

**Response to Joint Advocacy Group consultation on regulatory changes to support
the Quality Assurance Scheme for Advocates (Crime)**

1. The Chancery Bar Association is one of the longest established Bar Associations and represents the interests of over 1,000 members handling the full breadth of Chancery work at all levels of seniority, both in London and throughout England and Wales. It is recognised by the Bar Council as a Specialist Bar Association. Membership of the association is restricted to those barristers whose practice consists primarily of Chancery work.
2. Chancery work is that which is traditionally dealt with by the Chancery Division of the High Court of Justice, which sits in London and in regional centres outside London. The Chancery Division attracts high profile, complex and, increasingly, international disputes. In London alone it has a workload of some 4,000 issued claims a year, in addition to the workload of the Bankruptcy Court and the Companies Court. The Companies Court itself deals with some 12,000 cases each year and the Bankruptcy Court some 17,000.
3. Our members offer specialist expertise in advocacy, mediation and advisory work across the whole spectrum of finance, property, and business law. As advocates they litigate in all courts in England and Wales, as well as abroad.
4. This response is the official response of the Association. It has been produced by Joanne Wicks QC, Adrian Jack and Mark West. We propose to comment only on the Bar Standards Board proposed regulatory changes.
5. **General comments on the proposed BSB rule changes**

The proposed amendment to paragraph 603 of the Code of Conduct is grammatically garbled: the opening passage refers to “a barrister”; the proposed new (a)(i) refers to “you”.

6. **Q3.01: whether the Rules create any difficulty in their application either for individual barristers or for any particular group (protected groups or otherwise) of advocates.**

No, subject to ensuring that the definition of “criminal advocacy” does not cover specialist non-criminal Counsel who may appear in criminal courts from time to time.

7. **Q3.01: Comments are invited on this proposal.**

We agree with the proposal, but the drafting is inadequate. The definition of “criminal advocacy” in paragraph 9 of the text is not the same as that put forward in the draft new Annex to the Code of Conduct, and the latter does not include the exclusions which are set out in paragraph 11 of the text.

We suggest the following definition:

“criminal advocacy” means advocacy in criminal cases relating to the offences listed in the document published by the Joint Advocacy Group as part of the Quality Assurance Scheme known as the Table of Offences within Each Level but does not include

(a) advocacy in cases where the advocate has been instructed primarily because of his expertise in other areas of law or

(b) advocacy in cases where the primary allegations are of offences which are not so listed.”.