



## **Response of the Bar Association for Commerce Finance & Industry (BACFI) to the Practising Certificate Fee Consultation**

We do not propose to answer all the questions raised in the consultation.

We make two general points. Firstly, we believe that our members represent a lesser regulatory burden for the BSB than the self-employed bar. Secondly, we believe that the employed bar, despite constituting about 20% of the barristers with practising certificates, is still not equally represented by the Bar Council in its work. We do however acknowledge that representation is a separate matter and the PCF funds the regulatory activities of the BSB not the representational work of the Bar Council.

Notwithstanding the two general points made above and whilst continuing to press for improvement in representation and recognition, we support equalisation of the PCF as between employed barristers and self-employed barristers in the spirit of “One Bar” and for the further advancement of that concept. A phased approach for any increase would be desirable. We have received comments from members that this year’s increase was not forewarned and therefore difficult to budget for.

As regards methodology, BACFI members would support either a status quo retaining the current banding system, a year of call computation or a flat fee. A computation by practice area or by means testing appears to be particularly difficult and potentially more expensive to administer without necessarily being more equitable. We believe that some discount or relief for junior barristers and low earners is equitable. We do not believe that any elements of the PCF should be separated out and raised on a different basis. The simpler the methodology the better, as there is no methodology which is equitable to all practitioners.

We make three further comments. In relation to process, the initial consultation period of one month was too short especially as it fell during the Easter period. The last minute extension was of no assistance and only confirmed that the consultation period was too short.

Secondly, the BC and the BSB could save a lot of money if they communicated selectively (by declared area of interest/practice and by e-mail). There should also be more opportunity for practitioners to comment on how the money is spent.

Finally, although representational income is not included in this paper, the MSF income could be increased if voting rights were restored to barristers without practising certificates (a rapidly increasing constituency) and if member services provided services of real value such as help in securing legal advice for members on, for example, employment issues.

**BACFI**

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