Direction 209 issued under Part 3 of Schedule 4 to the Legal Services Act 2007 to the Bar Standards Board ('BSB')

1. This is a direction to exempt alterations pursuant to paragraph 19(3) of Schedule 4 to the Legal Services Act 2007 (the Act).

2. Unless stated otherwise, words in this direction are used as they are defined in the Act.

3. In accordance with paragraphs 19(3) and (4) of Schedule 4 to the Act, the Legal Services Board has directed that the following alterations by the General Council of the Bar, which has delegated pursuant to s28 of the Act and internal governance rules made under s30 its regulatory functions to the BSB, be treated as exempt alterations for the purposes of paragraph 19(2)(c) of Schedule 4.

   Amendments to:

   BSB Handbook, Part 4 (Qualification Rules): rQ34, rQ35.1 and rQ40

Background and proposed changes

4. We received a request for exemption[1] on 22 October 2026 from the BSB for alterations to the Bar Qualification Rules in Part 4 of the BSB Handbook, concerning rights to review and appeal in relation to decisions about Authorised Education and Training Organisations (AETOs). The proposed changes clarify that current and prospective AETOs are entitled to seek a review of a BSB decision relating to their authorisation. It also confirms right of appeal to the High Court from BSB decisions.

5. The BSB explained that the former Approved Training Organisation (ATO) regime was replaced by the Future Bar Training reforms in April 2019[2]. The previous regime under the January 2019 Handbook [3] provided a right of review to any organisation whose application for ATO designation had been refused or whose approval had been withdrawn.

[1] BSB request for exemption - Handbook change (rQ40) Oct

[2] LSB decision notice dated the 26 February 2019 which deals with the BSB application for the approval of amendments to the BSB Handbook to introduce new Part 4 Bar Qualification Rules.

[3] Version 3.53 of the BSB handbook

6. The changes made in April 2019 left it unclear whether an applicant for AETO authorisation had the right to seek internal review[4]. It also confined the right to appeal to the High Court to individuals, rather than 'persons', which has a wider meaning as AETOs, adversely affected by authorisation decisions under Part 4 - B of the Qualification Rules in the BSB Handbook. The proposed amendments clarify the internal review route for applicants and provide a High Court appeal route for decisions concerning authorisation.

7. The BSB proposes to make the following changes:

    a) Amend rQ34 (Authorised Education and Training Organisations) to clarify that both current and prospective AETOs dissatisfied with a decision under rQ31-rQ33 may apply to the BSB for a review.

    b) Amend rQ35.1 (Reviews and Appeals) to make a minor formatting change by italicising the word "person" to make clear that the existing definition of person in Part 6 (Definitions) of the BSB Handbook applies. This clarifies that all applicants – individuals and 'body of persons (corporate or unincorporated)' are eligible to seek an internal review under rQ28 (of a BSB decision on an application for temporary call to the Bar) or rQ34 (of a BSB decision on an AETO application).

    c) Amend rQ4 (Routes to Qualification as a barrister and authorised person) to permit a prospective or current AETO adversely affected by a BSB decision under Section B.3 of the BSB Handbook to appeal to the High Court. In accordance with rQ39, an appeal may be made only after a review has taken place. Existing appeal rights for individuals under Section B.2 are unaffected.

8. The BSB relies on section 24(2)(c) of the Crime and Courts Act 2013 as the statutory basis for conferring the appeal right and has notified the President of the King's Bench Division because the change may potentially widen the High Court's caseload.

9. During the assessment of this request, the BSB clarified that the proposed changes are intended to cover an organisation whose authorisation has been withdrawn, recognising that the proposed wording might be unclear on this aspect. Consequently, the BSB proposed to modify the amendment to rQ34 to clarify that it includes that an applicant or AETO adversely affected by a decision of the BSB under Section B.3 may appeal to the High Court against the decision.

10. We also explored whether, in the BSB's view, the drafting changes proposed make it sufficiently clear that any appeal to the High Court is against the

[4] The BSB states at page 5 of its request of 22 October 2026 that the proposed changes are aligned with the Civil Procedure Rules' (CPRs) and will further the overriding objective, by clarifying internal review rights and providing a High Court appeal route.

decision taken on internal review. The BSB confirmed that the appeal is properly against the Independent Decision-making Body's (IDB) review decision and not the staff decision. The BSB is satisfied that this is clear when the rules are read together, including rQ39, which requires an internal review before an appeal may be brought. The BSB notes that this question has arisen in practice where the High Court confirmed this position[5].

Reason for exemption direction

11. The amendment to rQ40 provides a High Court appeal right in relation to AETO authorisation decisions.

12. The BSB considers the changes to be low risk. They are intended to correct an unintended drafting omission and restore review and appeal rights, and do not expand the BSB's existing powers or represent a change in regulatory policy or approach. The BSB expects the provisions to be used infrequently[6] having received only one request for review of an AETO authorisation decision since April 2019 (where that review did not proceed). The BSB considers the changes will strengthen accountability and provide a clearer route for challenging authorisation decisions.[7]

13. The BSB's initial Equality Impact Assessment (EIA)[8] identified no direct impact on consumers. The EIA noted that the proposed changes may reduce disruption to students and pupils where authorisation decisions are disputed. The BSB has confirmed it will continue to monitor the use of the review and appeal provisions and any resulting equality impacts on these groups, including impacts relating to protected characteristics.

14. The proposed changes are minor, non-contentious and low risk, correcting an unintended drafting omission and restoring review and appeal rights. They are unlikely to prejudice the Regulatory Objectives, impacting positively, in particular, 'Supporting the constitutional principle of the rule of law' by providing equal review and appeal rights and a method of resolving disputes. Additionally, the proposed changes may strengthen accountability and safeguards surrounding decisions that could affect AETOs and, indirectly, students and pupils. We are content that the request is appropriate for exemption under paragraph 19(2)(c) of Schedule 4.

15. The approved regulatory arrangements are annexed to this Exemption direction.

16. This direction is approved on and effective from 18 November 2026.

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[5] EKperegrin v BSB [2019] EWHC 1292 (Admin)

[6] See page 6 of the BSB request on 22 October 2026. The BSB confirms it oversees around 300 AETOs, comprising 10 vocational AETOs and around 290 work-based learning AETOs,.

[7] Although the numerical impact is expected to be low, the BSB confirms that the effect may be significant for an AETO challenging a decision. The changes promote scrutiny, consistency, transparency and public confidence, and support the public interest, the rule of law and access to justice.

[8] See pages 12-13 of the BSB request on 22 October 2026

For and on behalf of the Legal Services Board

18 November 2026

BAR STANDARDS BOARD

REGULATING BARRISTERS

Proposed changes to the BSB Handbook AETO review and appeal rights – October / November 2026

Rule	Current Handbook rules	Replacement Handbook rules
Part 4 - B3. Authorised Education and Training Organisations		
rQ34	An *AETO* which is dissatisfied by a decision in relation to rQ31 – rQ33 above may apply to the *BSB* for a review.	An applicant or *AETO* which is dissatisfied by a decision in relation to rQ31 – rQ33 above may apply to the *BSB* for a review.
Part 4 - B4. Review and Appeals		
rQ35	Where provision is made under this Section for a review by the *BSB* of a decision, any request for such a review must be accompanied by: .1 a copy of any notice of the decision and the reasons for it received by the person requesting the review ("the applicant");	Where provision is made under this Section for a review by the *BBSB* of a decision, any request for such a review must be accompanied by: .1 a copy of any notice of the decision and the reasons for it received by the *person* requesting the review ("the applicant");
rQ40	An individual who is adversely affected by a decision of the *BSB* under Section B.2 may appeal to the High Court against the decision."	An individual who is adversely affected by a decision of the *BSB* under Section B.2, or an applicant or *AETO* which is adversely affected by a decision of the *BSB* under Section B.3, may appeal to the High Court against the decision.