

**Bar Standards Board  
Public and Licensed Access Review – Consultation on changes  
to the Public and Licensed Access Rules**



**A response by the Association of Personal Injury Lawyers  
August 2017**

The Association of Personal Injury Lawyers (APIL) is a not-for-profit organisation with a 20-year history of working to help injured people gain access to justice they need and deserve. We have over 3,500 members committed to supporting the association's aims and all of which sign up to APIL's code of conduct and consumer charter. Membership comprises mostly solicitors, along with barristers, legal executives and academics.

APIL has a long history of liaison with other stakeholders, consumer representatives, governments and devolved assemblies across the UK with a view to achieving the association's aims, which are:

- To promote full and just compensation for all types of personal injury;
- To promote and develop expertise in the practice of personal injury law;
- To promote wider redress for personal injury in the legal system;
- To campaign for improvements in personal injury law;
- To promote safety and alert the public to hazards wherever they arise;
- To provide a communication network for members.

Any enquiries in respect of this response should be addressed, in the first instance, to:

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## **Introduction**

APIL welcomes the opportunity to respond to this consultation, as an organisation that instructs barristers through the Licensed Access Scheme. We have only responded to those questions which are relevant to us.

**Q1) Do you agree with the conclusion that the status quo should be maintained i.e. that the cab-rank rule should not be applied to Public and Licensed Access cases? If not, please state why not.**

Yes we agree. As a professional association we have not experienced any problems when instructing barristers through the Licensed Access Scheme which could be ascribed to the non-application of the cab rank rule. However, it is worth noting that as with, we suspect, the majority of Licensed Access Scheme members, APIL makes informed choices about the barrister it intends to instruct. We would be unlikely to choose a barrister who would decline to accept instructions in circumstances where the cab rank rule would, had it applied, have been beneficial.

**Q2) Do you agree with the proposed changes to the Public Access Rules (at Annex B)? In particular, do you agree with the proposals to:**

**a) remove the requirement for barristers who are of less than three years' standing to maintain a Public Access log; and**

We have no comment on this part of the question as it is outside of our experience when instructing barristers.

**b) require that the written notification given to Public Access clients discloses the level of professional indemnity insurance held by the barrister?  
If not, please state why not.**

As above for 2 (a).

**Q3) Have you identified any further opportunities to simplify or improve the Public Access Rules (at Annex B)? If yes, please explain your answer.**

No.

**Q4) Do you agree with the proposed changes to the Licensed Access Rules (at Annex C)? In particular, do you agree with the proposal to remove references to the Licensed Access Terms of Work? If not, please state why not.**

The amendments appear unobjectionable.

**Q5) Do you agree with the proposed changes to the Licensed Access Recognition Regulations (at Annex D)? In particular, do you agree with the proposals to:**

**a) only impose limitations and conditions on licences in exceptional circumstances?;**  
We agree that this is a sensible proposal.

**b) if appropriate, permit members of the professional bodies listed in the First Schedule to use the scheme to instruct a barrister for representation in the higher courts and the Employment Appeal Tribunal?;**  
We agree that this is a sensible proposal.

**c) move the First and Second Schedules to guidance?;**  
We cannot see the rationale for this: the schedules provide a simply way for barristers to ensure that their instructions are from those with Licensed Access.

**d) devise application processes for bodies to be added to the First and Second Schedules?; and**  
This seems unobjectionable.

**e) only charge a fee for applications by professional bodies to the added to the First Schedule?**

We have no comment on this.

- Ends -

## **Association of Personal Injury Lawyers**

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