

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Courts and Justice

Section 24: Appeals relating to regulation of the Bar

417. **Section 24** abolishes the jurisdiction of High Court judges to sit as Visitors to the Inns of Court and confers on the Bar Council and the Inns of Court the power to confer rights of appeal to the High Court in relation to the matters that were covered by the Visitors' jurisdiction. The section applies to matters relating to, among other things:
- Persons seeking relief from disciplinary decisions of the Council of the Inns of Court and decisions of the Bar Council;
 - Aspiring barristers seeking to overturn the decisions of the Qualifications Committee of the Bar Council (these relate primarily to requests for complete or partial exemptions from the Bar qualification criteria); and
 - Disputes between an Inn of Court and a member of the Inn, or a dispute between members of the Inn on property matters such as the letting of chambers within the Inns of Court and dues payable to the Inn by its members.
418. This is achieved by repealing section 44 of the Senior Courts Act 1981 in so far as it confers jurisdiction on High Court Judges to sit as Visitors of the Inns of Court (*subsection (1)*) and conferring power on the Bar Council and the Inns of Court to confer rights of appeal to the High Court (*subsections (2) and (3)*).
419. The Bar Council, an Inn of Court, or two or more Inns of Court acting collectively (such as in the form of the Council of the Inns of Court), may confer a right of appeal to the High Court in respect of a matter relating to: (a) regulation of barristers; (b) regulation of other persons regulated by the person conferring the right; (c) qualifications or training of barristers or persons wishing to become barristers; or (d) admission to an Inn of Court or call to the Bar (*subsection (2)*). It is drafted in general terms to reflect the historically wide extent of the Visitors' jurisdiction in addition to encompassing how it is currently exercised.
420. An Inn of Court may also confer a right of appeal to the High Court in respect of: (a) a dispute between the Inn and a member of the Inn; or (b) a dispute between members of the Inn (*subsection (3)*). Any reference to a member of an Inn includes a reference to a person wishing to become a member of that Inn. Subsection (3) is in recognition of the fact that, historically, the Visitors' jurisdiction extended to appeals from all decisions relating to the conduct of an Inn's affairs.
421. A decision of the High Court on an appeal under this section is final (*subsection (4)*) with the exception of a decision to disbar a person (*subsection (5)*). As a result, such a decision may be appealed to the Court of Appeal (with permission). The High Court may make such order as it thinks fit on an appeal under this section (*subsection (6)*). Subsection (7) provides for the person who confers a right of appeal to remove it, for

*These notes refer to the Crime and Courts Act 2013
(c.22) which received Royal Assent on 25 April 2013*

example, should regulatory arrangements change in future. It also enables any Inn to remove a right of appeal conferred by two or more Inns acting collectively in so far as it relates to that Inn. This reflects the ability of any Inn to cancel or amend on its part the undertaking currently agreed between the Bar Council and the Council of the Inns of Court.