



The Bar Council

## Court Dress

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| <b>Purpose:</b>              | To recommend appropriate court dress to barristers.   |
| <b>Scope of application:</b> | All practising barristers   |
| <b>Issued by:</b>            | The Legal Services Committee  |
| <b>First issued:</b>         | June 2009   |
| <b>Last reviewed:</b>        | July 2020   |
| <b>Status and effect:</b>    | <b>Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.</b> |

1. This note provides general guidance to members of the Bar on appropriate Court dress when appearing as Counsel. The guidance is not intended to effect any change in Court clothing norms. It is, however, intended to provide a ready guide as to what clothing will generally be expected and acceptable, reflecting the seriousness of the function Counsel perform in Court, the role of Court dress as the uniform of the profession, and the need for such uniform to be inclusive of different religious practice.

2. The table below sets out those Courts where court dress is required, namely, wigs, gowns, wing-collars and bands or collarettes. In all other cases, “business attire” is worn. What that means, and how that applies to specific religions and beliefs that have particular clothing requirements or customs is considered further below.

3. In general, business attire means smart dark office wear. This will usually mean a black, dark grey or dark blue suit with tie for men, and, for women, a

similarly coloured jacket and either skirt or trousers but this is not prescriptive. Counsel may wear clothing as appropriate to their chosen gender or any gender.

4. The definition of **“Trial”** includes any final hearing in Court of a Claim brought under CPR Part 7 or CPR Part 8 (including preliminary issues), any final hearing in Court of a contested Petition for Divorce, or Nullity, and any hearing in Court of a winding up or bankruptcy petition, but not including an application for Default or Summary Judgment.

5. By convention in the High Court, Family Court and County Court cases which directly relate to the liberty of an individual (“the liberty of the subject”) require Court Dress.

6. The following guidance applies to in-person hearings. Court Dress need not be worn during hearings conducted remotely **except** in the Court of Appeal (Criminal Division), which has declared that advocates whether appearing remotely or in person should be robed for all hearings as of 1 October 2020.

| High Court   | <u>Business Attire</u> | <u>Court Dress</u> |
|--|------------------------|--------------------|
| Commercial Court + Circuit Commercial Court (all occasions)  | ✓                      |                    |
| Admiralty Court (all occasions)  | ✓                      |                    |
| Technology and Construction Court (all occasions)  | ✓                      |                    |
| IP matters from the IPO (usually no oral evidence)   |                        | ✓                  |
| Queen’s Bench Division   |                        |                    |
| Administrative Court (all occasions)   |                        | ✓                  |
| Trials (apart from those in the Commercial Court, Admiralty Court, Mercantile Court and Technology and Construction Court) and on all occasions in the Administrative Court. |                        | ✓                  |
| Other occasions  | ✓                      |                    |
| Chancery Division  |                        |                    |
| Trials and appeals except those with no oral evidence (for example Part 8 claims)  |                        | ✓                  |
| Public examinations of bankrupts and of directors or other officers of companies;  |                        | ✓                  |

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| applications for discharge from bankruptcy or for suspension of such discharge; all proceedings under the Company Directors Disqualification Act 1986; petitions to wind up companies; final hearings of petitions for the reduction of capital of companies. |   |   |
| All other occasions   | ✓ |   |
| <b>Family Division</b>  |   |   |
| Contested divorce and nullity petitions (and on all other occasions when the court sits in open court, unless the judge otherwise directs)  |   | ✓ |
| All other occasions   | ✓ |   |
| <b>County Court</b>   |   |   |
| All applications  | ✓ |   |
| Appeals from applications   | ✓ |   |
| Trials, appeals from trials, and appeals under the Housing Act 1996 sections 204 and 204A   |   | ✓ |
| Fast-track trials   | ✓ |   |
| <b>Masters, Registrars and District Judges</b>  |   |   |
| Chancery Division hearings in court (including IP cases/appeals (not in the Judge's room))  |   | ✓ |
| County Court winding up proceedings before a District Judge   |   | ✓ |
| All other occasions   | ✓ |   |
| <b>Magistrates' Courts</b>  |   |   |
| All occasions   | ✓ |   |
| <b>Crown Court</b>  |   |   |
| Bail applications heard in chambers   | ✓ |   |
| All other occasions (in county court, only multi-track trials require court dress)  |   | ✓ |
| <b>Cases involving the liberty of the subject</b>   |   |   |
| Magistrates' Court  | ✓ |   |

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| Crown Court bail application in chambers | ✓ |   |
| All other courts and occasions           |   | ✓ |
| Youth Courts                             |   |   |
| All occasions                            | ✓ |   |

*N.B. In Business and Property Courts of England and Wales, the practices and procedures including required court dress of the predecessor courts will be preserved.*

### **Clothing worn as a requirement or emblem of faith**

7. In general, clothing that is worn as a requirement or emblem of faith is permitted to be worn in Court. Some common examples are given below:

7.1 **Christianity:** Jewellery bearing crosses or other symbols of religious belief is permitted (and this applies equally to other beliefs).

7.2 **Judaism:** Kippahs may be worn (and worn under wigs where Court Dress is required).

7.3 **Islam:** Headscarves may be worn but should be sober coloured. Headscarf-wearing Muslims need not wear wigs where Court Dress is required.

7.4 **Sikhism:** Turbans may be worn but should be sober coloured. Turban-wearing Sikhs need not wear wigs where Court Dress is required.

8. In some rare circumstances, specific guidance or a Court direction will be required as to whether modes of religious dress are permitted in a particular court or type of hearing, but that will arise only where the clothing in question may affect the just determination of proceedings.

### **Important Notice**

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not “guidance” for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in

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