



BAR COUNCIL NEWS UPDATE – WEDNESDAY 16 JANUARY 2019

Regulation

[Legal Futures](#) - The Bar Council is still unhappy with the price transparency regime proposed by the Bar Standards Board (BSB), despite the regulator's decision to limit publication of information about fees to public access work, reports Legal Futures.

The revised rules came under fire from the Legal Services Consumer Panel earlier this month for not going far enough.

While praising the BSB for shifting the focus from bespoke services to public access work, the Bar Council, in a consultation response, said the revised regime failed to make clear that barristers could refuse to give a quote – either because the cab-rank rule did not apply or because the instruction would need to be refused under the conflict of interest rules. The Bar Council said: “We note that barristers are required to explain to the client if they are not ‘able’ to provide the legal services in question, although this seems to pre-suppose that they should.”

The Bar Council said it had “significant concerns” about the quality of the evidence used to justify the proposals set out in the [BSB's September consultation paper](#), and in particular a pilot study suggesting that far from damaging barristers, price transparency could help them thrive.

Brexit

[Law Society Gazette](#), [Politics Home](#) – The Gazette and Politics Home report that the Bar Council has said today that the door is open to several options besides the binary ‘deal or no deal’ options that had been previously proposed, including ‘softer’ Brexits similar to arrangements the EU has with Norway and Canada.

Hugh Mercer QC, chair of the Bar Council's Brexit working group, said it was “never going to be straightforward” as a ‘prime minister's deal or no deal’ choice.

“The Supreme Court judgment in R (on the application of Miller and Dos Santos) v Secretary of State for Exiting the EU, means that completing the process of leaving the EU will require primary legislation passed by a majority of the House of Commons,” Mercer said.

Under section 13 of the European Withdrawal Act, MPs can indicate their preference for an alternative deal or, eventually, give instructions to the government as to how it should proceed.

Mercer said: “Those options include substituting the political declaration for a Canada plus style arrangement, a Norway plus deal with the UK becoming an EFTA member or, conceivably, in light of the [CJEU Wightman & Others v Secretary of State for Leaving the EU ruling](#), unilateral revocation of the Article 50 notice itself.

“Each option would lead to greater scrutiny of the underlying merits of those options by reference to the government’s own negotiating red lines, the wider economy and other considerations in the national interest,” Mercer said.

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How do you like your #Brexit in the morning? Norway style, Canada plus, or just straight-up and out? Let the @thebarcouncil post-vote legal analysis help you unpick the mess and figure out what what might be coming next.



10:58 AM - 16 Jan 2019

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BREAKING NEWS: Our [#IAmTheBar](#) campaign, aimed at raising the profile of social mobility in the barristers' profession, has been shortlisted for a [#lla2019](#) award in the Legal PR/Media Comms category. Congratulations to all those shortlisted for the awards lexisnexislegalawards.co.uk/ehome/legalawa

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Trading under [#WTO](#) terms if we have a no-deal [#Brexit](#) is no easy fall-back position, and EU rules on goods and services may still matter - Barrister & [#Brexit](#) Working Group member [@AnneliHoward](#) explains all in Part 3 of [#BitesizeBrexit](#) mini-series: 'Deadlock or Breakthrough?'

Bitesize Brexit: Deadlock or breakthrough? Part 3



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