



Annex

Proposed amendments to the BSB Handbook via the Exemption direction 181 route

April 2026

All changes highlighted in red text

Rule	Current Provision	New Provision	Rationale for Change	Equality Act meaningfully engaged?
Handbook Part 1				
12	The regulatory objectives of the <i>Bar Standards Board</i> derive from the Legal Services Act 2007 and can be summarised as follows: .1 protecting and promoting the public interest; .2 supporting the constitutional principles of the rule of law;	The regulatory objectives of the <i>Bar Standards Board</i> derive from the Legal Services Act 2007 and can be summarised as follows: .1 protecting and promoting the public interest; .2 supporting the constitutional principle of the rule of law;	Remove “s” from 12.2 so that “principle of the rule of law” aligns with wording of the regulatory objectives, as set out in s1 (1) (b) of the Legal Services Act 2027 – i.e. “principle” (singular).	No
r112	This fourth edition of the <i>Handbook</i> came into force on 1 April 2019 and replaced the third edition of the	This version (4.9) of the <i>Handbook</i> came into force on X April 2026 and replaced version 4.8 of the <i>Handbook</i>	The change will correct a minor drafting error in the Handbook, which currently misstates its version	No

	<i>Handbook</i> (which came into effect from 3 April 2017).	(which came into effect from 21 May 2024).	number and the date it came into force. The update will accurately reflect that the latest Handbook version 4.9, effective from [enactment date] 2026, replaces version 4.8, which came into effect from 21 May 2024. We have replaced the word “edition” with “version” to align the text of the Handbook with the terminology used for its website equivalent, which uses the word “version” not “edition.”	
Handbook Part 2				
rC8	You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) and independence (CD4).	You must not do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) or independence (CD4).	The change is to clarify that the various professional obligations regarding honesty, integrity and independence exist separately, and each must be adhered to in their own right. It is therefore proposed that the word “and”, currently included between “integrity” and “independence” will be replaced with the word “or”.	Yes
rC30.9 (c)	accepting the <i>instructions</i> would require you to act other than on (A) the Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorised Persons 2020 as published on the <i>Bar Council’s</i> website;	accepting the <i>instructions</i> would require you to act other than on (A) the Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorised Persons 2026 as published on the <i>Bar Council’s</i> website;	Updated to reflect the Bar Council’s update to its Standard Contractual Terms, approved earlier this year.	No

	or (B) if you publish standard terms of work, on those standard terms of work.	or (B) if you publish standard terms of work, on those standard terms of work.		
rC65.1	You must report promptly to the <i>Bar Standards Board</i> if: .1 you are charged with an <i>indictable offence</i>; in the jurisdiction of England and Wales or with a <i>criminal offence</i> of comparable seriousness in any other jurisdiction;	You must report promptly to the <i>Bar Standards Board</i> if: .1 you are charged with an <i>indictable offence</i>; in the jurisdiction of England and Wales or with a <i>criminal offence</i> of comparable seriousness in any other jurisdiction;	The words “indictable offence” will be taken out of italics in the Handbook, because the term is not defined in Handbook Part 6. We will also de-italicise indictable offence at rS110.13 (twice) and the Part 6 definition of “conviction” for the same reason.	No
rC68.1	You are not under a duty to report serious misconduct by others if: .1 you become aware of the facts giving rise to the belief that there <i>has</i> serious misconduct from matters that are in the public domain and the circumstances are such that you reasonably consider it likely that the facts will have come to the attention of the <i>Bar Standards Board</i>; or	You are not under a duty to report serious misconduct by others if: .1 you become aware of the facts giving rise to the belief that there <i>has been</i> serious misconduct from matters that are in the public domain and the circumstances are such that you reasonably consider it likely that the facts will have come to the attention of the <i>Bar Standards Board</i>; or	Fixing a drafting error to insert the word “been” after “has” – so “has been.”	No
rC98	A <i>BSB entity</i> must not take on a new <i>manager</i>, <i>HOLP</i> or <i>HOFA</i> without first submitting an application to the <i>Bar Standards Board</i> for approval in accordance with the requirements of Section <i>S.D.</i>	A <i>BSB entity</i> must not take on a new <i>manager</i>, <i>HOLP</i> or <i>HOFA</i> without first submitting an application to the <i>Bar Standards Board</i> for approval in accordance with the requirements of Section <i>3E.</i>	The proposed change is to correct an incorrect Handbook cross-reference, which is currently identified as Section S.D. but should be Section 3E.	No

Handbook Part 3				
rS22	.1 .a have been entitled to <i>practise</i> and have <i>practised</i> as a <i>barrister</i> (other than as a <i>pupil</i> who has not completed <i>pupillage</i> in accordance with the Bar Qualification Rules) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) for at least six years in the previous eight years; and.. .2 .a .i have been entitled to <i>practise</i> and have <i>practised</i> 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 Qualification Rules</i>) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) for at least six years in the previous eight years; and.. .3 .a .i have been entitled to <i>practise</i> and have <i>practised</i> as a <i>barrister</i> (other than as a <i>pupil</i> who has not completed <i>pupillage</i> in accordance with the Bar Qualification Rules) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not	.1 .a have been entitled to <i>practise</i> and have <i>practised</i> as a <i>barrister</i> (other than as a <i>pupil</i> who has not completed <i>pupillage</i> in accordance with the Bar Qualification Rules) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) of at least six years in the previous eight years; and.. .2 .a .i have been entitled to <i>practise</i> and have <i>practised</i> 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 Qualification Rules</i>) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) of at least six years in the previous eight years; and.. .3 .a .i have been entitled to <i>practise</i> and have <i>practised</i> as a <i>barrister</i> (other than as a <i>pupil</i> who has not completed <i>pupillage</i> in accordance with the Bar Qualification Rules) or as a <i>person</i> authorised by another <i>Approved Regulator</i> for a period (which need not	When describing the required length of practice to be a ‘qualified person’, this Handbook update replaces the term “for at least six years” with “of at least six years”. Making this change standardises the way that length of qualifications are referred to across the Handbook, including by reference to rQ24.2 and “Years’ standing” in Part 6.	No

	have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) for at least six years in the previous eight years; and..	have been as a <i>person</i> authorised by the same <i>Approved Regulator</i>) of at least six years in the previous eight years; and..		
Handbook Part 5				
rE4	If a <i>report</i> is received by the <i>Bar Standards Board</i> from a person entitled to complain to the <i>Legal Ombudsman</i> about the subject of the <i>report</i> , the <i>Commissioner</i> must refer the <i>report</i> without further consideration to the <i>Legal Ombudsman</i> or signpost the provider of the <i>report</i> to the <i>Legal Ombudsman</i> .	If it appears to the <i>Commissioner</i> that a <i>report</i> or part of a <i>report</i> raises a service issue within the jurisdiction of the <i>Legal Ombudsman</i> , the <i>Commissioner</i> must: 1. refer the <i>report</i> to the <i>Legal Ombudsman</i> ; or 2. signpost the provider of the <i>report</i> to the <i>Legal Ombudsman</i> .	In amending rE4 to remove the words “without further consideration”, we will align the rule’s wording more closely with our current interpretation of the provision (as already agreed with LeO and the LSB and stated on our website), to avoid any ambiguity about its meaning – namely, that it is possible for the BSB to consider a report relating to barrister’s conduct in parallel with a referral to LeO, who are able to investigate service issues separately. Under one possible interpretation of the current rE4 wording (in particular “without further consideration”), the <i>Commissioner</i> might be expected to halt their conduct investigation following a report while LeO investigates the service aspects of the same report.	Yes

rE44	The <i>Commissioner</i> must publish any finding and sanction resulting from the <i>determination by consent procedure</i> to the same extent as such publication would have taken place on a finding and sanction by a <i>Disciplinary Tribunal</i> , as provided for in the Disciplinary Tribunal Regulations.	The <i>Commissioner</i> must publish any finding (s) and sanction, and a report of the decision , resulting from the <i>determination by consent procedure</i> to the same extent as such publication would have taken place by a <i>Disciplinary Tribunal</i> , in accordance with the Disciplinary Tribunals Regulations.	The proposed change makes it clear that the BSB has the power to publish a report of the outcome of proven disciplinary proceedings, conducted via accelerated “determination by consent” (DBC) procedure. The current wording of rE44 indicates that the BSB only has explicit powers to publish the “findings and sanctions” element of their decision, rather than a (more expansive) report of their findings. The intention of the planned Handbook change is to align the wording of rE44 with the BSB’s longstanding publication policy regarding proven disciplinary findings.	Yes
rE59	The <i>appeal panel</i> must decide whether to set aside or to vary the original decision.	The appeal panel must decide whether or not to set aside or to vary the original decision	To change the wording of rE59 to clarify that an appeal panel can elect not to set aside or vary a decision to impose an administrative sanction.	No
rE65	For the avoidance of doubt, this Section 5.A does not prevent the immediate operation of the <i>Interim Suspension and Disqualification Regulations</i> or the <i>Fitness to Practise Regulations</i> , where appropriate.	For the avoidance of doubt, this Section 5.A does not prevent the immediate operation of the <i>Interim Suspension and Disqualification Regulations</i> or the <i>Fitness to Practise Regulations</i> , where appropriate.	The words “ <i>Interim Suspension and Disqualification Regulations</i> ” and “ <i>Fitness to Practise Regulations</i> ” should be taken out of italics because neither term are defined in Part 6 of the Handbook.	No

rE114	When the <i>President</i> has received the documents referred to in rE109, rE111 or rE113 above, the <i>President</i> must designate either a King's Counsel or <i>Judge</i> , to be determined at the <i>President's</i> sole discretion ("the <i>Directions Judge</i> "), to exercise the powers and functions conferred on the <i>Directions Judge</i> in these Regulations.	When the <i>President</i> has received the documents referred to in rE109, rE111 or rE113 above, the <i>President</i> must designate either a King's Counsel or <i>Judge</i> , to be determined at the <i>President's</i> sole discretion ("the <i>Directions Judge</i> "), to exercise the powers and functions conferred on the <i>Directions Judge</i> in these Regulations.	Capitalisation consistency: Revise rE114, rE249.4 and rE251 to consistently capitalise "Directions Judge". Italicisation updates: Italicise "Directions Judge" in rE168 and rE244 for consistency. De-italicisation of "Judge": Remove italics from "Judge" in rE114, rE129, rE140.1, rE141.1, and rE251, as italicised terms require a definition in Part 6, and "Judge" is not defined there.	No
rE129	The <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> designated in the <i>Convening Order</i> (or failing the <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> , any other <i>Judge</i> nominated by the <i>President</i>) may, at any stage, make such directions for the management of the case or the hearing as they consider will expedite the just and efficient conduct of the case.	The <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> designated in the <i>Convening Order</i> (or failing the <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> , any other <i>Judge</i> nominated by the <i>President</i>) may, at any stage, make such directions for the management of the case or the hearing as they consider will expedite the just and efficient conduct of the case.		No
rE140.1	as Chair, a <i>Judge</i> ; and..	.1 as Chair, a <i>Judge</i> ; and..		No
rE141.1	as Chair, a King's Counsel or a <i>Judge</i> ; and..	.1 as Chair, a King's Counsel or a <i>Judge</i> ; and..		No
rE168	Where a party has previously failed to comply with any direction made by the <i>Directions Judge</i> , or has failed to do any act, including the submission of evidence, within the time period	Where a party has previously failed to comply with any direction made by the <i>Directions Judge</i> , or has failed to do any act, including the submission of evidence, within the time period		No

	specified in a direction, the <i>Disciplinary Tribunal</i> may, at its discretion:..	specified in a direction, the <i>Disciplinary Tribunal</i> may, at its discretion:..		
rE244	A <i>Disciplinary Tribunal</i> or <i>Directions Judge</i> may make such Orders for costs, whether against or in favour of a <i>respondent</i> , as the <i>Disciplinary Tribunal</i> or <i>Directions Judge</i> shall think fit.	A <i>Disciplinary Tribunal</i> or <i>Directions Judge</i> may make such Orders for costs, whether against or in favour of a <i>respondent</i> , as the <i>Disciplinary Tribunal</i> or <i>Directions Judge</i> shall think fit.		No
rE249.4	If served in any way which may be directed by the <i>Directions judge</i> or the Chair of the <i>Disciplinary Tribunal</i> .	If served in any way which may be directed by the <i>Directions Judge</i> or the Chair of the <i>Disciplinary Tribunal</i> .		No
rE251	The powers and functions conferred by these Regulations on a <i>Directions judge</i> may be exercised by any other <i>Judge</i> or King's Counsel nominated by the <i>President</i> , including the <i>Judge</i> or King's Counsel designated in the <i>Convening Order</i> as Chair of the <i>Disciplinary Tribunal</i> appointed to hear and determine the charge or charges against the <i>respondent</i> , if the <i>Directions Judge</i> is unable to act due to absence, or for any other reason.	The powers and functions conferred by these Regulations on a <i>Directions Judge</i> may be exercised by any other <i>Judge</i> or King's Counsel nominated by the <i>President</i> , including the <i>Judge</i> or King's Counsel designated in the <i>Convening Order</i> as Chair of the <i>Disciplinary Tribunal</i> appointed to hear and determine the charge or charges against the <i>respondent</i> , if the <i>Directions Judge</i> is unable to act due to absence, or for any other reason.		No
rE132.3	the fixing of the date of the hearing in accordance with rE130 above, <i>the President</i> must, in all cases,	the fixing of the date of the hearing in accordance with rE130 above, <i>the President</i> must, in all cases,	Standardise the italicisation of “the President” throughout the Handbook to the most common approach currently adopted – so the <i>President</i> , not <i>the President</i> .	No

			Will also need to update “the <i>President</i> ” at rE141, rE142, rE143, rE145, rE146, rE148, rE212, rE213, rE230, rE231, rE251, rE252, rE253, rE256, rE266, rE267, rE279, rE280.	
rE203.2	Disqualification Order ; or	disqualification order ; or	Rectify capitalisation consistency: Revise rE203.2, rE236, rE207.2	No
rE210.5	impose a <i>Disqualification Order</i> for more than twelve months.	impose a <i>disqualification order</i> for more than twelve months.	(below) to decapitalise “disqualification order”. This will bring this capitalisation in line with the Part 6 capitalisation approach of “directors disqualification order”, which is entirely lower case.	No
rE238	Where a <i>respondent</i> lodges an appeal against a disbarment or Disqualification Order or the revocation of a licence or authorisation, they may at the same time lodge with the High Court an appeal against any requirement imposed under rE227 to rE229 as appropriate.	Where a <i>respondent</i> lodges an appeal against a disbarment or disqualification order or the revocation of a licence or authorisation, they may at the same time lodge with the High Court an appeal against any requirement imposed under rE227 to rE229 as appropriate.	.	No
rE207.2	the case of a <i>respondent</i> who is an <i>applicable person</i> in respect of whom the <i>Disciplinary Tribunal</i> finds the <i>disqualification condition</i> to be established, the <i>Disciplinary Tribunal</i> may make a Disqualification Order if the <i>Disciplinary Tribunal</i> considers that the making of such a Disqualification Order is a proportionate sanction and is in the public interest (there being no other available sanction in respect of a <i>non-authorized individual</i> (other than an unregistered barrister, manager of a	the case of a <i>respondent</i> who is an <i>applicable person</i> in respect of whom the <i>Disciplinary Tribunal</i> finds the <i>disqualification condition</i> to be established, the <i>Disciplinary Tribunal</i> may make a disqualification order if the <i>Disciplinary Tribunal</i> considers that the making of such a disqualification order is a proportionate sanction and is in the public interest (there being no other available sanction in respect of a <i>non-authorized individual</i> (other than an unregistered barrister, manager of a	As above, but also with <i>unregistered barrister, manager, BSB entity, registered European lawyer, practising certificate</i> all now italicised, because they have a Part 6 Handbook definition. The spelling of practising certificate has also been corrected.	No

	BSB entity or a registered European lawyer who does not have a current practicing certificate) directly or indirectly employed by a BSB authorised person)	BSB entity or a registered European lawyer who does not have a current practising certificate) directly or indirectly employed by a BSB authorised person)		
rE272.7	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 and 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).	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 and rS128 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).	The cross reference should refer to rS128, rather than the current rS129 reference. Also fixed an italicisation error regarding the word “Board”.	No
rE274	As soon as practicable after receipt of the notice referred to in rE273, the <i>President</i> shall write to the <i>respondent</i> 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:	As soon as practicable after receipt of the notice referred to in rE273, the <i>President</i> shall write to the <i>respondent</i> notifying them of the decision, together with a copy of the <i>Interim Suspension and Disqualification Regulations</i> and briefly setting out the details that have caused the referral to the <i>Interim Panel</i> . The letter of notification shall:	The words “ <i>Enforcement Regulations</i> ” should be taken out of italics as the term is not defined elsewhere in Part 6 of the Handbook. We also propose to narrow the scope of the materials that the President needs to send to the respondent, so they only cover the <i>Interim Suspension and Disqualification Regulations</i> , rather than the whole of Part 5.	No
rE278.4	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	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	The words “ <i>Interim Suspension and Disqualification Regulations</i> ” should be taken out of italics as the term is	No

	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 rE278.3.c above.	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 rE278.3.c above.	not defined in Part 6 of the Handbook.	
rE278.5	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> :	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> .		No
Handbook Part 6				
a realistic prospect of a finding of professional misconduct being made	realistic prospect of a finding of professional misconduct being made	Revise Part 6 to ensure the main Handbook wording and Part 6 definition align, in terms of	No	
a realistic prospect of the disqualification condition being satisfied	realistic prospect of the disqualification condition being satisfied	italicisation: the italicisation relates to <i>realistic prospect</i> , rather than “a realistic prospect...” These definitions will therefore relocate from “A” to “R” within Part 6.	No	
the President	President	Revising to make the italicisation of the President more consistent: the italicisation relates to <i>President</i> only, not “the”. President will relocate from “T” to “P” within Part 6.	No	

regulatory objectives has the meaning given to it by section 1 of the <i>LSA</i> and consists of the following objectives: a) protecting and promoting the public interest; b) supporting the constitutional principles of the rule of law;	regulatory objectives has the meaning given to it by section 1 of the <i>LSA</i> and consists of the following objectives: a) protecting and promoting the public interest; b) supporting the constitutional principle of the rule of law;	Remove “s” from b) so that “principle of the rule of law” aligns with wording of the regulatory objectives, as set out in s1 (1) (b) of the Legal Services Act 2027 - i.e. “principle” (singular).	No
self-employed barrister means a <i>practising barrister</i> who is self-employed	self-employed barrister means a <i>practising barrister</i> who is self-employed	The words <i>self-employed</i> should be taken of out italics as the term “self-employed” is not defined elsewhere in Part 6.	No