



Solicitors' firms – barristers as partners

Purpose:	To advise barristers of their professional obligations in relation to this subject
Scope of application:	All practising barristers
Issued by:	The Ethics Committee
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Status and effect:	Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.

Q. I am an employed barrister working for a firm of solicitors. I have been invited to become a partner. Am I able to do so?

A. Yes, you are able to become a partner in a firm of solicitors.

There is no prohibition on acting as a partner in a firm of solicitors. However, you should take care in relation to in which capacity you are supplying legal services, and to ensure:

- That your practising certificate accurately reflects in which capacity you are acting; and
- That if you are practising in a dual-capacity that you comply with the requirements of rS18 in respect of putting in place a protocol for avoiding or resolving conflicts of interests and duties.

The BSB Handbook rS16 allows you to supply legal services to the public in the following capacities:

1. As a self-employed barrister, subject to the limitations imposed by Section 3. B3
2. As a BSB entity, subject to the limitations imposed by Section 3. B4
3. As a manager of a "BSB entity" or as an "employed barrister (BSB entity)", subject to the limitations imposed by Section 3. B5
4. As a manager of an "authorised (non-BSB) body" or as an "employed barrister (authorised non-BSB body)", subject to the limitations imposed by Section 3. B6
5. As an "employed barrister (non-authorised body)", subject to the limitations imposed by Section 3. B7, or
6. As a registered European lawyer in any of the above capacities, in which case the equivalent limitations that would have applied if you were practising as a barrister shall apply to your practice as a registered European lawyer.

The word "manager" is defined in the Handbook in the same way as in s.207 of the Legal Services Act 2007 and includes a member of an LLP and a partner in a partnership. Accordingly a partner in a solicitors' firm regulated by the SRA would be a 'manager' of an 'authorised (non-BSB) body'.

The precise provisions which apply to barristers practising as managers or employees of authorised (non-BSB) bodies are set out in the BSB Handbook rS35-39. In particular, you must comply with the rules of the Approved Regulator or licensing authority of the authorised (non-BSB) body. For example, if you are a partner in a solicitors' partnership or member of an LLP practising as a firm of solicitors you must comply with the rules of the SRA as its Approved Regulator. For example, the SRA will usually require a (non-dual qualified) barrister partner in a firm of solicitors to hold a BSB issued practising certificate. That would mean that the barrister is practising as a barrister, even when they supply legal services as a manager of the firm of solicitors; see rS9.4.

In practising as a barrister an individual must always have a practising certificate; see rS8.1. As noted above, you should be careful to ensure that your practising certificate is correct in authorising you to act as a self-employed barrister, employed barrister, and/or manager of an authorised (non-BSB) body (or otherwise) as the case may be. If you are practising in more than one capacity then all of those capacities should be recorded on your practising certificate, and you should comply with the requirements of rS18 in relation to agreeing protocols to avoid conflicts of interests or duties. NB: This is usually referred to as practising in a 'dual capacity' (see, for

example, rS20), although in theory it could apply to practice in more than two capacities; see rS18. The Bar Council has produced a document entitled “[Dual-Capacity Practice Protocol](#)” to assist in this respect.

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 its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please see [here](#).