CHIEF EXECUTIVE

Sir Bob Neill KC (Hon) MP
Chair of the Justice Select Committee
House of Commons
London
SW1A 0AA

Sent via email to: bob.neill.mp@parliament.uk

29 April 2024

Dear Sir Bob,

Thank you for the Committee's recent recommendations in the correspondence to the Lord Chancellor following the recent work on the regulation of the legal professions.

Under the section 'The Bar Standards Board' (BSB) the letter states that 'the BSB should consider whether greater institutional independence could also help to facilitate improvements in its effectiveness as a regulator.'

I wanted to draw your attention to the fact that under the Legal Services Act 2007 (the Act) it is not possible for the BSB to seek legal separation without the agreement of the Approved Regulator – The General Council of the Bar (GCB).

We do not wish for further separation for the following reasons:

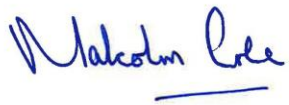
a. It would be costly both to set up and then to operate.
b. It could create unnecessary problems with access to data.
c. A small profession needs close relations between representative and regulatory functions, whilst ensuring that the representative functions do not prejudice the regulatory functions.
d. For a small profession there are enough governance bodies already: the four Inns and the GCB.
e. None of the present challenges facing the BSB are attributable to it *not* being incorporated.

There are different models by which the structure of regulation in the Act can be met: the GCB has chosen the present model and it does not wish to change it. This is a decision of the Approved Regulator on a high-level policy issue, and which has not been delegated to the BSB.

Furthermore, the GCB does not think that this is an appropriate time to consider a structural change that would inevitably absorb considerable management time, when the BSB has more pressing problems in relation to its performance of conduct investigations and authorisations to practice to address, as highlighted by the recent review by Fieldfisher of BSB enforcement processes, which the BSB commissioned and has published.

I would be grateful if a correction could be made to this reference to reflect the fact that The General Council of the Bar is the Approved Regulator, and therefore any future consideration of greater institutional independence for the BSB, is not a matter for the BSB, but for the General Council of the Bar.

Yours sincerely,



Malcolm Cree CBE
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The Bar Council