



CAYMAN PLACEMENT SCHEME

Chambers Application

.....
[Name of Chambers]

Of
[Address]

(hereinafter “Chambers”)

hereby applies through its head[s] of chambers
[Name[s]]

to become members of the Chancery Bar Association (the “ChBA”), Caymanian Bar Association and Cayman Islands Law Society trainee placement scheme, constituted by Heads of Agreement dated 5th May 2014, “The Placement Scheme” and if such application is accepted by the Chancery Bar Association agrees to accede to, be bound by and to observe the terms of the Placement Scheme as from time to time varied

In such event It is also agreed that:-

1. The letter dated 16th April 2014 from the Bar Standards Board addressed to the Chancery Bar Association, a copy of which is annexed to this application, will be drawn to the attention of every barrister involved in the selection and/or training of any trainees under the Placement Scheme.
2. Chambers will keep the ChBA promptly informed in writing of any changes to the contact details set out in the Appendix below.
3. Chambers will consider applications under the Placement Scheme within the timetable set by the [Monitoring Bodies] and will make offers to Caymanian trainees who have applied under that Placement Scheme only within the timetable as so agreed and not otherwise.

4. Chambers will be responsible for taking appropriate steps to deal with, consider and decide upon applications for training at Chambers under the Placement Scheme, to agree any specific terms beyond those set out in the Placement Scheme with the individual trainee and/or his or her firm and to inform the ChBA promptly of any offer or refusal of a Placement and of the conclusion or premature termination of the same.
5. Chambers will ensure that placements are made with persons in Chambers who have a Chancery practice (within the meaning of ChBA Constitution from time to time) and who are registered pupilmasters and that during the course within such of any such placement the Trainee receives training in Chancery work which is at least equivalent to that which a pupil would receive in compliance with any regulations applicable to pupils over a three month period of pupillage.
6. Variations to the Framework Agreement may be agreed to by the ChBA on behalf of Chambers and without further reference to or agreement of Chambers.
7. Chambers may terminate their involvement in the Scheme on giving written notice to the ChBA, save that as regards any Trainee placement which Chambers has then agreed to and which is not then concluded, the above terms and the terms of the Placement Scheme will continue to apply.

Signed.....(signature)

Name:.....

I confirm that I am authorized to sign this document on behalf of Chambers

APPENDIX

Name and address of Chambers:

Individual to whom communications under the Scheme should be addressed:

Name:

E-mail Address:

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Malcolm Davis-White QC
XXIV Old Buildings
Lincoln's Inn
London WC2A 3UP

16 April 2014

Dear Malcolm

Placement Scheme for Caymanian Articled Clerks in ChBA Chambers in England and Wales

Thank you for your letter of 11 April regarding the above, and for enclosing the draft Framework Agreement relating to the scheme.

I should state at the outset that it is not for the Bar Standards Board to "approve" this scheme *per se*. However, I am grateful that you have notified it to us and that clause 3 of the Framework Agreement confirms this. I am happy to confirm my view that our regulatory regime is not directly engaged by the scheme because:

- The clerks being placed are not qualified and authorised to practise as barristers in England and Wales
- The clerks will not be seeking to become qualified and to practise through the placement in England and Wales
- The placements are not, under the terms of clause 4 of the Framework Agreement, intended to be or to be construed as pupilages as set out in the Bar Standards Board Handbook.

It would be helpful if you could amend references in the draft Framework Agreement to the *Code of Conduct* etc to refer now to The Bar Standards Board Handbook – of which the *Code* is now one constituent element (Section C).

I would wish to draw the following relatively new provisions in the BSB Handbook of which those chambers and clerks participating in the scheme need to be made aware. Whether you do this by means of side exchanges with actual participants, general guidance or clauses in the Framework Agreement seems to me a matter for you.

Firstly, all ten Core Duties set out in Section B of the BSB Handbook now apply to all barristers. If any of the clerks recruited to the scheme are in fact already called in England and Wales, these duties will apply to them as individuals, even though the BSB is clearly not authorising them. You may in this respect wish to consider whether the drafting of clause 16 could benefit from amendment so as to make the distinction between those participants who


are expected as a condition of participation in the scheme to observe the spirit of the Code, but over whom the BSB has no regulatory locus; and those who, because they are in fact barristers albeit unregistered and not authorised to practise, do fall under our jurisdiction.

Secondly, the obligation under Core Duty 10 – *to take reasonable steps to manage your practice, or carry out your role within your practice, competently and in such a way as to achieve compliance with your legal and regulatory obligations* – may bite on members of chambers participating in the scheme in ways they have not previously considered if the scheme is new and unusual in any way for their set. In particular I would suggest that participating sets may want to consider whether there are any implications for the application of the Equality and Diversity Rules – Section D1 of the Handbook – of participating in the scheme.

Finally, you will be aware of our recently introduced Supervision Strategy and the Impact Audit exercise currently underway. Again, chambers participating in the scheme should consider whether and how the presence of the clerks might affect chambers' risk assessments.

These three points are not made with any intention of standing in the way of what seems to me an excellent scheme for collaboration between the two jurisdictions. But because the provisions in the Handbook in this regard are new, I think they should be drawn to participants' attention.

Please let me know if we can be of further assistance.

Yours ever,


Dr Vanessa Davies
Director, Bar Standards Board