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Response to ***New Information and Registration Requirements for the Bar Consultation on Rule Change – Bar Standards Board***

Q4. Do you foresee any practical challenges with introducing compulsory registration for Youth Court advocates? If you do, what are these?

Q5. Do you agree with the proposal to require barristers undertaking work in proceedings involving young people to register?

Q6. Do you agree that the registration should appear on the BSB Register?

The Magistrates' Association (MA) welcomes the opportunity to respond to the Bar Standards Board (BSB) consultation on this rule change. The MA's response is limited to those matters in relation to which we can appropriately comment, these being the proposals to require registration for barristers undertaking work involving young people.

The MA fully welcomes the proposed registration process and believes it is a positive step in facilitating wider recognition and understanding of the specialist skills required to communicate with young people and represent them in the Youth Court. Young people require competent, well-delivered advocacy from a lawyer with an awareness and understanding of these skills.

Ensuring that a barrister's declaration that they are suitably trained to undertake such work appears on the publicly available BSB Register is essential - allowing for instructing solicitors and those being represented to be fully informed of a barrister's status and ensure that the representation arranged for is appropriate.

We recognise there are rare situations that require urgent instructions and, at such a time, a "non-registered" barrister may be required to represent a young person. In these circumstances, it is important that the court be made aware of the situation at the earliest possible opportunity. It is the responsibility of the judicial office holder(s) to ensure fair participation in the court process. As such, an indication that a barrister is not registered to represent young person will allow the judicial office holder(s) to consider any appropriate steps to ensure that the young person understands the process, has the opportunity to be heard and is able to participate fully and fairly. Of course, the responsibility to ensure fair process remains even where a barrister is registered to undertake such cases.

In cases where a non-registered barrister has been instructed in the first instance, a barrister who is registered to provide advocacy on behalf of young people should become involved in such a case as soon as possible.

We note that the BSB intends to engage with magistrates with regard to the rule change, as outlined under paragraph 3.12, and the MA is pleased to offer support and guidance which may assist in this process.