

THE BSB HANDBOOK

PART VI - DEFINITIONS

In this Handbook, the following words and phrases have the meaning set out below:

(1)	admission to an Inn	includes readmission of a former <i>member</i> who has ceased (whether as a result of disbarment or otherwise) to be a <i>member</i> of the <i>Inn</i> ;
(2)	admission declaration	means the declaration referred to in Rule 6.1 of Part IV.B2.;
(3)	administration of oaths	has the same meaning as set out in paragraph 8 of Schedule 2 to the <i>LSA</i> ;
(4)	administrative sanction	means the imposition of an administrative warning, fixed penalty fine or other administrative fine up to the prescribed maximum, or any combination of the above in accordance with Section V.A;
(5)	answer	in Part V, means any document served in accordance with V.C2.9.1
(6)	appeal panel	in Section V.A means an appeal panel constituted in accordance with paragraph 84 of that Section V.A, to perform the functions set out in regulations 88 and 89 of that Section V.A; in Section V.D means an appeal panel constituted in accordance with paragraph 6 of that Section V.D, to perform the functions set out in paragraphs 25 and 26 of that Section V.D;
(7)	appellant	in Part V means an appellant wishing to appeal to the visitors against a <i>relevant decision</i>
(8)	applicant body	in Part III, means a licensable body, barrister only entity or legal disciplinary practice which makes an application to the Bar Standards Board for authorisation in accordance with the Scope of Practice, Authorisation and Licensing Rules in Part III;
(9)	application fee	means the amount payable by a <i>person</i> seeking to be authorised by the <i>BSB</i> to carry out any <i>reserved legal services</i> or seeking to extend an existing authorisation;
(10)	approved regulator	means any body specified as an approved regulator in paragraph 1 of Schedule 4 of the <i>LSA</i> or designated as an approved regulator by an order under paragraph 17 of that Schedule; ;
(11)	approved training	means any body or organisation (including <i>chambers</i>)

	organisation	which has been approved by the <i>Bar Standards Board</i> for the purpose of providing professional <i>training</i> under Section IV.B5;
(12)	associates	<p>has the meaning given in paragraph 5 to Schedule 13 of the <i>LSA</i> namely:</p> <p>(i) "associate", in relation to a <i>person</i> ("A") and:</p> <p>(a) a shareholding in a body ("S"); or</p> <p>(b) an entitlement to exercise or control the exercise of voting power in a body ("V");</p> <p>means a <i>person</i> listed in sub-paragraph (ii).</p> <p>(ii) The <i>persons</i> are:</p> <p>(a) the spouse or civil <i>partner</i> of A;</p> <p>(b) a child or stepchild of A (if under 18);</p> <p>(c) the trustee of any settlement under which A has a life interest in possession (in Scotland a life interest);</p> <p>(d) an undertaking of which A is a director;</p> <p>(e) an employee of A;</p> <p>(f) a <i>partner</i> of A (except, where S or V is a <i>partnership</i> in which A is a <i>partner</i>, another <i>partner</i> in S or V);</p> <p>(g) if A is an undertaking:</p> <p>(I) a <i>director</i> of A;</p> <p>(II) a subsidiary undertaking of A; or</p> <p>(III) a <i>director</i> or <i>employee</i> of such a subsidiary undertaking;</p> <p>(h) if A has with any other <i>person</i> an agreement or arrangement with respect to the acquisition, holding or disposal of shares or other interests in S or V (whether or not they are interests within the meaning of section 72(3) of the <i>LSA</i>), that other <i>person</i>; or</p> <p>(i) if A has with any other <i>person</i> an agreement or arrangement under which they undertake to act together in exercising their voting power in relation to S or V, that</p>

		<i>person.</i>
(13)	an association	means where: (a) <i>BSB</i> authorised individuals are <i>practising</i> as a chambers; or (b) <i>BSB</i> authorised <i>persons</i> are sharing premises and/or costs and/or using a common vehicle for obtaining or distributing work with any <i>person</i> other than a <i>BSB regulated person</i> , in a manner which does not require the <i>association</i> to be authorised as an entity under the <i>Legal Services Act 2007</i> ;
(14)	authorisation fee	means the fee prescribed from time to time by the <i>Bar Standards Board</i> in accordance with Rule 7 of Part III.E2;
(15)	authorised body	means <i>BSB authorised bodies</i> and <i>authorised (non-BSB) bodies</i> ;
(16)	authorised individual	means <i>BSB authorised individuals</i> and <i>authorised (non-BSB) individuals</i> ;
(17)	authorised (non-BSB) body	means a <i>partnership, LLP</i> or company authorised or licensed by another <i>approved regulator</i> to undertake <i>reserved legal activities</i> ;
(18)	authorised (non-BSB) individual	means an individual that is authorised to provide reserved legal activities by another <i>approved regulator</i> where such an individuals working as a <i>manager</i> or an <i>employee</i> of a <i>BSB authorised body</i>;
(19)	authorised (non-BSB) person	means an <i>authorised (non-BSB) body</i> or an <i>authorised (non-BSB) individual</i> (as the case may be);
(20)	authorised person	has the meaning set out in section 18(1) of the <i>LSA</i> ;
(21)	bankruptcy order	includes a bankruptcy order made pursuant to the <i>Insolvency Act 1986</i> and any similar order made in any jurisdiction in the world;
(22)	Bar	means the Bar of England and Wales;
(23)	<i>Bar Council</i>	means The General Council of the Bar as constituted from time to time or a committee thereof;
(24)	Bar Professional Training Course	means a course which has been approved by the <i>Bar Standards Board</i> as providing vocational <i>training</i> of appropriate content and quality to satisfy the requirements of the <i>Vocational Stage</i> ;
(25)	Bar Standards Board	means the board established to exercise and oversee the regulatory functions of the <i>Bar Council</i> ;
(26)	Bar Transfer Test	means an examination administered by the <i>Bar Standards Board</i> which: (a) is designed to assess whether a <i>person</i> has the

		<p>professional knowledge (including knowledge of the rules of professional conduct) required in order to practise as a <i>barrister</i> in England and Wales; and</p> <p>(b) covers subjects not already covered by the education and training of the <i>person</i> concerned, the knowledge of which is essential for such <i>practice</i>;</p>
(27)	barrister	<p>has the meaning given in s. 207 of the <i>LSA</i> and includes</p> <p>(a) <i>practising barristers</i>;</p> <p>(b) <i>pupils</i>; and</p> <p>(c) <i>unregistered barristers</i>;</p>
(28)	barrister only entity	means partnerships, LLPs and companies that have been and continue to be authorised to act as a barrister only entity by the Bar Standards Board in accordance with Section E.III;
(29)	BMIF	means Bar Mutual Indemnity Fund Limited;
(30)	BSB authorised body	means barrister only entities, legal disciplinary practices authorised by the Bar Standards Board and BSB licensed bodies;
(31)	BSB authorised individuals	<p>means all individuals authorised by the <i>Bar Standards Board</i> to carry on <i>reserved legal activities</i> including:</p> <p>a) <i>practising barristers</i>;</p> <p>b) <i>second six pupils</i>;</p> <p>c) <i>registered European lawyers</i>,</p>
(32)	BSB authorised persons	means BSB authorised bodies and BSB authorised individuals;
(33)	BSB licensed body	<p>means partnerships, LLPs and companies that have been and continue to be licensed to act as a licensed body by the Bar Standards Board in accordance with Section E.III;</p> <p>(Note that this term is used only where it is necessary to distinguish between BSB licensed bodies and other BSB authorised persons. Otherwise, BSB licensed bodies are within the definition of BSB authorised bodies.)</p>
(34)	BSB regulated individuals	means BSB authorised individuals, authorised (non-BSB) individuals employed by BSB authorised bodies and BSB regulated managers;
(35)	BSB regulated managers	means all partners, members or directors of a partnership, limited liability partnership or company respectively where such partnership, limited liability

		partnership or company is a BSB authorised body;
(36)	BSB regulated persons	means, as stated by paragraph I.B.1 of Part 1: a) <i>barristers</i> (including, for the avoidance of doubt, <i>unregistered barristers</i>); b) <i>registered European lawyers</i> ; c) BSB authorised bodies ; d) authorised (non-BSB) individuals ; and e) BSB regulated managers ;
(37)	BSB Representative	means a <i>person</i> or <i>persons</i> appointed by the <i>Bar Standards Board</i> in accordance with Regulation 3 of Section V.B2 following a referral of a matter by the <i>PCC</i> to a <i>Disciplinary Tribunal</i> ;
(38)	call	means call to the <i>Bar</i> in accordance with the <i>Bar Training Rules</i> ;
(39)	call declaration	means the Declaration referred to in Rule IV.B9.1.3;
(40)	chambers	means a place at or from which one or more <i>self-employed barristers</i> carry on their <i>practices</i> and also refers where the context so requires to all the <i>barristers</i> (excluding <i>pupils</i>) who for the time being carry on their <i>practices</i> at or from that place;
(41)	CCBE	means The Council of Bars and Law Societies of Europe;
(42)	CCBE State	means any state whose legal profession is a full <i>member</i> , an associate <i>member</i> or an observer <i>member</i> of the <i>CCBE</i> ;
(43)	Certificate of Good Standing	means: (a) in relation to a <i>person</i> authorised by another <i>Approved Regulator</i> or by a <i>Qualified Foreign Lawyer</i> , a certificate issued by the <i>Approved Regulator</i> or the professional body or other authority responsible for regulating the profession of which the <i>person</i> concerned is a <i>member</i> attesting that the <i>person</i> concerned: (i) is of good character; (ii) has not been the subject of a <i>Bankruptcy Order</i> or <i>Directors Disqualification Order</i> nor entered into an individual voluntary arrangement with creditors; and (iii) has not been prohibited and is not currently suspended from <i>practising</i> on

		<p>account of serious professional misconduct or the commission of a criminal offence;</p> <p>(b) in relation to a <i>Qualified European Lawyer</i>, evidence of the kind referred to in Regulation 9(2) of the European Qualification Regulations, that the <i>person</i> concerned:</p> <p>(i) is of good character;</p> <p>(ii) has not been the subject of a <i>Bankruptcy Order</i> or <i>Directors Disqualification Order</i> nor entered into an individual voluntary arrangement with creditors; and</p> <p>(iii) has not been prohibited and is not currently suspended from <i>practising</i> on account of serious <i>professional misconduct</i> or the commission of a <i>criminal offence</i>.</p>
(44)	client	means, the <i>person</i> for whom you act and, where the context permits, includes prospective and former clients;
(45)	client money	<p>means</p> <p>(a) money, securities or other assets beneficially owned by a <i>client</i>; or</p> <p>(b) money, securities or other assets provided by, or for the benefit of, your <i>client</i> or intended by another party to be transmitted to your <i>client</i>,</p> <p>But excludes:</p> <p>(c) a fixed fee paid in advance; or</p> <p>(d) a payment made in settlement of an accrued debt; or</p> <p>(e) money which belongs to your <i>employer</i>.</p>
(46)	Code of Conduct for European Lawyers	means the code of conduct adopted by the <i>CCBE</i> (as may be amended from time to time) applying to all lawyers undertaking <i>cross border activities</i> in a <i>CCBE State</i> ;
(47)	Company	has the same meaning as in section 1 of the Companies Act 2006;
(48)	complaint	means, for the purposes of Part II, a complaint by a client about the standard of service received that is addressed either to the <i>Legal Ombudsman</i> or the chambers or the <i>BSB authorised person</i> and, for the

		purposes of Part V, an allegation 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 rules of this <i>Handbook</i> and includes a <i>legal aid complaint</i> ;
(49)	Complaints Regulations	means the rules set out at section A.V;
(50)	conditional fee agreement	means a conditional fee agreement as defined in Section 58 of the Courts and Legal Services Act 1990;
(51)	conduct litigation or conduct of litigation	has the same meaning as set out in paragraph 4 of Schedule 2 to the <i>LSA</i> . Conducting litigation shall be construed accordingly;
(52)	convening Order	means the Order described in Rule 25.2(c) of Section V.B2;
(53)	conviction	means a criminal conviction for an <i>indictable offence</i> ;
(54)	Council of the Inns of Court	means the Council of the Inns of Court and its successors including any entity or part through which it exercises its functions;
(55)	court	means any court or tribunal or any other <i>person</i> or body whether sitting in public or in private before whom a <i>barrister</i> appears or may appear as an advocate;
(56)	criminal offence	means any offence, wherever committed, under the criminal law of any jurisdiction (including an offence the conviction for which is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974) except: (a) an offence for which liability is capable of being discharged by payment of a fixed penalty; and (b) an offence which has as its main ingredient the unlawful parking of a vehicle;
(57)	pending criminal proceedings	are pending if a <i>person</i> : (a) is currently charged with, or (b) is on bail or in detention or custody (or has failed to surrender to custody) in connection with, <i>any criminal offence</i> ;
(58)	Cross border activities	means: (a) the undertaking by a <i>BSB authorised person</i> of foreign work in a <i>CCBE State</i> other than the <i>UK</i> , whether or not the <i>BSB authorised person</i> is physically present in that <i>CCBE State</i> ; and (b) any professional contact by a <i>BSB authorised person</i> with a lawyer of a <i>CCBE State</i> other than the <i>UK</i> ;

(59)	decision period	<p>for the purposes of applications for authorisation in Part III means:</p> <p>in respect of an application for authorisation or licensing, the period of 6 months;</p> <p>in respect of a standalone application for authorisation to conduct litigation, the period of 3 months; and</p> <p>in respect of an application for approval of a <i>manager, owner, HOLP or HOFA</i>, the period of 1 month,</p> <p>in each case, commencing on the last date on which the <i>Bar Standards Board</i> receives any of the documentation, information or payments required to be submitted with such application;</p>
(60)	defendant	<p>in Section V.B means the <i>relevant person</i> who is the subject of the disciplinary charge or charges brought before a <i>Disciplinary Tribunal</i> and/or of a disqualification application made to the <i>Disciplinary Tribunal</i> under the <i>Complaints Regulations</i> and in Section V.D means the <i>relevant person</i> against whom the <i>Bar Standards Board</i> is considering taking interim action in accordance with Section V.D;</p>
(61)	Definitions Section	<p>means Part VI of the <i>Handbook</i>;</p>
(62)	determination by consent procedure	<p>means the procedure set out in Regulation 67 of Section V.A5;</p>
(63)	Directions Judge	<p>means a Judge or Queen's Council designated by the <i>President</i>;</p>
(64)	Director	<p>means a <i>director</i> of a company, and includes the director of a <i>BSB authorised body</i> or an <i>authorised (non-BSB) body</i> which is a company, and in relation to a <i>societas Europaea</i> includes:</p> <ul style="list-style-type: none"> a) in a two-tier system, a <i>member</i> of the management organ and a <i>member</i> of the supervisory organ; b) in a one-tier system, a <i>member</i> of the administrative organ;
(65)	directors disqualification order	<p>includes a disqualification order made by a court, or disqualification undertaking accepted by the secretary of state, pursuant to the Company Directors Disqualification Act 1986 and any similar order made or undertaking given in any jurisdiction in the world;</p>
(66)	Disciplinary Tribunal	<p>means a Tribunal convened pursuant to Regulation 27 of the <i>Disciplinary Tribunal Regulations</i> to consider an allegation of <i>professional misconduct</i> against a <i>BSB regulated person</i> (for which the sanctions may include disqualification, where Part V so provides) and/or to consider an application for <i>disqualification</i> against a <i>relevant person</i>;</p>

(67)	discrimination	has the same meaning as in chapter 2 of the Equality Act 2010;
(68)	disqualification condition	<p>means that, in their capacity as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a <i>BSB authorised person</i> (as the case may be), the <i>relevant person</i> has (intentionally or through neglect):</p> <ul style="list-style-type: none"> a) (if a <i>BSB regulated person</i>) breached a relevant duty to which the <i>BSB regulated person</i> is subject under this Handbook or under applicable rules of another Approved Regulator; or b) (if either a <i>BSB regulated person</i> or a <i>non-authorised individual</i> employed by a <i>BSB authorised person</i>) caused, or substantially contributed to, a <i>BSB regulated person</i> breaching a relevant duty to which the <i>BSB regulated person</i> is subject under this Handbook or under applicable rules of another <i>Approved Regulator</i>; and c) in either case, that it is undesirable that the <i>relevant person</i> should engage in the relevant activity in respect of which the disqualification order is made;
(69)	disqualification order	<p>means an order:</p> <ul style="list-style-type: none"> a) made by the <i>PCC</i> under the <i>Determination by Consent procedure</i> or 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 b) made on the basis that the <i>disqualification condition</i> is satisfied in respect of the <i>relevant person</i> who is the subject of the <i>disqualification order</i>; and c) either indefinitely or for a stated period, disqualifying a <i>relevant person</i> from one or more relevant activities and prohibiting any <i>BSB authorised person</i> from appointing them or directly or indirectly employing them in respect of such relevant activities, namely acting as a HOLP, HOFA, manager or employee of a BSB authorised body or as an employee of a <i>BSB authorised individual</i> (as the case may be);
(70)	disqualify or disqualification	means the power of the <i>Bar Standards Board</i> , pursuant to Section V.B, to disqualify a <i>relevant 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 V.D;
(71)	diversity data	Means information relating to the following characteristics in respect of an individual:

		<ul style="list-style-type: none"> a) age b) gender c) disability d) ethnic group e) religion or belief f) sexual orientation g) socio-economic background; and h) caring responsibilities;
(72)	employed barrister	<p>means:</p> <ul style="list-style-type: none"> i) an employed <i>barrister</i> (<i>authorised non-BSB body</i>); or j) an employed <i>barrister</i> (<i>BSB authorised body</i>); or k) an employed <i>barrister</i> (<i>non authorised body</i>);
(73)	employed barrister (authorised non-BSB body)	<p>means a <i>practising barrister</i> who is employed by an authorised (non-BSB) body either:</p> <ul style="list-style-type: none"> a) under a contract of employment; or b) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice), <p>who supplies <i>legal services</i> as a <i>barrister</i> in the course of his employment;</p>
(74)	employed barrister (BSB authorised body)	<p>means a <i>practising barrister</i> who is employed by a <i>BSB authorised body</i> either:</p> <ul style="list-style-type: none"> a) under a contract of employment; or b) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice); <p>who supplies <i>legal services</i> as a <i>barrister</i> in the course of his <i>employment</i>;</p>
(75)	employed barrister (non-authorised body)	<p>means a <i>practising barrister</i> who is employed:</p> <ul style="list-style-type: none"> a) other than by an authorised body; b) either: <ul style="list-style-type: none"> (i) under a contract of <i>employment</i>; or (ii) under a written contract for services which is for a determinate period (subject to any provision for earlier termination on notice); or (iii) by virtue of an office under the Crown or in the institutions of the European Union; and <p>who supplies <i>legal services</i> as a <i>barrister</i> in the course</p>

		of his <i>employment</i> ;
(76)	employees	means: a) <i>non-authorised individuals</i> who are directly and <i>indirectly employed by BSB authorised persons</i> ; and b) <i>authorised (non-BSB) individuals who are indirectly employed by BSB authorised persons</i> ;
(77)	employer	means <i>persons</i> by whom employed <i>barristers</i> (non- <i>authorised bodies</i>) are directly or <i>indirectly employed</i> including any holding subsidiary or associated company, corporate body or firm of that <i>person</i> ;
(78)	employment	means direct or <i>indirect employment</i> ;
(79)	enforcement policy	means the policy 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 V;
(80)	Enforcement Regulations	means the supervision and enforcement regulations set out at Part V;
(81)	English law	includes international law and the law of the European Communities;
(82)	Equality and Diversity Officer	means the individual appointed as such by the <i>chambers</i> or the <i>BSB authorised body</i> (as appropriate), one of whose responsibilities is to ensure compliance with the Equality and Diversity rules set out at II.D1.R12-13;
(83)	Establishment Directive	means Directive 98/5/EC of the European Parliament and of the Council of February 1998 to facilitate <i>practice</i> of the profession of lawyer on a permanent basis in a <i>Member State</i> other than that in which the qualification was obtained;
(84)	European lawyer	means a <i>person</i> who is a national of a <i>Member State</i> and who is authorised in any <i>Member State</i> to pursue professional activities under any of the professional titles appearing in article 2(2) of the European Communities (Lawyer's <i>Practice</i>) Order 1999, but who is not any of the following: a) a <i>solicitor</i> or <i>barrister</i> of England and Wales or Northern Ireland; or b) a <i>solicitor</i> or advocate under the law of Scotland;
(85)	European Qualifications Regulations	means the European Communities (Recognition of Professional Qualifications) Regulations 2007;
(86)	family	includes caring responsibilities for older, young, or

	responsibilities	disabled dependants or relatives;
(87)	foreign client	means a lay <i>client</i> who has his centre of main interests outside England and Wales, or who reasonably appears as having that characteristic;
(88)	foreign lawyer	is a <i>person</i> who is a <i>member</i> , and entitled to <i>practice</i> as such, of a legal profession regulated within a jurisdiction outside England and Wales and who is not an <i>authorised person</i> for the purposes of the <i>LSA</i> ;
(89)	foreign work	means <i>legal services</i> of whatsoever nature relating to: <ul style="list-style-type: none"> a) court or other legal proceedings taking place or contemplated to take place outside England and Wales; or b) if no court or other legal proceedings are taking place or contemplated, any matter or contemplated matter not subject to the law of England and Wales;
(90)	full practising certificate	means, in accordance with Rule III.C4.R7, a <i>practising certificate</i> which entitles a <i>barrister</i> to exercise a <i>right of audience</i> before every <i>court</i> in relation to all proceedings;
(91)	Full Qualification Certificate	means a certificate issued by the <i>Bar Standards Board</i> under Rule IV.B5.R39 or Rule IV.B7.R8 on satisfactory completion of, or exemption from, the <i>Professional Stage</i> ;
(92)	Handbook	means this Handbook;
(93)	harassment	has the same meaning as in section 26 of the Equality Act 2010;
(94)	Hearings before the Visitors	means an appeal hearing constituted under Section C.V;
(95)	HOFA	means a Head of Finance and Administration within the meaning of paragraph 13(2) of Schedule 11 to the <i>LSA</i>;
(96)	HOLP	means a Head of Legal Practice within the meaning of paragraph 11(2) of Schedule 11 to the <i>LSA</i> ;
(97)	home professional body	means the body in a <i>Member State</i> which authorises a European lawyer to pursue professional activities under any of the professional titles appearing in article 2(2) of the European Communities (Lawyer's <i>Practice</i>) Order 1999 and, if he is authorised in more than one <i>Member State</i> , it shall mean any such body;
(98)	home professional title	means, in relation to a European lawyer, the professional title or any of the professional titles specified in relation to his <i>home State</i> in article 2(2) of the European Communities (Lawyer's <i>Practice</i>) Order 1999 under which he is authorised in his <i>home State</i> to pursue professional activities;

(99)	home State	means the <i>Member State</i> in which a European lawyer acquired the authorisation to pursue professional activities under his home professional title and, if he is authorised in more than one <i>Member State</i> , it shall mean any such <i>Member State</i> ;
(100)	immigration work	means the provision of immigration advice and immigration services, as defined in section 82 of the Immigration and Asylum Act 1999;
(101)	indictable offence	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";
(102)	indirectly employed	means employment by a <i>non-authorised person</i> that in turn is owned or controlled by one or more BSB authorised <i>persons</i> and indirect employment shall be construed accordingly;
(103)	Inn	means one of the four Inns of Court, namely, the Honourable Societies of Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn. "Inns" should be construed accordingly;
(104)	instructions	means <i>instructions</i> or directions in whatever form (including a brief to appear as an advocate before a Court) given to a <i>practising barrister</i> or a BSB authorised body to supply legal services whether in a contentious or in a non-contentious matter and "instructed" shall have a corresponding meaning;
(105)	interim panel	means an <i>interim panel</i> constituted in accordance with paragraph 4 of Section V.D, to perform the functions set out in paragraphs 15 to 17 of Section V.D;
(106)	intermediary	means any <i>person</i> by whom a <i>self-employed barrister</i> or <i>authorised body</i> is instructed on behalf of a <i>client</i> excluding a <i>professional client</i> who is not also the <i>client</i> save for an <i>intermediary</i> in the context of a <i>referral fee</i> which includes a <i>professional client</i> ;
(107)	Justices' clerk	means a serving Justices' clerk or assistant Justices' clerk, appointed under the Courts Act 2003;
(108)	lay member	means a lay <i>person</i> appointed to be a <i>member</i> of the <i>Bar Standards Board</i> or one of its regulatory committees;
(109)	lay representative	means either a) a lay <i>person</i> appointed by the President of the Council of the Inns of Court to serve on Disciplinary Tribunals, Interim Suspension Panels and Appeal Panels therefrom, and <i>Medical Panels</i> and Review

		<p>Panels therefrom; or</p> <p>b) a lay <i>person</i> appointed by the Lord Chief Justice to serve on Hearings before the Visitors;</p>
(110)	legal activities	<p>means an activity which is a <i>reserved legal activity</i> and any other activity which consists of one or both of the following:</p> <p>a) the provision of legal advice or assistance in connection with the application of the law or with any form of resolution of legal disputes;</p> <p>b) the provision of representation in connection with any matter concerning the application of the law or any form of resolution of legal disputes,</p> <p>and includes, for the purposes of this Handbook, activities of a judicial or quasi-judicial nature (including acting as a mediator and other forms of alternative dispute resolution) and legal academic work such as lecturing. (Note that <i>legal services</i> are more narrowly defined);</p>
(111)	legal aid complaint	has the same meaning as in section 40 of the Administration of Justice Act 1985;
(112)	Legal Advice Centre	<p>means a centre operated by a charitable or similar non-commercial organisation at which legal services are habitually provided to <i>members</i> of the public without charge (or for a nominal charge) to the client and:</p> <p>a) which employs or has the services of one or more <i>solicitors</i> conducting work pursuant to rule 4.16 of the SRA <i>Practice Framework Rules</i> 2011, or</p> <p>b) which has been and remains designated by the <i>Bar Standards Board</i> as suitable for the employment or attendance of <i>barristers</i> subject to such conditions as may be imposed by the <i>Bar Standards Board</i> in relation to insurance or any other matter whatsoever;</p>
(113)	legal disciplinary practice	means <i>partnerships</i> , <i>LLPs</i> and companies that have been and continue to be authorised to act as a legal disciplinary <i>practice</i> by the <i>Bar Standards Board</i> in accordance with Section E of Part III or by another <i>approved regulator</i> ;
(114)	Legal Ombudsman	means scheme administered by the Office for Legal Complaints under Part 6 of the <i>LSA</i> ;
(115)	legal services	<p>includes legal advice representation and drafting or settling any statement of case witness statement affidavit or other legal document but does not include:</p> <p>a) sitting as a judge or arbitrator or acting as a mediator;</p> <p>b) lecturing in or teaching law or writing or editing law</p>

		<p>books articles or reports;</p> <p>c) examining newspapers, periodicals, books, scripts and other publications for libel, breach of copyright, contempt of court and the like;</p> <p>d) communicating to or in the press or other media;</p> <p>e) giving advice on legal matters free to a friend or relative or acting as unpaid or honorary legal adviser to any charitable benevolent or philanthropic institution;</p> <p>f) in relation to a <i>barrister</i> who is a non-executive director of a company or a trustee or governor of a charitable benevolent or philanthropic institution or a trustee of any private trust, giving to the other directors trustees or governors the benefit of his learning and experience on matters of general legal principle applicable to the affairs of the company institution or trust;</p> <p>(Note that <i>legal activities</i> are more broadly defined.)</p>
(116)	Legal Services Board or LSB	means the independent body established under the <i>LSA</i> to be the over-arching regulator for the legal profession as a whole;
(117)	Legal Aid Agency	is the executive agency established under Legal Aid Sentencing and Punishment of Offenders Act 2012 to manage and administer the legal aid system;
(118)	licensed access client	means a <i>person</i> or organisation approved as such by the <i>Bar Standards Board</i> in accordance with the Licensed Access Recognition Regulations.
(119)	licensed access rules	means the rules on Licensed Access set out at II.D2.13-22;
(120)	licensable body	<p>Has the same meaning as set out in s. 72 <i>LSA</i> namely:</p> <p>(1) A body (“B”) is a licensable body if a <i>non-authorised person</i>–</p> <p style="padding-left: 40px;">(a) is a <i>manager</i> of B, or</p> <p style="padding-left: 40px;">(b) has an interest in B.</p> <p>(2) A body (“B”) is also a licensable body if–</p> <p style="padding-left: 40px;">(a) another body (“A”) is a <i>manager</i> of B, or has an interest in B, and</p> <p style="padding-left: 40px;">(b) <i>non-authorised persons</i> are entitled to exercise, or control the exercise of, at least 10% of the voting rights in A.</p>

		<p>(3) For the purposes of this Act, a <i>person</i> has an interest in a body if–</p> <p>(a) the <i>person</i> holds shares in the body, or</p> <p>(b) the <i>person</i> is entitled to exercise, or control the exercise of, voting rights in the body.</p> <p>(4) A body may be licensable by virtue of both subsection (1) and subsection (2).</p> <p>(5) For the purposes of this Act, a <i>non-authorised person</i> has an indirect interest in a licensable body if the body is licensable by virtue of subsection (2) and the <i>non-authorised person</i> is entitled to exercise, or control the exercise of, voting rights in A.</p> <p>(6) “shares” means–</p> <p>(a) in relation to a body with a share capital, allotted shares (within the meaning of the Companies Acts);</p> <p>(b) in relation to a body with capital but no share capital, rights to share in the capital of the body;</p> <p>(c) in relation to a body without capital, interests–</p> <p>(i) conferring any right to share in the profits, or liability to contribute to the losses, of the body, or</p> <p>(ii) giving rise to an obligation to contribute to the debts or expenses of the body in the event of a winding up;</p> <p>and references to the holding of shares, or to a shareholding, are to be construed accordingly.</p>
(121)	licensed body	a licensable body which has been granted a licence by the Bar Standards Board or other licensing authority to undertake <i>reserved legal activities</i> ;
(122)	licensing authority	means an <i>approved regulator</i> which is designated as a licensing authority under Part 1 of Schedule 10 to the LSA, and whose licensing rules have been approved for the purposes of the LSA;
(123)	limited practising certificate	in accordance with III.C4.R9, a limited <i>practising certificate</i> authorises a <i>barrister</i> to exercise any right of audience that they had on 30 July 2000 as a result of them being a <i>barrister</i> ;

(124)	litigation extension fee	means the amount payable by a <i>BSB authorised person</i> which has a litigation extension;
(125)	LLP	means a limited liability <i>partnership</i> formed by being incorporated under the Limited Liability <i>Partnerships Act 2000</i> ;
(126)	LSA	means the <i>Legal Services Act 2007</i> (as amended);
(127)	manager	<p>has the same meaning as set out in s. 207 <i>LSA</i> namely:</p> <ul style="list-style-type: none"> a) a <i>member</i> of an <i>LLP</i>; b) a director of a company; c) a <i>partner</i> in a <i>partnership</i>; or d) in relation to any other body, a <i>member</i> of its governing body.
(128)	material interest	<p>has the same meaning as in paragraph 3 of Schedule 13 to the <i>LSA</i> namely:</p> <p>a <i>person</i> holds a <i>material interest</i> in a body (“B”) if the <i>person</i>:</p> <ul style="list-style-type: none"> i. holds at least 10% of the shares in B, ii. is able to exercise significant influence over the management of B by virtue of the <i>person's</i> shareholding in B, iii. holds at least 10% of the shares in a parent undertaking (“P”) of B, iv. is able to exercise significant influence over the management of P by virtue of the <i>person's</i> shareholding in P, v. is entitled to exercise, or control the exercise of, voting power in B which, if it consists of voting rights, constitutes at least 10% of the voting rights in B, vi. is able to exercise significant influence over the management of B by virtue of the <i>person's</i> entitlement to exercise, or control the exercise of, voting rights in B, vii. is entitled to exercise, or control the exercise of, voting power in P which, if it consists of voting rights, constitutes at least 10% of the voting rights in P, or viii. is able to exercise significant influence over the management of P by virtue of the <i>person's</i> entitlement to exercise, or control the exercise of, voting rights in P.

		and for the purposes of this definition " <i>person</i> " means– <ul style="list-style-type: none"> i. the <i>person</i>, ii. any of the <i>person's</i> associates, or iii. the <i>person</i> and any of the <i>person's</i> associates taken together;
(129)	mediation	means the process whereby the parties to a dispute appoint a neutral <i>person</i> (mediator) to assist them in the resolution of their dispute;
(130)	medical expert	means a <i>medical expert</i> appointed by the President for the purpose of serving on Medical and Review Panels;
(131)	Medical Panel	means a panel constituted under Section V.E;
(132)	member	means a <i>member</i> of a limited liability <i>partnership</i> as determined by section 4 of the Limited Liability <i>Partnership</i> Act 2000;
(133)	Member State	means a state which is a <i>member</i> of the European Union;
(134)	minor criminal offence	includes: <ul style="list-style-type: none"> a) an offence committed in the United Kingdom which is a fixed-penalty offence under the Road Traffic Offenders Act 1988; b) an offence committed in the United Kingdom or abroad which is dealt with by a procedure substantially similar to that for such a fixed-penalty offence; c) an offence whose main ingredient is the unlawful parking of a motor vehicle.
(135)	non-authorised body	any body that is not an authorised body;
(136)	non-authorised individual	means any individual who is not a BSB authorised individual or an authorised (non-BSB) individual but who is directly or <i>indirectly employed</i> by a Chambers, barrister only entity , legal disciplinary <i>practice</i> and/or a licensed body;
(137)	non-authorised person	means: <ul style="list-style-type: none"> d) non-authorised bodies; and e) <i>non-authorised individuals</i>;
(138)	non-reserved activities	means any activities other than reserved legal activities;
(139)	notarial activities	has the same meaning as set out in paragraph 7 of Schedule 2 to the LSA;
(140)	Owner	means: <ul style="list-style-type: none"> a) in relation to a BSB authorised body that is a

		<p>company or an LLP (or an applicant to become such a body), any person who holds a material interest in that company or LLP;</p> <p>b) in relation to a BSB authorised body that is a partnership (or an applicant to become such a body), any partner of that partnership who holds a material interest in that partnership;</p>
(141)	parental leave	means leave taken by the main carer of a child preceding or following birth or adoption. This could be the mother, father or adoptive parent of either sex;
(142)	partner	means a <i>person</i> who is or is held out as a <i>partner</i> in an unincorporated firm.
(143)	partnership	means an unincorporated <i>partnership</i> , and includes any unincorporated firm in which <i>persons</i> are or are held out as <i>partners</i> , but does not include an <i>LLP</i> ;
(144)	PCC	means the Professional Conduct Committee and its successors in title from time to time;
(145)	period of deferral	has the meaning set out in Regulation 79 of Section V.A5;
(146)	person	includes a body of <i>persons</i> (corporate or unincorporated);
(147)	petition	In Part V means the petition of appeal served pursuant to Rule V.C2.5.1(1);
(148)	practice	<p>means the activities, including business related activities, in that capacity, of:</p> <ul style="list-style-type: none"> a) a <i>practising barrister</i>; b) a <i>barrister</i> exercising a <i>right of audience</i> in a <i>Member State</i> other than the United Kingdom pursuant to the <i>Establishment Directive</i>, or the European Communities (Lawyer's <i>Practice</i>) Regulations 2000; c) a BSB authorised body; d) a <i>manager</i> of a <i>BSB authorised body</i> or a <i>BSB licensed body</i>; e) an employee of a <i>BSB authorised body</i> or a <i>BSB licensed body</i>; <p>“practise”, “<i>practising</i>” and “<i>practised</i>” should be construed accordingly;</p>
(149)	practising address	means an address from which the services which consist of or include the carrying on of <i>reserved legal activities</i> are being provided;
(150)	practising barrister	<i>barristers</i> who hold a <i>practising certificate</i> in accordance with Section III.C; Revise

(151)	practising certificate	means a <i>full practising certificate</i> , a <i>provisional practising certificate</i> , a <i>limited practising certificate</i> , or an <i>European lawyer's practising certificate</i> or a temporary <i>practising certificate</i> issued by the <i>Bar Council</i> ;
(152)	practising certificate fee	means the amount payable for a <i>practising certificate</i> each year, such amount to be calculated by reference to the Schedule of <i>Practising Certificate Fees</i> issued by the <i>Bar Council</i> from time to time, together with the provisions of Section III.C;
(153)	practising certificate year	means the period from 1 April in any calendar year to 31 March in the next calendar year;
(154)	the President	means the President of the Council of the <i>Inns of Court</i> ;
(155)	probate activities	has the same meaning as set out in paragraph 6 of Schedule 2 to the <i>LSA</i> ;
(156)	professional client	means in relation to giving <i>instructions</i> to a BSB authorised person, : a) any <i>person</i> authorised by another <i>approved regulator or licensing authority</i> ; b) an employed <i>barrister</i> or registered European lawyer; c) any <i>practising barrister</i> or registered European lawyer acting on his own behalf; d) a foreign lawyer; e) a Scottish or Northern Irish <i>Solicitor</i> ; or f) the representative of any body (such as a Legal Advice Centre or Pro Bono or Free Representation Unit) which arranges for the supply of legal services to the public without a fee, and which has been and remains designated by the <i>Bar Standards Board</i> (subject to such conditions as may be imposed by the <i>Bar Council</i> or <i>Bar Standards Board</i> in relation to insurance or any other matter whatsoever) as suitable for the instruction of <i>barristers</i> , and which instructs a <i>barrister</i> to supply legal services without a fee; any <i>member</i> of a profession who is acting on behalf of their own <i>client</i> ;
(157)	professional misconduct	means a breach of this Handbook by a <i>BSB regulated person</i> which the <i>PCC</i> does not consider appropriate for disposal by way of no further action or the imposition of <i>administrative sanctions</i> , pursuant to Section V.A;
(158)	professional principles	has the same meaning as set out in s. 1(3) <i>LSA</i> namely: (a) that authorised <i>persons</i> should act with

		<p>independence and integrity,</p> <p>(b) that authorised <i>persons</i> should maintain proper standards of work,</p> <p>(c) that authorised <i>persons</i> should act in the best interests of their clients,</p> <p>(d) that <i>persons</i> who exercise before any court a right of audience, or conduct litigation in relation to proceedings in any court, by virtue of being authorised <i>persons</i> should comply with their duty to the court to act with independence in the interests of justice, and</p> <p>(e) that the affairs of clients should be kept confidential.</p>
(159)	provisional practising certificate	has the meaning given to it in paragraph 17 of Section B of the Authorisation and Licensing Rules;
(160)	Provisional Qualification Certificate	means a certificate issued by the <i>Bar Standards Board</i> under IV.B5.R38 or IV.B7.R18 following satisfactory completion of, or exemption from, the non- <i>practising</i> six months of <i>pupillage</i> ;
(161)	public access client	a <i>client</i> (other than a <i>licensed access client</i>) that instructs a <i>barrister</i> directly on their behalf.
(162)	public access instructions	means <i>instructions</i> given to a <i>barrister</i> by or on behalf of a public access client, in accordance with Rules II.D2.R1-12;
(163)	pupil	means an individual who is undertaking either the first non- <i>practising</i> six months of <i>pupillage</i> or the second <i>practising</i> six months of <i>pupillage</i> , or a part thereof and who is registered with the <i>Bar Standards Board</i> as a <i>pupil</i> ;
(164)	pupil supervisor	an individual, qualified <i>barrister</i> who has been approved as a <i>pupil</i> supervisor by his or her <i>Inn</i> of Court, and in accordance with the Bar Training Regulations;
(165)	pupillage	means a period of professional training under Section IV.B5 and includes a period of external training for which permission has been given by the <i>Bar Standards Board</i> under Rule IV.B5.R16;
(166)	Qualifications Committee	means the Qualifications Committee of the <i>Bar Standards Board</i> or its successor;
(167)	Qualification Regulations	means the rules on qualification set out at Part IV;
(168)	qualified European lawyer	<p>means a <i>person</i> who is a national of a Relevant State and who either:</p> <p>(a) holds a diploma required in a Relevant State for the <i>practice</i> of a legal profession regulated by that State</p>

		which diploma satisfies the requirements of Regulation 22(1)(a) of the European Qualification Regulations; or (b) satisfies the requirements of Regulation 22(1)(b) of the European Qualification Regulations;
(169)	qualified foreign lawyer	means a <i>person</i> who is a <i>member</i> of a legal profession regulated in a jurisdiction outside England and Wales and entitled to <i>practise</i> as such;
(170)	qualified lawyer	means a <i>person</i> who is authorised to <i>practise</i> by another <i>Approved Regulator</i> , a <i>Qualified European Lawyer</i> or a <i>Qualified Foreign Lawyer</i> ;
(171)	the Quality Assurance Committee	means the <i>Quality Assurance Committee</i> of the <i>Bar Standards Board</i> or its successor
(172)	a realistic prospect of a finding of professional misconduct being made	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;
(173)	a realistic prospect of the disqualification condition being satisfied	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 it shall be determined that the <i>disqualification condition</i> has been satisfied;
(174)	register of European lawyers	means the register of European lawyers maintained by the <i>Bar Standards Board</i> under regulation 15 of the European Communities (Lawyer's <i>Practice</i>) Regulations 2000 (SI 2000/1119).
(175)	registered European lawyer	means a European lawyer registered as such by the <i>Bar Council</i> and by an <i>Inn</i> in accordance with Section III.D;
(176)	Registered European lawyer's practising certificate	means, in accordance with III.C4.R12, a <i>practising certificate</i> which entitles a registered European lawyer to carry on the same reserved legal activities as a full <i>practising certificate</i> issued to a <i>barrister</i> , save that: a) a registered European lawyer is only authorised to exercise a right of audience or a right to conduct litigation if he acts in conjunction with a <i>solicitor</i> or <i>barrister</i> who is entitled to practise before the court, tribunal or public authority concerned and who could lawfully exercise that right; and b) a registered European lawyer is not authorised to prepare for remuneration any instrument creating or transferring an interest in land unless he has a home professional title obtained in Denmark, the Republic of Ireland, Finland, Sweden, Iceland,

		Liechtenstein, Norway, the Czech Republic, Cyprus, Hungary or Slovakia;
(177)	regulatory objectives	has the meaning given to it by section 1 of the <i>LSA</i> and consists of the following objectives: <ul style="list-style-type: none"> a) protecting and promoting the public interest; b) supporting the constitutional principles of the rule of law; c) improving access to justice; d) protecting and promoting the interests of consumers; e) promoting competition in the provision of the services; f) encouraging an independent, strong, diverse and effective legal profession; g) increasing public understanding of the citizen's legal rights and duties; and h) promoting and maintaining adherence to the professional principles;
(178)	relevant activity	means acting as a <i>HOLP</i> , <i>HOFA</i> , <i>manager</i> or <i>employee of a BSB authorised body</i> or as an employee of a <i>BSB authorised individual (as the case may be)</i> ;
(179)	relevant breach	in Parts V.A and V.B means a breach of the Code of Conduct amounting to <i>professional misconduct</i> .
(180)	relevant decision	means: <ul style="list-style-type: none"> a) a decision of a <i>Disciplinary Tribunal</i>; or b) a decision, on review, by the <i>BSB</i> under Part X of the Bar Training Regulations (where the Bar Training Regulations provide for an appeal to the Visitors against such a decision), herein a "Qualification Decision";
(181)	relevant persons	means: <ul style="list-style-type: none"> a) persons who were <i>BSB regulated persons</i> at the time of the conduct complained of (including, for the purposes of Part V of the Handbook only, persons who would have fallen within the definition of <i>BSB regulated persons</i> but for the fact that, at the time of the conduct complained of, they had their authorisation or licence suspended or revoked, or were subject to a sentence of suspension or disbarment, or were subject to a disqualification order (as the case may be) that has subsequently been overturned on appeal); and b) <i>non-authorised persons</i> who are directly or <i>indirectly</i>

		<i>employed by a BSB authorised person or who were so employed at the time of the conduct complained of;</i>
(182)	Relevant State	means a <i>Member State</i> , Iceland, Norway, Liechtenstein or Switzerland;
(183)	remedial action	any action aimed at removing or reducing the disadvantage experienced by particular <i>relevant groups</i> . Remedial action cannot, however, include positive discrimination in favour of <i>members of relevant groups</i> ;
(184)	reserved instrument activities	has the same meaning as set out in paragraph 5 of Schedule 2 to the <i>LSA</i> ;
(185)	reserved legal activity	means: a) the exercise of a right of audience; b) the <i>conduct of litigation</i> ; c) reserved instrument activities; d) <i>probate activities</i> ; e) <i>notarial activities</i> ; and f) the administration of oaths; “reserved activities” shall be construed accordingly.
(186)	respondent	In Part V means the <i>person</i> with an interest in upholding a <i>relevant decision</i> , being: (a) in the case of an appeal by the <i>BSB</i> against a decision of a <i>Disciplinary Tribunal</i> , the defendant; (b) in all other cases, the <i>BSB</i> ;
(187)	review panel	In Section V.D, means a review panel constituted in accordance with paragraph 5 of that Section V.D, to perform the functions set out in paragraphs 19, 20 and 21 of that Section V.D;
(188)	right of audience	has the same meaning as set out in paragraph 3 of Schedule 2 to the <i>LSA</i> ;
(189)	right to conduct litigation	refer to <i>conduct of litigation</i> above;
(190)	Scope of Practice, Authorisation and Licensing Rules	means the rules set out at Part III of this <i>Handbook</i> ;
(191)	selection panel	any panel formally tasked with the final decision on recruitment or selection or promotion (as the case may be) of <i>pupils</i> , assessed mini-pupils, tenants, clerks, or staff, or, in the context of a <i>BSB authorised body</i>, any panel formally tasked with the final decision on recruitment or selection or promotion (as the case may

		be) of pupils, assessed mini-pupils, managers or employees of that BSB authorised body;
(192)	self-employed barrister	means a <i>practising barrister</i> who is self-employed;
(193)	Senior Courts	means the Senior Courts of England and Wales, namely, the Court of Appeal, the High Court of Justice and the Crown Court;
(194)	serious matter	For the purpose of Section IV.B8, a matter is a serious matter if it: <ul style="list-style-type: none"> i. falls within Rule IV.B8.R4.1 or Rules IV.B8.R4.2 (b)–(e); or ii. in the opinion of the <i>Inn</i> otherwise calls into question whether the <i>Student</i> is a fit and proper person to become a <i>practising barrister</i>.
(195)	solicitor	means a <i>solicitor</i> of the Supreme Court of England and Wales;
(196)	specified amount	means in respect of a <i>pupil</i> , the amount payable to a <i>pupil</i> in their non- <i>practising</i> period or their <i>practising</i> period (as appropriate), such amount being specified by the <i>Bar Standards Board</i> from time to time;
(197)	the standard directions	mean the standard directions set out at Annex 6 to Section V.B (as such Annex may be amended or updated by the <i>Bar Standards Board</i> from time to time);
(198)	suitability criteria	means: <ul style="list-style-type: none"> a) in respect of a HOLP, the criteria set out at Rules III.E5.R1–R2; b) in respect of a HOFA, the criteria set out at Rules III.E5.R3–R4; e) in respect of owners, the criteria set out at Rule III.E5.R5; and d) in respect of managers, the criteria set out at Rule III.E5.R6;
(199)	Supervision Team	means the Supervision Team of the <i>Bar Standards Board</i>
(200)	suspended or suspension	means to suspend the <i>practising</i> certificate, 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 (and which includes, in the case of a <i>barrister</i> , the fact that he is suspended from <i>practice</i> and from the rights and privileges as a <i>member</i> of his <i>Inn</i>) which power when exercised on an interim basis shall be

		exercised in accordance with Section V.D.
(201)	trade association	means a body of <i>persons</i> (whether incorporated or not) which is formed for the purpose of furthering the trade interests of its <i>members</i> or of <i>persons</i> represented by its <i>members</i> , and does not include any association formed primarily for the purpose of securing legal assistance for its <i>members</i> ;
(202)	Temporary Qualification Certificate	means a certificate issued by the <i>Bar Standards Board</i> under Rule IV.B7.R21 authorising a Qualified Foreign Lawyer to be admitted to temporary membership of an <i>Inn</i> and called to the <i>Bar</i> for the purpose of appearing as counsel in a particular case or cases before a court or courts of England and Wales;
(203)	unfit to practise	when used to describe a <i>barrister</i> means that he is incapacitated by reason of ill health and: <ol style="list-style-type: none"> 1. the <i>barrister</i> is suffering from serious incapacity due to his physical or mental condition (including any addiction); and 2. as a result the <i>barrister's</i> fitness to practise is seriously impaired; and his <i>suspension</i> or the imposition of conditions is necessary for the protection of the public
(204)	university	means an institution which makes available educational services under a name which includes the word "university" and in the case of an institution to which section 39(1) of the Higher Education Act 1998 applies which is authorised or has approval to include that word in that name as mentioned in that subsection;
(205)	unregistered barrister	means an individual who does not hold a <i>practising</i> certificate but who has been called to the <i>Bar</i> by one of the <i>Inns</i> and has not ceased to be a <i>member</i> of the <i>Bar</i> ;
(206)	UK	means United Kingdom;
(207)	victimisation	has the same meaning as in section 27 of the Equality Act 2010;
(208)	the Visitors	means the panel nominated to hear an appeal pursuant to Rule 12.1 of Section V.C2 or, in the case of an appeal within Rule 12.3(c) of 12.5 of Section V.C2 the single judge nominated to hear the appeal
(209)	vocational stage	has the meaning set out in IV.B4.R1;
(210)	workforce	means: <ol style="list-style-type: none"> a) in the case of a <i>Chambers</i>, the staff, <i>barristers</i>, <i>pupils</i> and assessed mini-pupils; and

		b) in the case of a <i>BSB authorised body</i>, the <i>employees, managers, pupils</i> and <i>assessed mini-pupils</i>;
(211)	Years' standing	<p>Means that a <i>barrister</i> shall be treated as being of a particular number of years' standing if they:</p> <p>a) have been entitled to practise and have practised as a <i>Barrister</i> (other than as a <i>pupil</i> who has not completed <i>pupillage</i> in accordance with the <i>Bar Training Regulations</i>) or as a <i>person</i> authorised by another <i>Approved Regulator</i>;</p> <p>b) have made such <i>practice</i> their primary occupation; and</p> <p>c) have been entitled to exercise a <i>right of audience</i> or to <i>conduct litigation</i> before every <i>court</i> in relation to all proceedings,</p> <p>for a period (which need not be continuous and need not have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) of at least that number of years.</p>
(212)		