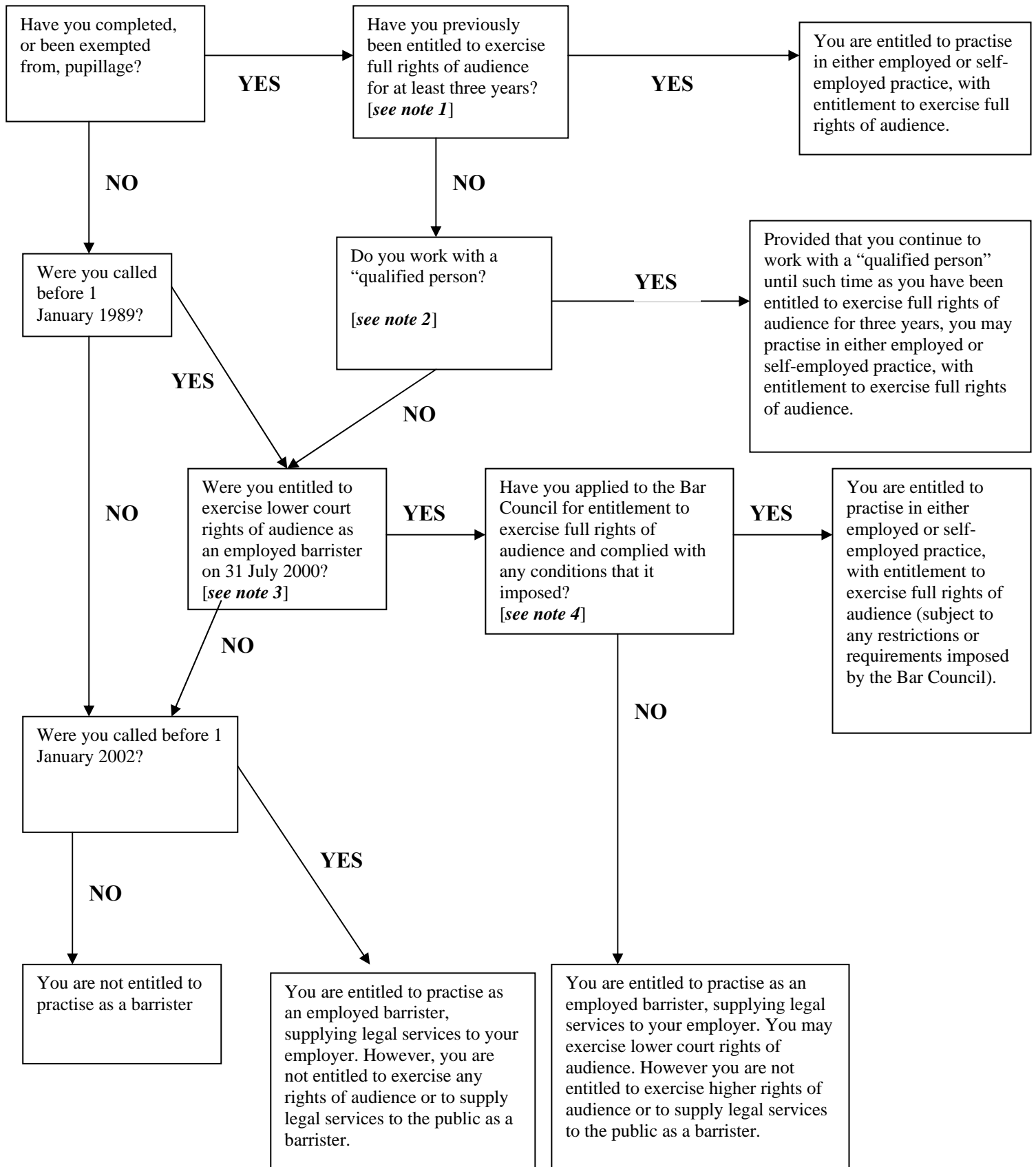


# BARRISTERS' ENTITLEMENT TO PRACTISE AND TO EXERCISE RIGHTS OF AUDIENCE

**START HERE ▼**



*Please see overleaf for Notes*

## **Notes to Rights of Audience**

### **Barristers' Entitlement to Exercise Rights of Audience**

This note is intended as a brief summary of the basic requirements for entitlement to exercise rights of audience as a barrister. Please see Parts II and XI of the 8th Edition of the Code of Conduct for the requirements in full.

### **Entitlement to Exercise Full Rights of Audience**

Under paragraph 203.1 of the Code of Conduct, a barrister is entitled to exercise full rights of audience, provided that he:

- \* Has completed pupillage; and
- \* Holds a current practising certificate, issued by the Bar Council; and
- \* Is in compliance with the "three-year rule" (para 203.1(b))

### **The "Three-Year Rule"**

The "three-year rule" is the requirement that a barrister work with a "qualified person" for his first three years' of entitlement to exercise full rights of audience.

### **Please note the following:**

- \* A "qualified person" is a solicitor or barrister who has practised for at least six of the last eight years and has been entitled to exercise full rights of audience for the previous two years.
- \* A qualified person may act as such in relation to up to three barristers at a time
- \* A qualified person must be readily available to provide guidance to the barrister(s) in question
- \* In order to be in compliance with the "three-year rule", a barrister's principal place of practice must be either the principal place of practice of his qualified person or an office of an organisation of which his qualified person is an employee, partner or director.

### **Compliance with the "Three-Year Rule"**

The following categories will be in compliance with the three-year rule and so, provided that they hold a current practising certificate, will be entitled to exercise full rights of audience:

- \* Those who have completed pupillage and then practised for at least three years in chambers.
- \* Those who have completed pupillage and have worked with a qualified person in employed practice for at least three years since 31 July 2000

- \* Those who have previously practised as solicitors, with higher court rights in both civil and criminal proceedings
- \* Those with a combination of experience from the above three categories, totalling at least three years
- \* Those who have been granted a waiver from the “three-year rule” (eg on the basis of previous entitlement to exercise lower court rights of audience under para 1104)
- \* Those who have completed pupillage and currently work with a qualified person

### **Entitlement to Exercise Lower Court Rights of Audience**

Employed barristers who do not meet the requirements for entitlement to exercise full rights of audience are nevertheless entitled to exercise lower court rights of audience if they fall into one of the following categories:

Those who became employed barristers before 1 January 1989 and had practised as employed barristers for at least five years by 31 July 2000

Those who had completed pupillage and commenced practice as employed barristers by 31 July 2000

### *Note 1*

You will have been entitled to exercise full rights of audience in the following circumstances:

- Any post-pupillage period of practice from chambers
- Any post-pupillage period of employed practice, with a “qualified person” (see note 2), since 31 July 2000
- Any practice as a solicitor with higher court rights in both civil and criminal proceedings

The three-year period need not be continuous.

### *Note 2*

A “qualified person” is a solicitor or barrister who:

- Has practised for at least six of the last eight years; and
- Has made practice his/her primary occupation for the last two years; and
- Has been entitled to exercise full higher court rights of audience for the previous two years; and
- Is acting as “qualified person” in relation to no more than three barristers in total.

### *Note 3*

An employed barrister would have been entitled to exercise lower court rights of audience on 31 July 2000 if:

- He became an employed barrister before 1 January 1989 and practised as an employed barrister for at least five years
- He had completed pupillage and commenced practice as an employed barrister by 31 July 2000

### *Note 4*

Paragraph 1104 of the Code of Conduct allows any barrister who was entitled to exercise lower court rights of audience as an employed barrister for any period before 31 July 2000 to apply to have this time counted towards the “three-year rule”. The effect of approval (which may be subject to conditions) is that the barrister becomes entitled to exercise full rights of audience.