



**THE CHAIRMAN
DESMOND BROWNE QC**

SBA Chairs
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Dear Colleague

Court Dress: Revised Guidance from the Chairman of the Bar Council

1. On 31 July 2008 Timothy Dutton QC, then Chairman of the Bar, wrote to the profession about the Lord Chief Justice's Practice Direction of the same day indicating the occasions when, as from 1 October 2008, the Judiciary would be wearing their new robes in civil cases. As he said, it is for the Head of each Division to issue directions as to the practice of the Judiciary in that Division.
2. The Bar Council carried out two surveys of the profession and consulted with the Specialist Bar Associations prior to indicating at its meeting on 12 July 2008 its strong preference for the maintenance of the prevailing position as to what should be worn and when. That position reflected the working practices in each Division and Court, the nature of the work concerned and the preference of Bar and Bench.
3. It is obviously important that the practice should be consistent throughout the courts of England and Wales. The Revised Guidance now given is intended to reflect the present practice in civil cases, but changes have been made to remove the distinction between different types of appeal in the Chancery Division and to clarify the position in the County Court. For the sake of completeness, the present Guidance re-states the existing position in the criminal courts.

THE BAR COUNCIL

www.barcouncil.org.uk

4. The Court of Appeal, the House of Lords and the Privy Council:

As before, Counsel will wear court dress.

5. The High Court:

As before, subject to the qualification in paragraph 10, Counsel will wear the following:

- Commercial Court and Admiralty Court: business suits on all occasions.
- Technology Court: business suits on all occasions.
- Chancery Division: court dress for all trials and appeals, and business suits on all other occasions.
- Family Division: business suits, save for contested divorce and nullity petitions when court dress will be worn.
- Administrative Court: court dress on all occasions.
- Queen's Bench Division: court dress for trials save on the occasions mentioned above; business suits on all other occasions.

6. The County Court:

For hearings before Circuit Judges, Deputy Circuit Judges and Recorders, Counsel will wear business suits for applications (including all interim and final hearings in children and ancillary financial relief cases). They will wear court dress for trials (including contested divorce and nullity petitions).

In appeals in the County Court, Counsel will wear business suits for appeals from applications, and court dress for appeals from trials and appeals under sections 204 and 204A Housing Act 1996.

7. Masters, Registrars and District Judges:

Counsel will wear business suits, save that court dress will be worn:

- (1) in the Chancery Division where the hearing takes place in court (and not in the Judge's Room), and
- (2) on winding-up hearings heard by District Judges in the County Court.

8. Magistrates' Courts:

As before, Counsel will wear business suits.

9. Crown Court:

As before, Counsel will wear court dress, save on bail applications heard in chambers.

10. Cases involving the liberty of the subject:

As before, Counsel will wear court dress in any case where the liberty of the subject is in issue, save in:

- (1) the Magistrates' Court, and
- (2) the Crown Court when a bail application is heard in chambers.

11. In this Guidance:

"business suits" means dark-coloured, formal non-court dress as appropriate,

"court dress" means wigs, gowns, wing collars and bands or collarettes,

"trials" include, for the avoidance of doubt, any final hearing of a CPR Part 7 claim, a Part 8 claim or a Petition.

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