

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

CONSULTATION RESPONSE FORM

**Consultation on amendments to the BSB's
Minimum Terms of Cover (MTCs)**

February 2022

Question 1: Do you agree with the proposed amendments to our MTCs? If not, please explain.

Yes

Question 2: Do you agree that the draft amendments simply clarify the current MTC requirements? If not, how do they substantively change the scope of cover?

Yes

Question 3: Are you aware of any potential unintended consequences if we implement these amendments? If yes, please describe the consequences and tell us how the MTCs can be amended to account for this.

No

Question 4: Are you aware of any equality impacts if we implement these amendments? If yes, please describe the impacts (and the groups affected) and outline any possible mitigation.

No

Question 5: Is there anything else we should consider as part of this review of the MTCs or PII more generally? For example, should we be considering extending our rules to require barristers and BSB entities to insure against their own losses in relation to cyber incidents ('first party losses')?

No.

The Bar Council has been in contact with the Bar Mutual Indemnity Fund (BMIF) who have confirmed that the proposed amendments will be a helpful clarification regarding the extent of the professional indemnity insurance. It will not require a change in the cover provided or a change in premium.

The Bar Council would be concerned if the BSB were to propose a radical change to the Minimum Terms of Cover, such as a requirement to insure against first party losses. Such a change would, as recognised in paragraph 18 of the consultation, raise questions of whether the BSB were exceeding its role, and would require a much more extensive consultation.

Are you a/an:

- Legal services representative body

Are you responding in an individual capacity or as a representative of your organisation?

- Organisational response

Please give your name and/or the name of your organisation if you do not wish your response to be anonymous:

The Bar Council.

Contact for any enquiries:

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15 March 2022