The Bar Council

Entities FAQ[1]

Purpose:	To make barristers working in BSB entities aware of some applicable Bar Standards Board (BSB) Handbook rules
Overview:	BSB Handbook rules about providing legal services directly to the public, client care letters, handling client funds and conducting litigation
Scope of Application:	Barristers working in all entities regulated by the BSB
Issued by:	The Direct Access Panel of the Bar Council
Issued:	July 2026
Status and effect:	**Please see the notice at the end of this document. This is not "guidance" for the purposes of the BSB Handbook version 5.0**

Providing legal services directly to the public (without a solicitor or other professional client)

1. **Do the public access rules apply to BSB entities?**

No, but the relevant BSB Handbook rules do provide guidance on best practices. (gS7):

> "The public access and licensed access rules do not apply to BSB entities as their circumstances will vary considerably. Nevertheless those rules provide guidance on best practice …"

2. **Do I have to be public access qualified to run a BSB entity?**

[1] Note that this guidance should be read in conjunction with the Bar Council's entities guidance.

BSB entities, employed barristers, and directors of entities can provide legal services directly to the public under the following conditions:

- At least one manager or employee must be suitably qualified and experienced to undertake public access work. (rS28, rS32)
- You must notify the Bar Standards Board that you are willing to accept instructions from lay clients. (rS28.3.a, rS28.3.b)

3. **Does every barrister in a BSB entity have to be public access qualified?**

No, not every barrister in an entity needs to be public access qualified. However, at least one employee or manager should be appropriately trained to provide services to the public.

4. **Does an entity have to direct a public access client to the public access guidance for clients?**

Yes, BSB entities must display a prominent link to the Bar Standards Board's Public Access Guidance for Lay Clients in a sufficiently accessible and prominent place. (rC164)

The transparency rules further elaborate on rC164 for BSB entities at rC103. These rules cover website content, email and letterhead statements, and redress transparency guidelines.

5. **Who can carry out the work of the BSB Entity?**

The BSB Entity should ensure that all work is allocated appropriately to managers and/or employees with the appropriate knowledge and expertise. (gC40)

Client Care Letters

6. **Does a BSB entity have to provide a client with a client care letter?**

Yes, a BSB entity must confirm acceptance of instructions in writing and specify the terms and/or basis on which it will be acting. Additional requirements are outlined in rC22.4:

> "if you are a BSB entity, you must ensure that the terms under which you accept instructions from clients include consent from clients to disclose and

give control of files to the Bar Standards Board or its agent in circumstances where the conditions in rS113.5 are met."

7. **When should the BSB Entity provide the client care letter?**

The BSB Entity should provide the client care letter (comply with the requirements of rC22 and rC23) before doing the work unless it is not reasonably practicable, otherwise as soon as reasonably practicable per rC24. Whilst the rules technically provide for a client care letter to be sent after the commencement of the work, you may feel it prudent to ensure the client has received and read all the contractual terms before undertaking the work, in case of any later dispute.

Handling Client Funds

8. **Can an entity hold client funds?**

BSB entities are prohibited from receiving, controlling, or handling client money, except for payment for their services (either in advance or in arrears). (rC73, rS29)

A fixed fee paid in advance is not client money for the purposes of Rule rC73. (gC106)

9. **Can a BSB Entity pay court fees and/or experts' fees on behalf of a client?**

BSB Entities may pay a court fee and/or experts' fees on behalf of a lay client in advance and out of their own funds and recoup them in arrears but must not pay court fees and/or experts' fees out of client money, as this would breach the prohibition on handling client money (rC73).

If the BSB Entity opts to use a third-party payment service (TPPS), it must comply with rules rC74 and rC75. In particular, you must ensure that the service is structured so that the BSB Entity does not receive, control, or handle client money. (rC74). Bar Council guidance on TPPS (escrow accounts) is found **here.**

Conducting litigation

10. **Can BSB Entities conduct litigation?**

If the work amounts to the conduct of litigation, both the BSB Entity and the individuals providing services must be authorised to do so. Further guidance on the activities that may constitute the conduct of litigation is in BSB and Bar Council guidance.

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 version 4.8, 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.