



Bar Council response to the Legal Services Board consultation on Section 80 order

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the Legal Services Board consultation paper entitled Consultation on Section 80 Order.¹
2. The Bar Council represents over 15,000 barristers in England and Wales. It promotes the Bar's high quality specialist advocacy and advisory services; fair access to justice for all; the highest standards of ethics, equality and diversity across the profession; and the development of business opportunities for barristers at home and abroad.
3. A strong and independent Bar exists to serve the public and is crucial to the administration of justice. As specialist, independent advocates, barristers enable people to uphold their legal rights and duties, often acting on behalf of the most vulnerable members of society. The Bar makes a vital contribution to the efficient operation of criminal and civil courts. It provides a pool of talented men and women from increasingly diverse backgrounds from which a significant proportion of the judiciary is drawn, on whose independence the Rule of Law and our democratic way of life depend. The Bar Council is the Approved Regulator for the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.

Overview

4. The Bar Council is supportive of the Bar Standards Board's (BSB) proposal that ABS licencing decision appeals should be sent to the First Tier Tribunal. This is consistent with the approach taken by the majority of other regulators that have been designated as licencing authorities for ABS and with the Legal Services Board's (LSB) wish for there to be a single appellate body.
5. We agree that for consistency it would be appropriate to end the arrangement of the High Court hearing regulatory appeals from entity related applications and transfer them over to the First Tier Tribunal instead.

¹http://www.legalservicesboard.org.uk/what_we_do/consultations/open/pdf/2016/20160121_LSB_Consultation_On_Section_80_Order.pdf

Question 1: Do you have any representations on either the draft recommendation or the draft order?

6. No

Question 2: Do the draft recommendation and draft order deliver the BSB policy intention of allowing the FTT to be established to hear and determine appeals from decisions made by the BSB in its capacity as a licensing authority?

7. Yes

Question 3: Do you have any comments on the draft regulatory triage assessment, in particular, the costs/benefits estimates and whether any additional costs/benefits should also be identified?

8. The Triage Assessment is clear and we agree with the reasons given (namely cost and appropriateness) for choosing to use the First Tier Tribunal for regulatory appeals instead of the High Court.

**Bar Council
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