



Message from the Chair

Hello and welcome to my first Quarterly Newsletter as BACFI Chair. I was delighted to be elected Chair at the Annual General Meeting in December last year and I hope to be able to continue the excellent work undertaken by Lucinda Orr over the last several years.

I am extremely grateful to Lucinda for the work she did as Chair and for her continued help and support as Senior Vice-Chair.

Last year, BACFI was very active in responding to BSB consultations and in meeting with the BSB to represent the interests of employed barristers. BACFI has established a good working relationship with the BSB and will maintain a dialogue with them to ensure the views of BACFI members are heard.

The General Committee has met five times so far this year and much of the discussion has been focused on improving the service that BACFI provides to its members. During my time as Chair, I would like to find new ways for BACFI to support its members and provide more opportunities for members to get involved.

I would be delighted to hear from members with ideas on how BACFI can do more so please do get in touch.

Officers and General Committee Members

Chair	Simon Broomfield
Senior Vice-Chair	Lucinda Orr
Hon Secretary	Rebecca Dix
Hon Treasurer	Lorinda Long
General Committee	Cecilia Xu
	James Kitching
	Grant Warnsby
	Ian Brookes-Howells
	Hussain Khan
	Hannah Laming
	Christiane Valansot
	Hannah Laming
	Patrick Rappo
	Stephen Potts
	Tricia Howse
	Richard Ryan
	Alexandria Carr
	Julian Abenbrook
	Sally Bevan

Education, support and representation for the employed Bar

When should barristers advise on tax matters?

There have been a number of discussions recently about when it is and is not acceptable for professional advisers to advise clients on tax planning matters. In the 1930s, Lord Tomlin said that “every man is entitled if he can to order his affairs so that the tax attaching under the appropriate Acts is less than it otherwise would be” (*Duke of Westminster v. Inland Revenue* (1936) 19 TC 490). More recently, we have seen high-profile cases involving comedians and peers, the demise of film-partnership schemes, and large corporations such as Starbucks and Google (amongst others) make headlines.

The recent focus on tax planning has led to some calling for controls to be implemented to prevent professional advisers (whether accountants, financial advisers or lawyers) from advising on schemes that are designed to avoid tax. There have been some suggestions that barristers should not advise in relation to such tax matters. But where does this leave the ‘cab rank’ rule? Should a barrister turn down instructions concerning tax-planning matters? Where does this leave the employed Bar?

BACFI would be interested to hear the views of members who are employed in companies that are engaged in tax-planning activities or whose practices include tax planning.

Please contact secretary@bacfi.org

Subscription Payments:

Sandra would be very happy to receive any outstanding subscription payments due for this year. The cost remains the same at £70 for Ordinary membership and £20 for student / retired members. You can send a cheque or pay by bank transfer, details are available on request.

Forthcoming events

6 September 2016: Workplace Insider Threat – Inner Temple

6 October 2016: Speednetworking – Middle Temple

18 October: Employed Bar Dinner – Gray’s Inn

11 November 2016: Denning Lecture to be given by Dominic Grieve QC, MP ex-Attorney General – Inner Temple

For more information about any of our events or to purchase tickets please contact Sandra at secretary@bacfi.org

Senior Managers and Certification Regime

The Senior Managers and Certification Regime (SM&CR) is now in force for banks and PRA-regulated investment management firms. The government now plans to extend the SM&CR to all firms authorized to perform regulated activities under Financial Services and Markets Act 2000, Part IV. It is expected to replace the 'approved persons regime' in 2018.

General Counsel and other lawyers working in regulated firms could become subject to SM&CR. Under the current regime, though the Compliance Officer will be an approved person (CF10), the Head of Legal is not.

Will extension of the SM&CR to lawyers give rise to conflicts of interests? What about legal professional privilege?

BACFI would be interested to hear the views of any members who will be affected by the extended SM&CR.

Please contact secretary@bacfi.org.

BACFI Working Groups

BACFI will be setting up small working groups to deal with responses to consultations and other initiatives. The intention is to provide an opportunity to get involved in matters of interest to them without having to commit to joining the General Committee or becoming an officer of BACFI. Opportunities to join working groups will be announced on BACFI's website and in future newsletters.

If you would be interested in participating in a working group, please contact us at secretary@bacfi.org.

Reconnecting with the Inns

If you would like to become an Inn representative, please contact Sandra: secretary@bacfi.org

Current Inn representatives are:

Middle Temple

Christiane Valansot Christiane@valansot.com

Bart Kavanagh

Amanda-Jane Field

Michel Reznik

Sally Bevan

Gray's Inn

Tricia Howse Tricia.Howse@hotmail.co.uk

Helen Fletcher Rogers hfrogers@bacfi.org

Lucinda Orr Lucindaorr@hotmail.co.uk

Inner Temple

Alexandria Carr ACarr@mayerbrown.com

James Kitching

Ayah Elmaazi

Elaine Ngai

Rosalee Dorfman

Lincoln's Inn

Simon Broomfield simon.broomfield@gmail.com

Hussain Khan hussain@khan.cc

Grant Warnsby grant.warnsby@uk.bp.com

News

BACFI City Law School Annual Prize

Each year BACFI sponsors a prize to the value of £250 for the student who gains the highest mark in the commercial modules of the BPTC course. This year's winner is Daniel Scott who has secured a pupillage at Erskine Chambers. Congratulations Daniel!

Inn Lunches

In the spring we held a series of lunches at each of the Inns which gives members and their guests the chance to meet up and enjoy the wonderful food available at the Inns. We will continue with this in the autumn so look out for emails giving the details. Thank you to our Inn representatives for organising this initiative.



BACFI congratulates member Naraindra Maharaj on being presented with the Freedom of the City of London. He received this honour at a ceremony on 7th June at the Chamberlain's Court, Guildhall.

If you have any news you would like to share with members please let Sandra know

secretary@bacfi.org

BACFI members on Bar Council and BSB Committees

Bar Council

Simon Broomfield, Lucinda Orr (elected), Kevint McGinty, Lorinda Long (Treasurer), James Kitching (elected), Alexandria Carr (elected), Amanda Jane Field (elected), Grant Warnsby (elected)

General Management Committee

Lorinda Long, Simon Broomfield

Employed Bar Committee

Lucinda Orr, James Kitching, Sara George, Alexandria Carr, Patrick Rappo, Grant Warnsby

Audit Committee

Alexandria Carr

Finance & Accounts Committee

Lorinda Long

Bar Pro Bono Panel

Lucinda Orr

Member Services Committee

Lucinda Orr, James Kitching

European Committee

Alexandria Carr

Education and Training Committee

Lucinda Orr

Ethics Committee

EB sub-committee

Amanda Jane Field

BSB Governance, Risk and Audit Committee

Nicholas Dee

Bar Council Wellbeing Group

Grant Warnsby

New opportunities for reforming the law

Where is the law not working? Where has it fallen out of step with what modern society needs or wants?

The Law Commission is asking for help in identifying what are the priority areas for law reform. The Commission's four-month consultation is open to anyone who works with or in the law or whose life is affected by it: legal professionals; academics; organisations in the public, voluntary, business and private sectors; parliamentarians, government and the public.

Law Commission Chairman, Sir David Bean, said: "This consultation is an important opportunity to help shape the future priorities for law reform in England and Wales. We want to know about problems that make the law unfair, inefficient, out of date or inaccessible.

"Whatever impact the referendum has on the legal landscape, we must not forget that there are still many other areas of the law that cause real problems for our citizens and require urgent reform. The need for modern, simple and accessible law remains as great as ever."

The Commission is also seeking feedback on suggestions for potential projects reviewing the law relating to:

- surrogacy
- weddings
- the provision of children's social care
- banks' duties to customers
- arbitration
- the conduct of public inquiries
- tackling offensive internet communications
- confiscation of the proceeds of criminal conduct
- business, agricultural and residential leaseholds
- legislative standards, and a programme of codification, for Wales

More information on the consultation and the Commission's suggested projects is available on www.lawcom.gov.uk. The consultation closes on 31 October 2016.

www.bacfi.org

Contact BACFI:

PO Box 4532, Edlesborough, Dunstable, Bedfordshire LU6 9EF
Tel: 01525 222244

secretary@bacfi.org