplinary Tribunal</i> may otherwise direct.“ (Note: If the Panel decides that the <i>suspension</i> should apply to only part of the <i>respondent’s practice</i> or shall be subject</p>
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	<p>to conditions, such part or such conditions (as the case may be) shall be recorded);</p> <p><b>.c</b> Where the <i>respondent</i> is an <i>applicable person</i>, the imposition of any period of <i>disqualification</i> shall be recorded as follows:</p> <p>“That ..... be <i>disqualified</i> from [<i>specify here the relevant capacities in respect of which the order applies, which may be some or all of: acting as a HOLP, HOFA or manager of any BSB entity or being an employee of any BSB authorised person</i>] and that any <i>BSB regulated person</i> is prohibited from permitting the <i>respondent</i> to work in any such capacity for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>disqualification</i> or such <i>Disciplinary Tribunal</i> may otherwise direct“;</p>	<p>to conditions, such part or such conditions (as the case may be) shall be recorded);</p> <p><b>.c</b> Where the <i>respondent</i> is an <i>applicable person</i>, the imposition of any period of <i>disqualification</i> shall be recorded as follows:</p> <p>“That ..... be <i>disqualified</i> from [<i>specify here the relevant capacities in respect of which the order applies, which may be some or all of: acting as a HOLP, HOFA or manager of any BSB entity or being an employee of any BSB authorised person</i>] and that any <i>BSB regulated person</i> is prohibited from permitting the <i>respondent</i> to work in any such capacity for a period expiring on [the ..... day of...../[insert applicable condition/event on which expiry is contingent] or such earlier date as a <i>Disciplinary Tribunal</i> shall have disposed of any charges that have caused the interim <i>disqualification</i> or such <i>Disciplinary Tribunal</i> may otherwise direct“;</p>
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	<p><b>.5</b> shall, if a period of interim <i>suspension</i> or interim <i>disqualification</i> or an interim condition is imposed or a written undertaking is accepted under these <i>Interim Suspension and Disqualification Rules</i>:</p> <p><b>.a</b> inform the <i>respondent</i> of their right to request a <i>review panel</i> to review the matter as provided in <b>Error! Reference source not found.</b> below;</p> <p><b>.b</b> inform the <i>respondent</i> of their right of appeal as provided in rE284 below;</p> <p><b>.c</b> inform the <i>respondent</i> that they are entitled to request an expedited hearing of any charges or applications by a <i>Disciplinary Tribunal</i> and, if so requested, the Chair of the Panel may so direct;</p> <p><b>.6</b> may, if it has not already been referred to a <i>Disciplinary Tribunal</i>, refer the matter to a <i>Disciplinary Tribunal</i>.</p>	<p><b>.5</b> shall, if a period of interim <i>suspension</i> or interim <i>disqualification</i> or an interim condition is imposed or a written undertaking is accepted under these <i>Interim Suspension and Disqualification Rules</i>:</p> <p><b>.a</b> inform the <i>respondent</i> of their right to request a <i>review panel</i> to review the matter as provided in <b>Error! Reference source not found.</b> below;</p> <p><b>.b</b> inform the <i>respondent</i> of their right of appeal as provided in rE284 below;</p> <p><del><b>.c</b> inform the <i>respondent</i> that they are entitled to request an expedited hearing of any charges or applications by a <i>Disciplinary Tribunal</i> and, if so requested, the Chair of the Panel may so direct;</del></p> <p><b>.6</b> may, if it has not already been referred to a <i>Disciplinary Tribunal</i>, refer the matter to a <i>Disciplinary Tribunal</i>.</p>
<p><b>rE280</b></p>	<p>The letter must set out the details of any alleged change in circumstances or good reason. On receipt of such a letter the <i>President</i> may seek representations from the Chair of the <i>PCC</i> and may in their discretion convene a</p>	<p>The letter must set out the details of any alleged change in circumstances or good reason. On receipt of such a letter the <i>President</i> may seek representations from the <del>Chair of the <i>PCC</i></del> <u><i>Commissioner</i></u> and may in their</p>

	<p><i>review panel</i> or refuse the request. In either case <i>the President</i> shall notify the <i>respondent</i> in writing of the decision. If the <i>President</i> decides to convene a <i>review panel</i> the procedure to be followed for fixing the time and date of the hearing shall be as set out in rE262.2 and rE262.3.</p>	<p>discretion convene a <i>review panel</i> or refuse the request. In either case <i>the President</i> shall notify the <i>respondent</i> in writing of the decision. If the <i>President</i> decides to convene a <i>review panel</i> the procedure to be followed for fixing the time and date of the hearing shall be as set out in rE262.2 and rE262.3.</p>
<b>rE284</b>	<p>A <i>respondent</i> may by letter served on the <i>President</i> and on the Chair of the <i>PCC</i> not more than 14 days after the date of the <i>relevant decision</i> of an <i>interim panel</i> give notice of their wish to appeal against the decision.</p>	<p>A <i>respondent</i> may by letter served on the <i>President</i> and on the <del>Chair of the <i>PCC</i></del> <u><i>Commissioner</i></u> not more than 14 days after the date of the <i>relevant decision</i> of an <i>interim panel</i> give notice of their wish to appeal against the decision.</p>
<b>rE293.g&amp;h</b>	<p>In any case where a period of interim <i>suspension</i> or interim <i>disqualification</i> is imposed or an interim condition is imposed under this Section 5.C or a direction is made requiring notification to lay and/or professional <i>clients</i> or an undertaking from a <i>respondent</i> is accepted, the <i>President</i> shall communicate brief details in writing of the fact that the <i>respondent</i> is on an interim basis <i>suspended, disqualified</i> and/or subject to conditions (as the case may be) to:</p> <ul style="list-style-type: none"> <li>.1 the <i>respondent</i>;</li> <li>.2 the Chair of the Bar Standards Board;</li> <li>.3 the <i>respondent's</i> head of <i>chambers, HOLP, or employer</i> (as appropriate);</li> </ul>	<p>In any case where a period of interim <i>suspension</i> or interim <i>disqualification</i> is imposed or an interim condition is imposed under this Section 5.C or a direction is made requiring notification to lay and/or professional <i>clients</i> or an undertaking from a <i>respondent</i> is accepted, the <i>President</i> shall communicate brief details in writing of the fact that the <i>respondent</i> is on an interim basis <i>suspended, disqualified</i> and/or subject to conditions (as the case may be) to:</p> <ul style="list-style-type: none"> <li>.1 the <i>respondent</i>;</li> <li>.2 the Chair of the Bar Standards Board <u>and <i>Commissioner</i></u>;</li> </ul>

	<p><b>.4</b> in the case of a <i>registered European lawyer</i>, their <i>home professional body</i>;</p> <p><b>.5</b> the Treasurers of the <i>respondent's Inn of Call</i> and of any other Inns of which they are a member;</p> <p><b>.6</b> other <i>Approved Regulators</i> and the <i>LSB</i>; and</p> <p><b>.7</b> those of the following whom the President deems, in their absolute discretion, to be appropriate taking into account the particular circumstances:</p> <p><b>.a</b> the Lord Chancellor;</p> <p><b>.b</b> the Lord Chief Justice;</p> <p><b>.c</b> the Attorney General;</p> <p><b>.d</b> the Director of Public Prosecutions;</p> <p><b>.e</b> the Chair of the Bar Council;</p>	<p><b>.3</b> the <i>respondent's head of chambers, HOLP, or employer</i> (as appropriate);</p> <p><b>.4</b> in the case of a <i>registered European lawyer</i>, their <i>home professional body</i>;</p> <p><b>.5</b> the Treasurers of the <i>respondent's Inn of Call</i> and of any other Inns of which they are a member;</p> <p><b>.6</b> other <i>Approved Regulators</i> and the <i>LSB</i>; and</p> <p><b>.7</b> those of the following whom the President deems, in their absolute discretion, to be appropriate taking into account the particular circumstances:</p> <p><b>.a</b> the Lord Chancellor;</p> <p><b>.b</b> the Lord Chief Justice;</p> <p><b>.c</b> the Attorney General;</p> <p><b>.d</b> the Director of Public Prosecutions;</p>
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	<p><b>.f</b> the Leaders of the six circuits;</p> <p><b>.g</b> the Chair of the <i>PCC</i>; and</p> <p><b>.h</b> such one or more press agencies or other publications, as the Chair of the <i>PCC</i> may direct.</p>	<p><b>.e</b> the Chair of the Bar Council;</p> <p><b>.f</b> the Leaders of the six circuits;</p> <p><del><b>.g</b> the Chair of the <i>PCC</i>; and</del></p> <p><del><b>.h.g</b></del> such one or more press agencies or other publications, as the <del>Chair of the <i>PCC</i></del> <u>Commissioner</u> may direct.</p>
<b>rE300</b>	Anything required by these Regulations to be done or any discretion required to be exercised by, and any notice required to be given to, the <i>President</i> of the Council of the Inns of Court or the <i>PCC</i> , may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the <i>PCC</i> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).	Anything required by these Regulations to be done or any discretion required to be exercised by, and any notice required to be given to, the <i>President</i> of the Council of the Inns of Court or the <u><i>PCG</i> Commissioner</u> , may be done or exercised by, or given to, any <i>person</i> or body authorised by the <i>President</i> or by the <u><i>PCG</i> Commissioner</u> as the case may be (either prospectively or retrospectively and either generally or for a particular purpose).
<b>rE303</b>	Where the <i>PCC</i> receives information suggesting that an <i>Individual</i> is <i>unfit to practise</i> , the matter shall be considered under Regulation E305.	Where the <u><i>PCG</i> Commissioner</u> receives information suggesting that an <i>Individual</i> is <i>unfit to practise</i> , the matter shall be considered under Regulation E305.
<b>rE304</b>	The <i>PCC</i> may carry out any investigation, appropriate to the consideration of whether the <i>Individual</i> may be <i>unfit to practise</i> , prior to consideration of any referral under Regulation E306.	The <u><i>PCG</i> Commissioner</u> may carry out any investigation, appropriate to the consideration of whether the <i>Individual</i> may be <i>unfit to practise</i> , prior to consideration of any referral under Regulation E306.



<p><b>rE305</b></p>	<p>Where the <i>PCC</i> receives information under Regulation E303, the Chair of the <i>PCC</i> shall, subject to Regulation E307, as soon as reasonably practicable, write to the <i>Individual</i> concerned:</p> <p>.1 notifying them that information has been received which appears to raise a question of whether they are <i>unfit to practise</i>; and,</p> <p>.2 providing them with copies of any information received under Regulation E303 or obtained under Regulation E304.</p>	<p>Where the <del><i>PCC Commissioner</i></del> receives information under Regulation E303, the <del>Chair of the <i>PCC Commissioner</i></del> shall, subject to Regulation E307, as soon as reasonably practicable, write to the <i>Individual</i> concerned:</p> <p>.1 notifying them that information has been received which appears to raise a question of whether they are <i>unfit to practise</i>; and,</p> <p>.2 providing them with copies of any information received under Regulation E303 or obtained under Regulation E304.</p>
<p><b>rE306</b></p>	<p>Where the <i>PCC</i>, following receipt of information under Regulation E303 or during its consideration of a complaint of professional misconduct under the <i>Complaints Regulations</i>, considers that an <i>Individual</i> may be <i>unfit to practise</i>, it shall refer the matter to a <i>Fitness to Practise Panel</i> for determination.</p>	<p>Where the <del><i>PCC Commissioner</i></del>, following receipt of information under Regulation E303 or during <del>its-the</del> <del><i>Commissioner's</i></del> consideration of a <del>complaint of professional misconduct referral</del> under the <del><i>Complaints Regulations</i></del> <del><i>Enforcement Decision Regulations</i></del>, considers that an <i>Individual</i> may be <i>unfit to practise</i>, <del>it</del> <del>they</del> shall refer the matter to a <i>Fitness to Practise Panel</i> for determination.</p>
<p><b>rE308</b></p>	<p>In reaching a decision under Regulation E306, the <i>PCC</i> shall take into account any information received under Regulation E303 or obtained under Regulation E304, and any representations submitted by the <i>Individual</i>.</p>	<p>In reaching a decision under Regulation E306, the <del><i>PCC Commissioner</i></del> shall take into account any information received under Regulation E303 or obtained under Regulation E304, and any representations submitted by the <i>Individual</i>.</p>

<p><b>rE309</b></p>	<p>As soon as reasonably practicable after referral of a matter by the <i>PCC</i> to a <i>Fitness to Practise Panel</i>, the Chair of the Panel shall send a notice in writing of the referral to the <i>Individual</i> which shall:</p> <ul style="list-style-type: none"> <li>.1 contain a summary of the case and the reasons why it has been referred to a <i>Fitness to Practise Panel</i>;</li> <li>.2 inform the <i>Individual</i> of the time and date for a preliminary hearing before the Panel;</li> <li>.3 inform the <i>Individual</i> of their right to attend and be represented at the preliminary hearing, and to produce evidence at the preliminary hearing, in accordance with Regulations E335.2 and E335.3 below;</li> <li>.4 inform the <i>Individual</i> of the Panel's powers at a preliminary hearing under Regulations E310 and rE313 to rE316 below; and,</li> <li>.5 inform the <i>Individual</i> of their right to appeal under Regulation E328 below.</li> </ul>	<p>As soon as reasonably practicable after referral of a matter by the <del><i>PCC</i></del> <i>Commissioner</i> to a <i>Fitness to Practise Panel</i>, the Chair of the Panel shall send a notice in writing of the referral to the <i>Individual</i> which shall:</p> <ul style="list-style-type: none"> <li>.1 contain a summary of the case and the reasons why it has been referred to a <i>Fitness to Practise Panel</i>;</li> <li>.2 inform the <i>Individual</i> of the time and date for a preliminary hearing before the Panel;</li> <li>.3 inform the <i>Individual</i> of their right to attend and be represented at the preliminary hearing, and to produce evidence at the preliminary hearing, in accordance with Regulations E335.2 and E335.3 below;</li> <li>.4 inform the <i>Individual</i> of the Panel's powers at a preliminary hearing under Regulations E310 and rE313 to rE316 below; and,</li> <li>.5 inform the <i>Individual</i> of their right to appeal under Regulation E328 below.</li> </ul>
<p><b>rE310.1.2.3&amp;4</b></p>	<p>At a preliminary hearing, the <i>Fitness to Practise Panel</i> may give directions for the full hearing before the Panel, which may include that:</p>	<p>At a preliminary hearing, the <i>Fitness to Practise Panel</i> may give directions for the full hearing before the Panel, which may include that:</p>

	<p>.1 the <i>Individual</i>, within a specified period of time, submit to a relevant medical examination to be carried out by a <i>Medical Examiner</i> nominated by the Panel;</p> <p>.2 the <i>PCC</i> instruct a <i>Medical Examiner</i> to conduct such examination and to provide a report setting out an opinion as to whether the <i>Individual</i> is <i>unfit to practise</i> and as to any other matters as may be specified by the Panel;</p> <p>.3 the <i>Individual</i> authorise disclosure to the <i>PCC</i> and the <i>Medical Examiner</i>, of such of their relevant medical records as may be reasonably required for the purposes of the medical examination and subsequent report; and,</p> <p>.4 the <i>PCC</i> carry out such other investigations or seek such advice or assistance as the Panel considers appropriate to the matters for consideration at the full hearing, and where it gives a direction under Paragraph .1 or .3 above, it shall inform the <i>Individual</i> that failure to comply with the direction may be taken into account by</p>	<p>.1 the <i>Individual</i>, within a specified period of time, submit to a relevant medical examination to be carried out by a <i>Medical Examiner</i> nominated by the Panel;</p> <p>.2 the <i>PCG-Bar Standards Board</i> instruct a <i>Medical Examiner</i> to conduct such examination and to provide a report setting out an opinion as to whether the <i>Individual</i> is <i>unfit to practise</i> and as to any other matters as may be specified by the Panel;</p> <p>.3 the <i>Individual</i> authorise disclosure to the <i>PCG-Bar Standards Board</i> and the <i>Medical Examiner</i>, of such of their relevant medical records as may be reasonably required for the purposes of the medical examination and subsequent report; and,</p> <p>.4 the <i>PCG-Bar Standards Board</i> carry out such other investigations or seek such advice or assistance as the Panel considers appropriate to the matters for consideration at the full hearing, and where it gives a direction under Paragraph .1 or .3 above, it shall inform the <i>Individual</i> that failure to comply with</p>
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	the Panel in accordance with Regulation E319.2	the direction may be taken into account by the Panel in accordance with Regulation E319.2
<b>rE311.3</b>	<p>Where a <i>Medical Examiner</i> is nominated by a Panel under Regulation E310.1 or E320.2.a, the <i>Medical Examiner</i> shall:</p> <ul style="list-style-type: none"> <li data-bbox="607 507 1249 639">.1 within the period specified by the Panel, undertake a relevant medical examination of the <i>Individual</i> in accordance with any directions from the Panel;</li> <li data-bbox="607 708 1218 772">.2 prepare a report which shall express an opinion as to: <ul style="list-style-type: none"> <li data-bbox="703 842 1167 906">.a whether the <i>Individual</i> has a physical or mental condition;</li> <li data-bbox="703 975 1211 1075">.b whether the <i>Individual</i> is fit to practise either generally or on a restricted basis; and</li> <li data-bbox="703 1144 1249 1275">.c any other matters which they have been instructed to address, in accordance with any directions of the Panel; and</li> </ul> </li> </ul>	<p>Where a <i>Medical Examiner</i> is nominated by a Panel under Regulation E310.1 or E320.2.a, the <i>Medical Examiner</i> shall:</p> <ul style="list-style-type: none"> <li data-bbox="1375 507 2018 639">.1 within the period specified by the Panel, undertake a relevant medical examination of the <i>Individual</i> in accordance with any directions from the Panel;</li> <li data-bbox="1375 708 1986 772">.2 prepare a report which shall express an opinion as to: <ul style="list-style-type: none"> <li data-bbox="1471 842 1935 906">.a whether the <i>Individual</i> has a physical or mental condition;</li> <li data-bbox="1471 975 1980 1075">.b whether the <i>Individual</i> is fit to practise either generally or on a restricted basis; and</li> <li data-bbox="1471 1144 2018 1275">.c any other matters which they have been instructed to address, in accordance with any directions of the Panel; and</li> </ul> </li> </ul>

	.3 where requested by the <i>PCC</i> to do so, attend a hearing to present their findings.	.3 where requested by the <i>PCC Commissioner</i> to do so, attend a hearing to present their findings.
<b>r316.1</b>	<p>Where it has directed an interim <i>restriction</i> under Regulation E313 or accepted undertakings under Regulation E315, a Panel may, at any point during the period of an interim restriction:</p> <p>.1 at the request of the Chair of the <i>PCC</i>, or at the request of the <i>PCC</i> or of the Individual, direct that the interim <i>restriction</i> or undertaking be reviewed at a further hearing of the Panel, on such date as the Panel shall specify, or on an unspecified date provided that the <i>Individual</i> is served with no less than 14 days' notice in writing of the hearing;</p> <p>.2 at the request of the <i>Individual</i>, direct an expedited full hearing of the <i>Fitness to Practise Panel</i>;</p> <p>and, shall:</p> <p>.a inform the <i>Individual</i> of their right to request a <i>Fitness to Practise Panel</i> to review the interim <i>restriction</i> or undertaking under Regulation E324 below;</p>	<p>Where it has directed an interim <i>restriction</i> under Regulation E313 or accepted undertakings under Regulation E315, a Panel may, at any point during the period of an interim restriction:</p> <p>.1 at the request of the <del>Chair of the <i>PCC</i>, or at the request of the <i>PCC Commissioner</i></del> or of the Individual, direct that the interim <i>restriction</i> or undertaking be reviewed at a further hearing of the Panel, on such date as the Panel shall specify, or on an unspecified date provided that the <i>Individual</i> is served with no less than 14 days' notice in writing of the hearing;</p> <p>.2 at the request of the <i>Individual</i>, direct an expedited full hearing of the <i>Fitness to Practise Panel</i>;</p> <p>and, shall:</p> <p>.a inform the <i>Individual</i> of their right to request a <i>Fitness to Practise Panel</i> to review the interim <i>restriction</i> or undertaking under Regulation E324 below;</p>

	<p style="text-align: center;"><b>.b</b> inform the <i>Individual</i> of their right of appeal under Regulation E328 below.</p>	<p style="text-align: center;"><b>.b</b> inform the <i>Individual</i> of their right of appeal under Regulation E328 below.</p>
<p><b>rE318</b></p>	<p>As soon as reasonably practicable after receipt of any report prepared by a <i>Medical Examiner</i> or, where no report has been prepared, the <i>PCC</i> considers that the case is ready for hearing, the Chair of the Panel shall send a notice in writing of hearing to the <i>Individual</i> which shall:</p> <ul style="list-style-type: none"> <li><b>.1</b> contain a summary of the case and a copy of the report, where applicable;</li> <li><b>.2</b> inform the <i>Individual</i> of the time and date of the full hearing;</li> <li><b>.3</b> inform the <i>Individual</i> of their right to attend and be represented at the hearing, and to produce evidence at the hearing, in accordance with Regulations E335.2 and .3 below;</li> <li><b>.4</b> inform the <i>Individual</i> of the Panel’s powers at a full hearing under Regulations E319 to E321 below; and,</li> </ul>	<p>As soon as reasonably practicable after receipt of any report prepared by a <i>Medical Examiner</i> or, where no report has been prepared, the <i>PCC-Commissioner</i> considers that the case is ready for hearing, the Chair of the Panel shall send a notice in writing of hearing to the <i>Individual</i> which shall:</p> <ul style="list-style-type: none"> <li><b>.1</b> contain a summary of the case and a copy of the report, where applicable;</li> <li><b>.2</b> inform the <i>Individual</i> of the time and date of the full hearing;</li> <li><b>.3</b> inform the <i>Individual</i> of their right to attend and be represented at the hearing, and to produce evidence at the hearing, in accordance with Regulations E335.2 and .3 below;</li> <li><b>.4</b> inform the <i>Individual</i> of the Panel’s powers at a full hearing under Regulations E319 to E321 below; and,</li> </ul>

	<p><b>.5</b> inform the <i>Individual</i> of their right to appeal under Regulation E328 below.</p>	<p><b>.5</b> inform the <i>Individual</i> of their right to appeal under Regulation E328 below.</p>
<p><b>rE320</b></p>	<p>Where a <i>Fitness to Practise Panel</i> has decided that an <i>Individual</i> is <i>unfit to practise</i>, the Panel may direct:</p> <p><b>.1</b> that the <i>Individual</i> be subject to a <i>restriction</i> which may be subject to such conditions as the Panel may consider appropriate, and which may be imposed indefinitely or for such period, not exceeding six months, as shall be specified in the direction;</p> <p><b>.2</b> that the <i>Individual's</i> right to continue to practise, or to resume practice after any period of <i>restriction</i> shall be subject to such conditions as the Panel may think fit, including that the <i>Individual</i>:</p> <p><b>.a</b> submit for regular examination before one or more <i>Medical Examiners</i> nominated by the Panel,</p> <p><b>.b</b> authorise disclosure to the <i>PCC</i> and the <i>Medical Examiner</i> such of their medical records as may be reasonably required for the purposes of the medical</p>	<p>Where a <i>Fitness to Practise Panel</i> has decided that an <i>Individual</i> is <i>unfit to practise</i>, the Panel may direct:</p> <p><b>.1</b> that the <i>Individual</i> be subject to a <i>restriction</i> which may be subject to such conditions as the Panel may consider appropriate, and which may be imposed indefinitely or for such period, not exceeding six months, as shall be specified in the direction;</p> <p><b>.2</b> that the <i>Individual's</i> right to continue to practise, or to resume practice after any period of <i>restriction</i> shall be subject to such conditions as the Panel may think fit, including that the <i>Individual</i>:</p> <p><b>.a</b> submit for regular examination before one or more <i>Medical Examiners</i> nominated by the Panel,</p> <p><b>.b</b> authorise disclosure to the <i>PCC Commissioner</i> and the <i>Medical Examiner</i> such of their medical records as may be reasonably required for the purposes of the</p>

	<p>examination and subsequent report,</p> <p>.c is reviewed by a registered medical practitioner and shall follow the treatment they recommend in respect of any physical or mental condition, which the Panel consider may be a cause of the Individual being unfit to practice.</p>	<p>medical examination and subsequent report,</p> <p>.c is reviewed by a registered medical practitioner and shall follow the treatment they recommend in respect of any physical or mental condition, which the Panel consider may be a cause of the Individual being unfit to practice.</p>
<b>rE324</b>	<p>At any time during which an <i>Individual</i> is subject to a period of <i>restriction</i> or conditions, directed or undertaken pursuant to these Regulations, the Chair of the <i>PCC</i> may, of their own motion, or at the request of the <i>PCC</i> or of the <i>Individual</i>, refer the matter to be reviewed before a <i>Fitness to Practise Panel</i>, where they consider there has been a significant change in the <i>Individual</i> 's circumstances or that there is some other good reason for a review to be undertaken.</p>	<p>At any time during which an <i>Individual</i> is subject to a period of <i>restriction</i> or conditions, directed or undertaken pursuant to these Regulations, the <del>Chair of the</del> <i>PCG Commissioner</i> may, of their own motion, or at the request of the <del>PCG or of the</del> <i>Individual</i>, refer the matter to be reviewed before a <i>Fitness to Practise Panel</i>, where they consider there has been a significant change in the <i>Individual</i> 's circumstances or that there is some other good reason for a review to be undertaken.</p>
<b>rE336</b>	<p>If at any time it appears to a Panel that it would be appropriate to do so, the Panel may refer the case to the <i>PCC</i> for consideration of whether to refer any matter for a hearing before a <i>Disciplinary Tribunal</i>.</p>	<p>If at any time it appears to a Panel that it would be appropriate to do so, the Panel may refer the case to the <del>PCG</del> <i>Commissioner</i> for consideration of whether to refer any matter for a hearing before a <i>Disciplinary Tribunal</i>.</p>
<b>rE342</b>	<p>Before the opening of any hearing in which notice has been served in writing in accordance with these Regulations, the Chair of the Panel may, of their motion or on the application of the <i>PCC</i> or the <i>Individual</i>,</p>	<p>Before the opening of any hearing in which notice has been served in writing in accordance with these Regulations, the Chair of the Panel may, of their motion or on the application of the <del>PCG</del> <i>Bar Standards Board</i> or</p>



	postpone the hearing until such time and date as they think fit.	the <i>Individual</i> , postpone the hearing until such time and date as they think fit.
<b>rE343</b>	Where any hearing under these Regulations has commenced, the Panel considering the matter may, at any stage in the proceedings, whether of its own motion or on the application of the <i>PCC</i> or the <i>Individual</i> , adjourn the hearing until such time and date as it thinks fit.	Where any hearing under these Regulations has commenced, the Panel considering the matter may, at any stage in the proceedings, whether of its own motion or on the application of the <i>PGC-Bar Standards Board</i> or the <i>Individual</i> , adjourn the hearing until such time and date as it thinks fit.
<b>rE346</b>	Where notice of hearing has been served in writing under these Regulations, the Chair of the Panel may, on application of the <i>PCC</i> or the <i>Individual</i> , cancel the hearing where the Chair considers that there are no reasonable grounds for questioning whether the <i>Individual</i> is <i>unfit to practise</i> .	Where notice of hearing has been served in writing under these Regulations, the Chair of the Panel may, on application of the <i>PGC-Bar Standards Board</i> or the <i>Individual</i> , cancel the hearing where the Chair considers that there are no reasonable grounds for questioning whether the <i>Individual</i> is <i>unfit to practise</i> .
<b>rE350</b>	Where a Panel directs that an <i>Individual's</i> ability to practise be subject to <i>restrictions</i> , conditions or agreed undertakings, the <i>President</i> shall always communicate brief details of the decision, in writing to: <ul style="list-style-type: none"> <li>.1 the <i>Individual</i>;</li> <li>.2 the Chair of the <i>PCC</i>;</li> <li>.3 the Director of the <i>Bar Standards Board</i>;</li> </ul>	Where a Panel directs that an <i>Individual's</i> ability to practise be subject to <i>restrictions</i> , conditions or agreed undertakings, the <i>President</i> shall always communicate brief details of the decision, in writing to: <ul style="list-style-type: none"> <li>.1 the <i>Individual</i>;</li> <li><del>.2 the Chair of the <i>PCC</i>;</del></li> <li><u>.2</u> the <i>Director-Commissioner</i> of the <i>Bar Standards Board</i>;</li> </ul>

	<p><b>.4</b> the Barrister’s Head of Chambers, where relevant;</p> <p><b>.5</b> the Treasurers of the Barrister’s <i>Inn</i> of Call and of any other Inns of which they are a member, where relevant; and</p> <p><b>.6</b> other regulators, where relevant.</p>	<p><del>.4.3</del> the Barrister’s Head of Chambers, where relevant;</p> <p><del>.5.4</del> the Treasurers of the Barrister’s <i>Inn</i> of Call and of any other Inns of which they are a member, where relevant; and</p> <p><del>.6.5</del> other regulators, where relevant.</p>
<b>Sched 1 (6) (a)</b>	<p>No <i>person</i> shall be selected to sit on a <i>Fitness to Practise Panel</i> or an <i>Appeal Panel</i> if:</p> <p><b>.a</b> they are a member of the <i>BSB</i> or any of its other Committees; or</p> <p><b>.b</b> they were a member of the <i>PCC</i> when the matter being dealt with by the Panel was considered by the <i>PCC</i>.</p>	<p>No <i>person</i> shall be selected to sit on a <i>Fitness to Practise Panel</i> or an <i>Appeal Panel</i> if:</p> <p><b>.a</b> they are a member of the <i>BSB</i> or any of its other Committees <u>or the <i>Independent Decision-Making Body</i></u>; or</p> <p><b>.b</b> <del>they were a member of the <i>PCC</i> when the matter being dealt with by the Panel was considered by the <i>PCC</i>.</del></p>
<b>“appeal Panel” definition</b>	<p>(a) in Section 5.A means an appeal panel constituted in accordance with paragraph rE84, to perform the functions set out in regulations E88 and E89 of that Section 5.A;</p>	<p>(a) in Section 5.A means an appeal panel constituted in accordance with paragraph <del>rE84</del>rE54, to perform the functions set out in regulations <del>E88</del> E59 and <del>E89</del> E60 of that Section 5.A;</p>

	<p>(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 and rE288 of that Section 5.C;</p> <p>(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</p>	<p>(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 and rE288 that Section 5.C;</p> <p>(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</p>
<b>“complaint” definition</b>	<p>means, for the purposes of Part 2, a complaint by a <i>client</i> about the standard of service received that is addressed either to the <i>Legal Ombudsman</i> or the <i>chambers</i> or the <i>BSB authorised person</i> and, for the purposes of Part 5, an allegation, or a group of associated allegations, by any <i>person</i> or by the <i>Bar Standards Board</i> of its own motion of <i>professional misconduct</i> or a breach of the Core Duties and/or rules of this <i>Handbook</i> and includes a <i>legal aid complaint</i>;</p>	<p>means, for the purposes of Part 2, a complaint by a <i>client</i> about the standard of service received that is addressed either to the <i>Legal Ombudsman</i> or the <i>chambers</i> or the <i>BSB authorised person</i> and, for the purposes of Part 5, <del>an allegation, or a group of associated allegations, by any person or by the Bar Standards Board of its own motion of professional misconduct or a breach of the Core Duties and/or rules of this Handbook and includes a legal aid complaint;</del></p>
<b>“Complaints Regulations” definition</b>	<p>means the Regulations set out at section 5.A;</p>	<p><del>means the Regulations set out at section 5.A;</del> <u>DELETE</u></p>
<b>“Definitions Section” definition</b>	<p>means Part 6 of the <i>Handbook</i>;</p>	<p>means Part 6 of the <i>Handbook</i>;</p>
<b>“determination by consent</b>	<p>means the procedure set out in Regulation E67;</p>	<p>means the procedure set out in Regulation <del>E67</del><u>E39</u>;</p>

<p><b>procedure” definition</b></p>		
<p><b>“Disqualification order” definition</b></p>	<p>means an order:</p> <p>(a) made by a <i>Disciplinary Tribunal</i> in disposing of a disciplinary charge or disqualification application referred to it by the <i>PCC</i>; and</p> <p>(b) made on the basis that the <i>disqualification condition</i> is satisfied in respect of the <i>applicable person</i> who is the subject of the <i>disqualification order</i>; and</p> <p>(c) either indefinitely or for a stated period, disqualifying an <i>applicable person</i> from one or more relevant activities and prohibiting any <i>BSB authorised person</i> from appointing them or employing them in respect of such relevant activities;</p>	<p>means an order:</p> <p>(a) made by a <i>Disciplinary Tribunal</i> in disposing of a disciplinary charge or disqualification application referred to it by <u>the Commissioner or an Independent Decision-Making Panel</u><del>the PCC</del>; and</p> <p>(b) made on the basis that the <i>disqualification condition</i> is satisfied in respect of the <i>applicable person</i> who is the subject of the <i>disqualification order</i>; and</p> <p>(c) either indefinitely or for a stated period, disqualifying an <i>applicable person</i> from one or more relevant activities and prohibiting any <i>BSB authorised person</i> from appointing them or employing them in respect of such relevant activities;</p>
<p><b>“Disqualify, disqualified or disqualification” definition</b></p>	<p>means the power of the <i>Bar Standards Board</i>, pursuant to Section 5.B, to disqualify an <i>applicable person</i> from performing one or more of the <i>relevant activities</i> where the <i>disqualification condition</i> is satisfied, which power when exercised on an interim basis shall be exercised in accordance with Section 5.D;</p>	<p>means the power of the <i>Bar Standards Board</i>, pursuant to Section 5.B, to disqualify an <i>applicable person</i> from performing one or more of the <i>relevant activities</i> where the <i>disqualification condition</i> is satisfied, which power when exercised on an interim basis shall be exercised <u>by the Commissioner</u> in accordance with Section 5.D;</p>

<p><b>“enforcement strategy” definition</b></p>	<p>means the strategy on enforcement from time to time published by the <i>Bar Standards Board</i>, in effect as at the date the complaint is made to the <i>Bar Standards Board</i> or raised by the <i>Bar Standards Board</i> of its own motion under Part 5;</p>	<p>means the strategy on enforcement from time to time published by the <i>Bar Standards Board</i>, <u>in effect as at the date the report is received by, or comes to the attention of, the <i>Bar Standards Board</i> under Part 5.A</u>. <del>in effect as at the date the complaint is made to the <i>Bar Standards Board</i> or raised by the <i>Bar Standards Board</i> of its own motion under Part 5;</del></p>
<p><b>“Enforcement Regulations” definition</b></p>	<p>means the supervision and enforcement regulations set out at Part 5;</p>	<p><del>means the supervision and enforcement regulations set out at Part 5;</del><u>DELETE</u></p>
<p><b>“Independent Decision-Making Panel” definition</b></p>	<p>means a panel established to take decisions independently of the executive of the <i>Bar Standards Board</i> as provided for in the <i>Handbook</i> and consisting of members of the <i>Independent Decision-Making Body</i></p>	<p>means a panel established to take decisions independently of the executive of the <i>Bar Standards Board</i> as provided for in the <i>Handbook</i> and consisting of members of the <i>Independent Decision-Making Body</i>, <u>in accordance with Schedule 1 of Part 5.A.</u></p>
<p><b>“indictable offence” definition</b></p>	<p>has the same meaning as in Schedule 1 of the Interpretation Act 1978, namely "an offence which, if committed by an adult is triable on indictment whether it is exclusively so triable or triable either way";</p>	<p><del>has the same meaning as in Schedule 1 of the Interpretation Act 1978, namely "an offence which, if committed by an adult is triable on indictment whether it is exclusively so triable or triable either way";</del><u>DELETE</u></p>
<p><b>“Judge” definition</b></p>	<p>for the purposes of rE140 and rE141, a Judge includes:</p> <p>(a) a puisne judge of the High Court;</p>	<p><del>for the purposes of rE140 and rE141, a Judge includes:</del></p> <p><del>(a) a puisne judge of the High Court;</del></p>

	<p>(b) a judge of the Court of Appeal;</p> <p>(c) a Circuit judge;</p> <p>(d) a Recorder who has been authorised to sit as a judge of the High Court under section 9(1) of the Supreme Court Act 1981;</p> <p>(e) a deputy judge of the High Court appointed under section 9(4) of the Supreme Court Act 1981; and</p> <p>(f) a person who has been a judge of the Court of Appeal, or a puisne judge of the High Court, or a Circuit Judge, provided that they remain permitted by virtue of section 9 of the Supreme Court Act 1981 to be requested to act as a judge of the High Court, or is eligible for appointment as a deputy Circuit judge under section 24 of the Courts Act 1971</p>	<p><del>(b) a judge of the Court of Appeal;</del></p> <p><del>(c) a Circuit judge;</del></p> <p><del>(d) a Recorder who has been authorised to sit as a judge of the High Court under section 9(1) of the Supreme Court Act 1981;</del></p> <p><del>(e) a deputy judge of the High Court appointed under section 9(4) of the Supreme Court Act 1981; and</del></p> <p><del>(f) a person who has been a judge of the Court of Appeal, or a puisne judge of the High Court, or a Circuit Judge, provided that they remain permitted by virtue of section 9 of the Supreme Court Act 1981 to be requested to act as a judge of the High Court, or is eligible for appointment as a deputy Circuit judge under section 24 of the Courts Act 1971</del><u>DELETE</u></p>
<p><b>“lay member” definition</b></p>	<p>means either:</p> <p>(a) a <i>lay person</i> appointed to be a member of the <i>Bar Standards Board</i> or one of its regulatory committees; or,</p>	<p>means either:</p>

	(b) a <i>lay person</i> 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	(a) a <i>lay person</i> appointed to be a member of the <i>Bar Standards Board</i> , <del>or</del> one of its regulatory committees <u>or the <i>Independent Decision-Making Body</i></u> ; or,  (b) a <i>lay person</i> 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
<b>“medical member” definition</b>	means a person appointed by the President under Section 5.E, in accordance with paragraph 1 of schedule 1 for the purpose of serving on Fitness to Practise and Appeal Panels	means a person appointed by the President under Section 5. <del>E</del> <u>D</u> , in accordance with paragraph 1 of schedule 1 for the purpose of serving on Fitness to Practise and Appeal Panels
<b>“PCC” definition</b>	means the Professional Conduct Committee and its successors in title from time to time	<del>means the Professional Conduct Committee and its successors in title from time to time</del> <u>DELETE</u>
<b>“a realistic prospect of a finding of professional misconduct being made” definition</b>	means that the <i>PCC</i> 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 a complaint, that it is more likely than not that a finding of <i>professional misconduct</i> will be made	means that the <del><i>PCC</i></del> <u><i>Commissioner or an Independent Decision-Making Panel</i></u> 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 a <del>complaint</del> <u>allegation</u> , that it is more likely than not that a finding of <i>professional misconduct</i> will be made
<b>“a realistic prospect</b>	means that the <i>PCC</i> 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 a complaint, that it is more likely than	means that the <u><i>Commissioner or an Independent Decision-Making Panel</i></u> <del><i>PCC</i></del> considers, on the information then available to it and having regard to the evidence which it regards as likely to be available at any

<p><b>of the disqualification condition being satisfied” definition</b></p>	<p>not that it shall be determined that the <i>disqualification condition</i> has been satisfied</p>	<p>tribunal or final determination of an <del>complaint</del> <i>allegation</i>, that it is more likely than not that it shall be determined that the <i>disqualification condition</i> has been satisfied</p>
<p><b>“suspended or Suspension” definition</b></p>	<p>means to suspend the <i>practising certificate</i>, licence or authorisation of a <i>BSB authorised person</i>, either generally or in respect of any separate authorisation that <i>person</i> may have to <i>conduct litigation</i> or to carry out public access work which power when exercised on an interim basis, shall be exercised in accordance with Section 5.D and when exercised in fitness to practise proceedings shall be exercised in accordance with Section 5.E</p>	<p>means to suspend the <i>practising certificate</i>, licence or authorisation of a <i>BSB authorised person</i>, either generally or in respect of any separate authorisation that <i>person</i> may have to <i>conduct litigation</i> or to carry out public access work which power when exercised on an interim basis, shall be exercised in accordance with Section 5.<del>D-C</del> and when exercised in fitness to practise proceedings shall be exercised in accordance with Section 5.<del>D</del></p>
<p><b>NEW DEFINITION</b></p> <p><b>“Quasi-judicial”</b></p>	<p>N/A</p>	<p>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.</p>
<p><b>NEW DEFINITION</b></p> <p><b>“Commissioner”</b></p>	<p>N/A</p>	<p>Commissioner – the person who is empowered within the executive of the <i>Bar Standards Board</i> to carry out the functions and exercise the powers as indicated within the <i>Handbook</i></p>
<p><b>NEW DEFINITION</b></p>	<p>N/A</p>	<p>Allegation – means, for the purposes of Part 5.A, a <i>report</i>, or part of a <i>report</i>, that is treated by the <i>Commissioner</i> as an allegation under Part 5.A</p>



<p><b>“Allegation”</b></p>		
<p><b>NEW DEFINITION</b></p> <p><b>“Disciplinary Action”</b></p>	<p>N/A</p>	<p>Disciplinary Action – for the purposes of Part 5.A, action taken by the <i>Bar Standards Board</i> under the <i>determination by consent procedure</i> or by way of referring a disciplinary charge and/or a <i>disqualification</i> application to the <i>Disciplinary Tribunal</i></p>
<p><b>NEW DEFINITION</b></p> <p><b>“Report”</b></p>	<p>N/A</p>	<p>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 r17</p>