

Direction 202 issued under paragraph 19 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board (“the BSB”)

1. The Legal Services Board (“**LSB**”) has decided, pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (“**the Act**”), that the alteration described in this direction is to be treated as an exempt alteration for the purposes of paragraph 19(2)(c) of the Act.
2. This direction is issued in response to a notification from the BSB dated 22 April 2026 seeking approval under the LSB’s General Exemption (Exemption Direction 181)¹ for several changes to the BSB Handbook. The LSB determined that the proposed amendment to rule E44 falls outside the scope of the General Exemption and is instead approved by way of a bespoke exemption, in accordance with rules 5(b) and 17 of the LSB Applications to Alter Regulatory Arrangements Rules 2021².
3. The General Council of the Bar (“**GCB**”) is an approved regulator, and the BSB is the regulatory body to which the GCB has delegated its regulatory functions.
4. In accordance with paragraphs 19(3) and (4) of Schedule 4 to the Act, the LSB directs that the alteration set out in this direction is to be treated as an exempt alteration for the purposes of paragraph 19(2)(c) of Schedule 4.
5. This direction is to be deemed made on and effective from 05 June 2026.
6. Unless stated otherwise, words in this direction have the meanings given to them in the Act.

Background and proposed changes

7. This direction is based on the information provided by the BSB in its notification and accompanying material³. The BSB seeks to amend rule E44 in Part 5 of the BSB Handbook regarding the publication of decisions made under the determination by consent (DBC) procedure. The DBC procedure is reserved to cases where:
 - (a) a barrister agrees to take part in the process;
 - (b) there is no substantial dispute of the relevant facts; and
 - (c) the sanction imposed is unlikely to be a suspension or disbarment.
8. The BSB stated that it has a longstanding practice (which has never been challenged) of publishing reports of DBC decisions on its website, but that the current wording of the Handbook refers only to publication of ‘finding and sanctions’. The BSB wishes to amend the rule to reflect that practice and to remove any doubt as to the scope of the publication obligation.
9. The proposed amendment would change the wording of rule E44 so that the

¹ [ED181-General-Exemption-minor-alterations.pdf](#) – the general exemption provides that an alteration to an approved regulator’s regulatory arrangements is an exempt alteration for the purposes of paragraph 19(2)(c) of Schedule 4 if the alteration : a. corrects a minor drafting error or errors b. corrects or updates grammar, punctuation and pronouns or c. makes minor consequential changes arising from alterations previously approved by the LSB.

² [The Guidance on the Applications to Alter Regulatory Arrangements Rules 2021](#)

³ [BSB - LSB Exemption direction 181 notification - cover paper \(April 2026\)](#)

Commissioner⁴ must publish any findings and sanctions, as well as a report of the decision resulting from the DBC procedure, to the same extent as publication would have taken place following a determination by a Disciplinary Tribunal.

10. The BSB is proposing to alter the wording of rule E44, as set out below (key changes in red), from:

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

to

‘The Commissioner must publish any finding (s) and sanction, and a report of the decision, resulting from the determination by consent procedure to the same extent as such publication would have taken place by a Disciplinary Tribunal, in accordance with the Disciplinary Tribunals Regulations.’

Reason for exemption direction

11. The LSB notes that the proposed amendment reflects the BSB’s existing practice in relation to publication of DBC decisions. The LSB also notes that the BSB’s equality analysis concludes that the proposed change would have neither a positive nor negative impact on barristers with protected characteristics.
12. The LSB further notes the BSB’s evidence that the amendment is not expected to alter the current volume or nature of DBC cases, including self-reported cases.
13. In light of the above, the LSB is satisfied that the amendment may properly be approved by way of a bespoke exemption direction.

For and on behalf of the Legal Services Board
05 June 2026

⁴The Commissioner position this this decision refers to is the one related to the BSB’s [Enforcement Decision Regulations 2019](#).