

Annex B – Enforcement Decision Regulations 2019 – Consequential Amendments

Regulation	Change
Foreword	Draft updated foreword
I6.1	Change to 'Enforcement Strategy'
I6.3.a	Change to 'Enforcement Strategy'
I6.5	Change to 'Enforcement and Supervision strategies'
rI7.9	"who were at the time when any conduct was complained of or reported "
rI14	Reword to: "a matter was being dealt with under the Complaints Regulations prior to 15 October 2019; or the Disciplinary Tribunal Regulations 2014 prior to 1 November 2017; or Annexe J (The Complaints Rules 2011), Annexe K (The Disciplinary Tribunals Regulations (2009) (Reissued 1 February 2012)), Annexe M (Hearings before the Visitors Rules), Annexe N (Interim Suspension Rules) or Annexe O (Fitness to Practise Rules) prior to 6 January 2014; and that matter has not concluded or been disposed of; or "
gC81	Italicise both references to "complaints"
rC64.2	Add IDPs
rC144.1.c	Change 'complaints' to 'reports'
rE67-rE100A	Removed.
rE101	Remove "a matter" replace with "an allegation" Replace "PCC" with "Commissioner or IDP"
rE102.1	Replace "PCC" with "Commissioner or IDP" Remove "or five weeks...Disciplinary Tribunal"
rE274.6	Remove
rE278.5.c	Remove
rE144	Insert in all 3 sub regs "or the IDB" after "or any of its committees"
rE144.3	"was a member" to "were a member"
rE138	"Complaint" to "allegation" twice
rE167	Replace "complaint" with "allegation"
rE209	Replace "rE37.3" with "rE19.3 or rE22.3" "Complaints Regulations" to "Enforcement Decision Regulations"
rE218	refers to "complaint", change to "allegation."
rE236	Delete
rE237	Delete
rE263	Replace "PCC" with "Chair of the IDB"
rE264	"PCC" to "Chair of the IDB and Commissioner"
rE268	"PCC" to "Commissioner" change "complaint" to "referral".

Annex B – Enforcement Decision Regulations 2019 – Consequential Amendments

rE268.2	"PCC" to "Commissioner"
rE269	"PCC" to "Commissioner"
rE270	"If the Commissioner refers a respondent to an interim panel under rE268 the Chair of the IDB shall consider whether or not the respondent should be subject to an immediate interim suspension or disqualification under rE272 pending disposal by the interim panel."
rE271	Replace "PCC" with "Chair of the IDB"
rE272	Replace "PCC" with "Chair of the IDB"
rE272.2	"PCC" to "Commissioner"
gE1	Replace "PCC" with "Chair of the IDB"
gE2	"PCC" to "Commissioner"
rE273	"PCC" to "Commissioner"
rE274.3	Replace "Chair of PCC" with "Commissioner" Also in paragraph below
rE274.4	Replace "Chair of PCC" with "Commissioner"
rE274.4.c	Replace "Chair of PCC" with "Commissioner"
rE275	Replace "Chair of PCC" with "Commissioner"
rE280	Replace "Chair of PCC" with "Commissioner"
rE284	Replace "Chair of PCC" with "Commissioner"
rE293.g&h	Remove .7.g, change .h to Commissioner and make .2 the Chair and Commissioner
rE300	Replace "PCC" with "Commissioner" (x2)
rE303	Replace "PCC" with "Commissioner"
rE304	Replace "PCC" with "Commissioner"
rE305	Replace "PCC" with "Commissioner" Replace "Chair of PCC" with "Commissioner"
rE306	Replace "PCC" with "Commissioner" Also change: "its" to "the Commissioner's"; "complaint of professional misconduct" to "referral"; and "Complaints Regulations" to "Enforcement Decision Regulations".
rE308	Replace "PCC" with "Commissioner"
rE309	Replace "PCC" with "Commissioner"
rE310.1.2.3&4	Replace "PCC" with "Bar Standards Board"
rE311.3	Replace "PCC" with "Commissioner"

Annex B – Enforcement Decision Regulations 2019 – Consequential Amendments

r316.1	Replace “PCC” with “Commissioner” and remove the repetition
rE318	Replace “PCC” with “Commissioner”
rE320	Replace “PCC” with “Commissioner”
rE324	Replace “PCC” with “Commissioner” Replace “Chair of PCC” with “Commissioner” And delete the repetition.
rE336	Replace “PCC” with “Commissioner”
rE342	Replace “PCC with “Bar Standards Board”
rE343	Replace “PCC with “Bar Standards Board”
rE346	Replace “PCC with “Bar Standards Board”
rE350	.3 to Commissioner Remove .2
Authorisation Review Panel references throughout	All references to “Authorisation Review Panel” to be amended to “Independent Decision-Making Panel”
Sched 1 (6) (a)	Reword to “member of the BSB, any of its committees or IDB”
Sched 1 (6) (b)	Remove
Part 5 heading and subheadings (and numbering)	Update
“appeal Panel” definition	Update cross-referencing
“complaint” definition	“means, for the purposes of Part 2, a complaint by a client about the standard of service received that is addressed either to the Legal Ombudsman or the chambers or the BSB authorised person”
“Complaints Regulations” definition	Remove
“Definitions Section” definition	Change reference to “Part 6”
“determination by consent procedure” definition	Update cross-referencing

Annex B – Enforcement Decision Regulations 2019 – Consequential Amendments

“Disqualify, disqualified or disqualification” definition	Amend to “which power when exercised on an interim basis shall be exercised <u>by the Commissioner</u> in accordance with Section 5.D”
“enforcement strategy” definition	Change to “...in effect as at the date the report is received by, or comes to the attention of, the BSB under Part 5.A”.
“Enforcement Regulations” definition	Remove
“indictable offence” definition	Remove
“Judge” definition	Remove
“lay member” definition	Add IDB to list in a)
“medical member” definition	Change 5.E to 5.D
“PCC” definition	Remove
“a realistic prospect of a finding of professional misconduct being made” definition	Update to refer to IDP and Commissioner, remove reference to complaints change “final determination of a complaint” to “final determination of an allegation”
“a realistic prospect of the disqualification condition being satisfied” definition	Update to refer to IDP and Commissioner, remove reference to complaints change “final determination of a complaint” to “final determination of an allegation”
“suspended or Suspension” definition	Change 5.D and 5.E to 5.C and 5.D
NEW DEFINITION	Independent Decision-Making Panel – 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 Independent Decision-Making Body.
NEW DEFINITION	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.
NEW DEFINITION	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>

Annex B – Enforcement Decision Regulations 2019 – Consequential Amendments

NEW DEFINITION	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
NEW DEFINITION	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>
NEW DEFINITION	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
NEW DEFINITION	Independent Decision-Making Body – the body established by the <i>Bar Standards Board</i> to provide a pool of members for Independent Decision-Making Panels.
FORMATTING	Remove italicisation of “individual” throughout Handbook