



The Bar Council

Financial Support Measures for Self-Employed Barristers, Chambers and BSB Regulated Entities

The following is a list of the measures announced so far that could be of benefit to self-employed barristers and chambers (*that is, either chambers operating as unincorporated Trade Protection Associations (TPA) or through incorporated limited companies*); it will be updated as the situation develops.

Please see the Government guidance on [Support for Business](#) and the links therein for further details.

Measure	Further Information
The Self-Employed Income Support Scheme (SEISS)	<p>The SEISS was introduced to support self-employed individuals who had lost income due to COVID-19, by enabling those eligible to claim a taxable grant worth 80% of trading profits up to a maximum of £2,500 per month for 3 months. There were significant restrictions, though, on eligibility and those will have affected many barristers.</p> <p>Fifth grant</p> <p>The SEISS has now been extended for a fifth and final time. To be eligible for the fourth grant, self-employed barristers must have:</p> <ul style="list-style-type: none">• been a self-employed individual or member of a partnership, trading in both 2019 to 2020 and 2020 to 2021.• submitted their 2019 to 2020 tax return on or before 2 March 2021.• trading profits of no more than £50,000 during the 2019 to 2020 tax return year.• trading profits that are at least equal to any non-trading income i.e. money that they have made outside of their business through a part-time job, pension scheme or otherwise. <p>Where a barrister is not eligible based on their trading profits in their 2019 to 2020 return, HMRC will look back at their returns during the years 2016 to 2017, 2017 to 2018 and 2018 to 2019 instead.</p>

Measure	Further Information
<p>The Self-Employed Income Support Scheme (SEISS) (continued)</p>	<p>As with the first four grants, all applicants must also:</p> <ul style="list-style-type: none"> • be currently trading but impacted by reduced demand or have been trading but are temporarily unable to do so due to coronavirus; • be intending to continue to trade in 2021 and 2022; and • hold a reasonable belief that there will be a significant reduction in their trading profits due to reduced business activity, capacity, demand or inability to trade due to coronavirus. <p>The online claims service for the fifth grant will be available from late July 2021 until 30 September 2021. If you are eligible, HMRC will contact you in mid-July to give you your personal claim date. This will be the date that you can make your claim from. There will be more guidance about the fifth grant in due course and further information can be found on the Government's website.</p>
<p>Seek financial assistance from the Barristers' Benevolent Association</p>	<p>The BBA exists to provide emergency financial assistance to members of the Bar and is running a special COVID-19 appeal with the Inns of Court to raise additional funds. If you are in financial difficulty, please see the Chair of the Bar's letter to members and the BBA's webpage for an application form.</p>
<p>Reclaim the costs of Statutory Sick Pay (SSP) paid to employees</p>	<p>Employers can reclaim the costs of SSP paid for sickness absence, covering up to two weeks' SSP per employee who has been off work due to COVID-19. Further details can be seen here.</p>
<p>Further tax-liability support for businesses and the self-employed through the HMRC Time to Pay scheme</p>	<p>Further to the measures above, all businesses and self-employed people in financial distress, and with outstanding tax liabilities, may be eligible to receive support, agreed on a case-by-case basis and tailored to individual circumstances and liabilities. Further details can be seen here or phone the HMRC's dedicated COVID-19 Time to Pay Helpline on 0800 024 1222</p>

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<p>Take a “mortgage holiday” of up to three months, with the possibility of a further three-month extension</p>	<p>In March, it was announced that mortgage holders with financial difficulties caused by the COVID-19 pandemic could apply for a three-month mortgage-payment holiday.</p> <p>In November 2020, the FCA announced that if mortgage holders had not taken a payment holiday, they would be eligible for two payment holidays of up to six months in total. Furthermore, those who had applied for an initial payment holiday would be eligible for another payment holiday of three months.</p> <p>The current position is that mortgage holders can request a payment holiday of up to six months in total, but lenders can only agree one of up to three months at a time before agreeing to renew for a further three months. Those who wish to apply must do so by 31 March 2021 and all payment holidays must end by 31 July 2021. Extensions can be agreed to after 31 March 2021 but only where they don’t go over the six-month limit and there are no breaks in the financial support offered. Please see the FCA guidance for further information.</p>
<p>Check if you can claim on your existing Business Interruption Insurance</p>	<p>In a recent test case before the Supreme Court, the Financial Conduct Authority (“FCA”) successfully argued for there to be a basis on which business interruption policyholders might be able to use their respective ‘disease’ and ‘prevention of access’ clauses to make an insurance claim.</p> <p>The judgment is complex and, whilst it does now cover all possible disputes, it resolves some key contractual uncertainties and ‘causation’ issues relating to the 21 policy types of eight different insurance companies - Arch Insurance (UK) Ltd, Argenta Syndicate Management Ltd, Ecclesiastical Insurance Office Plc, MS Amlin Underwriting Ltd, Hiscox Insurance Company Ltd, QBE UK Ltd, Royal & Sun Alliance Insurance Plc and Zurich Insurance Plc.</p> <p>It is clear from the FCA’s dedicated website that most SME business insurance policies will not benefit from the Supreme Court judgment; specifically where the relevant clauses focus on basic cover arising from property damage. However, where chambers and Bar Standards Board (“BSB”) regulated entities have policies that provide cover for business insurance from other causes and, in particular, infectious or notifiable diseases and non-damage denial of access</p>

	<p>and public authority closers or restrictions, they may now be eligible to receive a pay out in relation to the coronavirus pandemic and its effects.</p> <p>Due to the variety of business interruption insurance policies available to the Bar, chambers and BSB regulated entities will need to consider the content of their own against the Supreme Court judgment in order to establish whether they might have a valid claim. To assist, the FCA's legal team at Herbert Smith Freehills have published a bulletin on their website, which can be referred to for further detail.</p>
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