

## PART II - PRACTISING REQUIREMENTS

### General

201. For the purposes of this Code:
- (a) a barrister practises as a barrister if he supplies legal services and in connection with the supply of such services:
    - (i) he holds himself out or allows himself to be held out as a barrister; or
    - (ii) he exercises a right which he has by reason of being a barrister;
  - (b) any reference to the supply of legal services includes an offer to supply such services.
202. Subject to the provisions of this Code a barrister may practise as a barrister provided that:
- (a) he has complied with any applicable training requirements imposed by the Consolidated Regulations which were in force at the date of his Call to the Bar;
  - (b) he has complied with any applicable requirements of the Continuing Professional Development Regulations (reproduced in Annex C);
  - (c) he has a current practising certificate issued by the Bar Council in accordance with the Practising Certificate Regulations (reproduced in Annex D);
  - (d) he has provided in writing to the Bar Council details of the current address(es) with telephone number(s) of the chambers or office from which he supplies legal services and (if he is an employed barrister) the name address telephone number and nature of the business of his employer;<sup>1</sup>

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<sup>1</sup> paragraph 202(e) removed 11<sup>th</sup> September 2006

## Rights of audience

203.1 A barrister may exercise any right of audience which he has by reason of being a barrister provided that:

- (a) he is entitled to practise as a barrister in accordance with paragraph 202; and
- (b) if he is of less than three years' standing his principal place of practice is either
  - (i) a chambers or annexe of chambers which is also the principal place of practice of a qualified person who is readily available to provide guidance to the barrister; or
  - (ii) an office of an organisation of which an employee, partner or director is a qualified person who is readily available to provide guidance to the barrister.

203.2 For the purpose of paragraphs 203.1(b) and 204(c)(i) a barrister shall be treated as being of a particular number of years' standing if he:

- (a) has been entitled to practise and has practised as a barrister (other than as a pupil who has not completed pupillage in accordance with the Consolidated Regulations) or as a member of another authorised body;
- (b) has made such practice his primary occupation; and
- (c) has been entitled to exercise a right of audience before every Court in relation to all proceedings

for a period (which need not be continuous and need not have been as a member of the same authorised body) of at least that number of years.

203.3 A person shall be a qualified person for the purpose of paragraph 203.1(b) if he:

- (a) has been entitled to practise and has practised as a barrister (other than as a pupil who has not completed pupillage in accordance with the Consolidated

Regulations) or as a member of another authorised body for a period (which need not have been as a member of the same authorised body) of at least six years in the previous eight years;

- (b) for the previous two years
  - (i) has made such practice his primary occupation, and
  - (ii) has been entitled to exercise a right of audience before every Court in relation to all proceedings;
- (c) is not acting as a qualified person in relation to more than two other people; and
- (d) has not been designated by the Bar Council as unsuitable to be a qualified person.

203.4 This paragraph 203 is subject to the transitional provisions at paragraphs 1102 to 1105.

#### **Supply of legal services to the public**

204. A practising barrister may supply legal services to the public provided that:

- (a) he complies with the requirements of paragraph 203.1;
- (b) he is covered (and in the case of an employed barrister his employer is covered) by insurance against claims for professional negligence arising out of the supply of his services in such amount and upon such terms as are currently required by the Bar Council; and
- (c) In the case of legal services supplied pursuant to paragraph 401(a)(iii):
  - (i) he is more than three years' standing
  - (ii) he has complied with such training requirements as may be imposed by the Bar Council; and
  - (iii) he has notified the Bar Council that he holds himself out as willing to accept instructions from lay clients.

205. A practising barrister must not supply legal services to the public through or on behalf of any other person (including a partnership company or other corporate body) except as permitted by paragraph 502.
- 206.1<sup>2</sup> A barrister called before 31 July 2000 who is deemed to be practising by virtue of paragraph 201(a)(i) in England and Wales shall not be subject to the rules in this Code applying only to practising barristers provided that:
- (a) If he supplies any legal services to any person:-
- (i) He provides in writing to the Bar Council details of the current address(es) with telephone number(s) of the office or premises from which he does so, and (if he is employed) the name address telephone number and nature of the business of his employer.
- (ii) Unless he is employed only to offer services to his employer, he (or, if he is supplying legal services to clients of his employer, that employer) is currently insured by insurers authorised to conduct such business against any and all claims in respect of civil liability for professional negligence arising out of or in connection with the supply of legal services for at least the first £250,000 of each and every claim, with an excess not exceeding £500.
- (b) Before supplying legal services to any person or employer, and when first dealing with any third party in the course of supplying legal services, he informs them fully and comprehensibly in writing (a) of his status and the fact that he does not hold a practising certificate under this Code, (b) of the relevant limitations under this Code on the legal services he may undertake, (c) that he is not fully regulated by the Bar Council, and (d) of the absence of available compensatory powers for any inadequate professional service he may render.
- 206.2 A barrister whenever called who is deemed to be practising by virtue of paragraph 201(a)(i) outside England and Wales and who is not subject to paragraph 4(e) of the International Practice Rules shall not be subject to the rules in this Code applying only to practising barristers provided that he complies with the provisions of paragraph 206.1.

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<sup>2</sup> Paragraphs 206.1 and 206.2 are effective from 31<sup>st</sup> July 2005