

# Direct Professional Access to Barristers

## Guidance Notes to Assist Chartered Town Planners in the Use of Direct Access to Barristers in England and Wales

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## Forward to the First Edition

The idea that chartered town planners as well as solicitors ought to be able to instruct barristers in appropriate circumstances is not new. It is a natural step from the Privy Council's relaxation of its prohibition on chartered town planners acting as advocates at planning inquiries. There must have been many occasions when a planner employed by a local authority had used the authority's solicitor in name more than in fact when briefing a barrister advocate. There must have been many occasions when a consultant planner knew more about planning than the solicitor who was instructing the barrister and would have liked to brief the barrister directly.

Direct Professional Access was first recommended by the Godfrey Committee in June 1986. Soon afterwards the Williams Committee recommended ways of implementing it. These two Committees were sub-Committees of the Bar Council. Their recommendations were followed by a recommendation of the Council. Their recommendations were followed by a recommendation of the Marre Committee proposing direct professional access for members of all specialist professions. The Bar Council accepted this recommendation in principle on 12 November 1988 and through the Bar Committee set up the Direct Professional Access Committee. In May 1989 the Bar Council announced that direct professional access was to be granted to chartered town planners.

These guidance notes have been prepared to help chartered town planners who wish to brief barrister without the help of a solicitor.

These are guidance notes, not a text book; nor, with a few notable exceptions, a statement of mandatory provisions. They should provide the reader with a sound base from which to develop the use of direct access. This is a new area of activity and both instructing members and barristers will have to establish a workable relationship. These notes should facilitate that process.

Direct access to counsel is an opportunity to offer a more streamlined and cost-effective service to some clients in some circumstances. These notes will help you to decide when to use direct access and when to retain the services of a solicitor.

The Institute considers that there is benefit in all professions operating direct access to a common set of advisory rules. These notes are based on those prepared for the Royal Institution of Chartered Surveyors by a working party led by Sir Frank Layfield QC, MRTPI. My thanks are due in particular to Sir John Boynton MC, LMRTPI and Jeremy Buckwell LMRTPI for their comments on the RICS notes and the redrafting of them.

**Chris Shepley**  
**President, 1989-90**

## Notes on Third Edition

The principal differences between this and previous editions of these guidance notes are as follows.

In paragraph 2.7 (d) the words '(provided that the fee is reasonable)' have been added to the last sentence.

In paragraph 5.3 the words '(though this is the usual practice) but' have been added, and 'and deleted, after the word 'refreshers'.

In paragraph 6.4 the words 'only if they have been provided with a written summary of that witness's evidence' have been deleted from the end of the fourth sentence.

In paragraph 7.1 the words 'and could result in disciplinary action being taken against the member under the Institute's Code of Professional Conduct' have been added to the last sentence.

In paragraph 7.4 the following two sentences have been deleted from the end of the paragraph: 'It will take some time to establish the new organisation. Meanwhile it has been agreed that an interim arrangement is available to determine such disputes, similar to the Fees Joint Tribunal Arrangements.'

In Appendix A paragraph 4(c) the words 'which, in the case of RTPI members, is the Local Government Planning and Environmental Bar Association' have been added.

Appendix H, 'Direct Professional Access to the Lands Tribunal: Guidance Note', has been added.

In Appendix F, 'Model Terms of Engagement of Counsel in Direct Professional Access Work', paragraph 14 has been deleted and replaced by new wording which clarifies instructing members' duty to store instructions, written advice and other documents and to provide copies to the barrister if the barrister so requests, and places a limit of six years' duration on this duty.

In Appendix I information about the publications listed has been updated and Suddards on Listed Buildings has been added.

## CHAPTER 1 – INTRODUCTION

1.1 From 20 May 1989 chartered town planners joined members of certain other specified professional bodies, such as surveyors, chartered accountants and certified accountants in having the opportunity of direct professional access (DPA) to barristers practising in England and Wales.

### 1.2 Purpose of the system

The General Council of the Bar, in making DPA available, has recognised that, in appropriate circumstances, the interest of the lay client may be better served if their professional adviser, such as a chartered town planner, is able to instruct a barrister direct without the services of a solicitor. Certain other persons already enjoy direct access and in particular arbitrators have the right to approach barristers direct on any point of law, practice or procedure arising in or connected with an arbitration in which they are or may not be appointed.

### 1.3 Purpose of guidance notes

These guidance notes are intended to assist chartered town planners to understand the functions of a barrister, to appreciate the role of a solicitor and to assess when DPA should be used. Guidance is given as to how DPA is best affected in order to benefit the client, and consideration is given to other matters such as professional liability and the question of barristers' fees.

### 1.4 Cautionary notes

- a. *New responsibilities and risks* Chartered town planners contemplating DPA should appreciate that they are accepting considerable added responsibility in a new practice field, particularly where the subject matter concerned might lead to litigation. Careful consideration should therefore be given as to whether in all the circumstances, either initially or at any subsequent stage, it would be preferable to seek the assistance of a barrister through the customary services of a solicitor. Much of the guidance contained in these notes relates to work normally done by a solicitor, who is trained and experienced in instructing a barrister. For chartered town planners who have no previous experience in dealing with a barrister, it might be prudent, until their knowledge and experience develops, to continue their use of DPA to obtaining advice rather than advocacy services.
- b. *The lay client* Chartered town planners should explain the courses available to their clients, including the availability of direct access, and the possible advantages and disadvantages of its use. In the case in hand, always keep in mind that even if DPA appears appropriate a client may wish to instruct a solicitor, particularly one customarily retained by the client, and the chartered town planner should not actively discourage them.

- c. *Insurance* Although the Institute does not yet require its members to hold indemnity insurance cover, this should be seen as a pre-requisite for DPA. Before embarking on DPA work, chartered town planners should notify their professional indemnity insurers and obtain written acceptance of the risk constituted by work in this field of practice, and should ask the chosen barrister whether his or her insurers will cover the instructing member (see paragraph 3.4). The Bar operates a compulsory insurance fund (the Bar Mutual Insurance Fund); it is unlikely that this would be capable of being extended to cover an Institute member.
- d. *Appeals* It should always be kept in mind that appeals against various kinds of decision have strict time limits and will require the services of a solicitor. (See paragraph 3.12)
- e. *Limitation* DPA is not available for proceedings before the Judicial Committee of the House of Lords, the Court of Appeal, the High Court, the County Court or the Employment Appeals Tribunal.

## 1.5 Glossary

- a. “Bar Code of Conduct” means the Code of Conduct for the Bar of England and Wales, 4<sup>th</sup> edition, as amended from 3<sup>rd</sup> April 1989 in relation to DPA;
- b. “Barrister” means a barrister in independent practice, sometimes referred to as “counsel”;
- c. “brief” means instructions to a barrister to represent the lay client before a court, inquiry, arbitrator or other tribunal;
- d. “Direct Professional Access Administrative Guidelines” means the guidelines from time to time published by the Bar Council for barristers undertaking DPA work (see Appendix G);
- e. “instructing member” means a chartered town planner instructing a barrister by DPA;
- f. “instructions” means instructions to a barrister to advise, draft documents or do other work and includes a brief unless the context otherwise requires;
- g. “lay client” means the client of the instructing member;
- h. “leader” means a barrister who is a Queen’s Counsel (QC);
- i. “professional client” means the instructing member or other professional who gives direct instructions to a barrister; and
- j. “to settle” means to put the terms and language of a document into a form satisfactory to a barrister.

## CHAPTER 2 - THE BAR OF ENGLAND AND WALES

### 2.1 A Barrister

A barrister is called to the Bar of England and Wales in independent practice or as an employed barrister. Barristers in independent practice hold themselves out as willing to render legal services to clients. An employed barrister is a barrister who is paid a salary, and employed wholly or primarily for the purpose of providing legal services to his or her employer. Employed barristers may not, in general, supply legal services to anyone else. DPA does not apply to employed barristers; these Guidance Notes are concerned only with barristers in independent practice.

### 2.2 Structure and facilities of a barrister's practice

A barrister wishing to be in independent practice normally practices from a set of chambers although, since November 1989, the Code of Conduct has been relaxed to allow barristers to practice from home or from other suitable premises so long as they carry their practice effectively. He or she remains, however, a sole practitioner on his or her own account. Many barristers specialise in, say planning, tax or landlord and tenant law and may be members of a set of specialist chambers whose members commonly deal with that area of law. They will have the services of the clerk and the secretarial and administrative facilities of the chambers, and use of the chambers' library.

### 2.3 Conflicts of interest

Barristers are not permitted to practice in partnership with other barristers or other professionals. Barristers in the same chambers therefore do not face the problem of conflict of interest which affects partnership or incorporated practices. Accordingly, if a barrister has been instructed by one party, it is not unusual for another barrister in the same chambers to act for the opposing party; this is particularly so in specialist chambers. As that situation may sometimes cause concern to an instructing member or lay client, the instructing member should understand, and should explain to the lay client, that where members of the same chambers are on opposing sides:

- a. chambers go to considerable lengths to protect the confidentiality of lay clients' affairs which extends, for example, to the receipt of facsimile communications; and
- b. barristers are alert to their lay clients' interests, which they protect as vigorously and as carefully as if they were acting against a barrister from another set of chambers.

### 2.4 Rights of audience

Barristers, by reason of their profession, have a right of audience on behalf of a lay client before any court or before any statutory tribunal or inquiry or arbitration for which an instructing member is able to brief them. Before the courts, statutory

tribunals and inquiries in which barrister may appear on the instructions of an instructing member this right of audience is conferred by statute. In arbitrations, a barrister's right of audience may be conferred by statute. In contractual arbitrations barristers have no automatic right of audience, but in practice arbitrators allow parties to appear by the representatives of their choice.

Chartered town planners appear as advocates before arbitrators and various tribunals such as Public Local Inquiries into planning and compulsory purchase issues, and Examinations in Public of Structure Plans.

## 2.5 **Leading Counsel**

A barrister may be appointed Queen's Counsel on the recommendation of the Lord Chancellor. The gown which a QC wears in court is made of silk: hence the expressions "Silk" and "taking Silk". In the past Queen's Counsel were not generally permitted to appear as advocates unless a barrister who was not a QC was also instructed. Hence the custom arose of referring to a QC as "leading counsel" or a "leader", and to a barrister who was not a Queen's Counsel as "junior counsel" or a "junior". The Bar Code of Conduct no longer contains that prohibition, but it requires a QC to decline to appear as an advocate or to advise or draft documents without a junior if he or she considers that the interest of the client requires that a junior should also be instructed.

## 2.6 **The Bar Code of Conduct**

The Bar Code of Conduct provides the general rules for the conduct of barristers. The rules relevant to these Guidance Notes are:

- a. If a barrister receives a brief or instructions they believe to be beyond their competence they must decline that brief or those instructions and inform their professional client.
- b. A barrister must take all reasonable and practical steps to ensure that professional engagements are fulfilled or that prompt notice is given if they cannot be fulfilled.
- c. A barrister is obliged "to accept any brief to appear before a court in the field in which he or she professes to practise (having regard to her or her experience or seniority) at a proper professional fee having regard to the length and difficulty of the case and to his or her availability". This is known as the "cab-rank" rule, in which "court" includes any court or tribunal or any other person or body before whom a barrister may appear as an advocate. The cab-rank rule applies only where a barrister is to be briefed to appear before a "court"; it does not apply where a barrister is instructed to advise. The cab-rank rule is modified for DPA (see subparagraph 2.7 (d)).

## 2.7 **Modification of the Bar Code of Conduct for Direct Professional Access work**

The Bar Code of Conduct now allows chartered town planners to instruct a barrister. The relevant rules include the following:

- a. A barrister cannot be briefed by a chartered town planner to appear before the House of Lords, the Privy Council, the Supreme Court (which includes the High Court and the Court of Appeal), an Official Referee, a County Court, the Crown Court or the Employment Appeal Tribunal.
- b. Barristers cannot accept instructions when they form the opinion that it is in the interests of the lay client that they should be instructed by a solicitor.
- c. If, having accepted DPA instructions, it becomes apparent to the barrister that, in the interests of the lay client, a solicitor must be instructed the barrister must so notify the instructing member.
- d. Barristers who wish to accept DPA work must first notify the Bar Mutual Insurance Fund Limited (with whom all barristers must insure against claims for professional negligence) that they intend to accept such work and pay the required additional DPA premium. Thereafter, the cab-rank rule will apply to DPA briefs (see paragraph 2.6). Accordingly, barristers who are prepared to accept DPA work cannot refuse a brief from an instructing member to appear at a hearing (provided that the fee is reasonable) unless they are entitled to decline (see sub-paragraphs (a) and (b) above).
- e. The Bar Council has published Administrative Guidelines relating to the handling by barristers of DPA instructions: these are set out in Appendix G.

## 2.8 **Areas of Expertise**

A barrister has five areas of expertise:

- a. advice on legal matters;
- b. drafting, settling or approving legal documents;
- c. drafting pleadings;
- d. advise on evidence, tactics and procedure for oral hearings and for disputes determined by written representations; and
- e. advocacy at hearings.

## 2.9 **Advice**

A barrister may give legal advice on a wide range of matters, such as:

- a. aspects of planning law, including consideration of whether planning permission is required for a particular development;

- b. development plans;
- c. a development by statutory undertakers such as highway authorities, the Department of Transport and others; and
- d. compulsory purchase.

This is not an exhaustive list.

#### 2.10 **Advocacy**

A barrister may be briefed by an instructing member to appear before certain courts and other tribunals on behalf of a lay client. Examples include:

- a. Magistrates Courts;
- b. the Lands Tribunal (see Appendix H);
- c. Examinations in Public of structure plans;
- d. Inquiries dealing with planning appeals, compulsory purchase orders, highways, enforcement notices, local plans, special orders and other matters;
- e. Arbitrations.

#### 2.11 **Role of barrister's clerk**

The administration of a set of chambers is supervised by the clerk, who is, in effect, the business manager of each barrister in the chambers.

The clerk will advise on the name of an appropriate barrister if a recommendation is required and will agree the terms of engagement including the matter of fees.

## CHAPTER 3 – GENERAL CONSIDERATIONS RELATING TO DPA

### 3.1 The lay client

The interests of the lay client are paramount. The normal objective of DPA is to save time or money or both. Consideration must however be given to the question of whether the quality of legal service will be affected if no solicitor intermediary is retained.

### 3.2 Eligibility of instructing member

Instructing members should be prepared to show that they are eligible to use DPA by notifying the clerk of their professional qualifications and RTPI membership number. They must satisfy themselves that they are:

- a. qualified by experience to handle the conduct of the matter, and
- b. indemnified by their firm or organisation against their personal liability to the barrister for his or her fees.

Most instructing members are likely to be in private practice. Nevertheless, chartered town planners in the public service may, with their employer's approval, have direct access to a barrister. The previous paragraph stresses the need for an indemnity against any personal liability for fees. Public service instructing members should also refer to those parts of the Model Terms of Engagement in Appendix F which relate to instructing members who are employees, namely paragraphs 4 and 9 and Note 3 at the end of the Appendix.

### 3.3 Assessment of the problem to be solved

The first question is whether the problem is appropriate for DPA. When the problem is beset with complicated legal difficulties or when it could lead to litigation, the chartered town planner may be best advised to approach the barrister through a solicitor. If the matter is straightforward and DPA will bring economies, then it will doubtless be considered.

### 3.4 Discovery

In proceedings in the courts and often in arbitrations and other tribunals each party is required to disclose to the other all documents which are or have been in their possession, custody or power relating to any matter in question between the parties in the case. This is referred to as "discovery of documents". Documents disclosed which are not privileged can be inspected by the other party. The law as to which documents must be disclosed and which are privileged from inspection is complex. Instructing members should, therefore seek advice from a barrister when discovery may be material to the case in hand and especially when applying for or complying with an order for discovery. The rules of discovery do not apply to public inquiries or to proceedings in the Magistrates' Courts, and there are special rules for the production of documents before the Lands Tribunal which a barrister experienced in Lands Transfer work can advise on if necessary.

### 3.5 Professional indemnity insurance

Before instructing a barrister, instructing members should be sure that they have adequate professional indemnity insurance. Their insurers will require full disclosure of the nature and extent of the work which they propose to undertake, which may well attract an additional premium. They should not undertake DPA until they have notified their insurers. They may find that some explanation will be needed before their insurers will accept the risk and it may not be possible to obtain cover speedily. When responding to the insurers' questions it is necessary also to make the fullest disclosure of any facts which might influence the insurers when assessing the risk. Instructing members must ascertain what records and documents their insurers require them to retain, and for how long. It would be prudent to have these requirements in writing. Whatever those requirements are, instructing members should retain the complete file with:

- a. notes of all telephone calls,
- b. notes of all internal memoranda, and
- c. copies of all attendance notes.

### 3.6 Legal professional privilege

Members are cautioned to consider the question of legal professional privilege which gives protection to the lay client from disclosure of documents. The protection covers documents relating to legal advice given in the context of legal proceedings where these are exchanged between solicitors on the one hand and the lay client, agent, barrister or third parties on the other. It also gives protection from disclosure to investigating authorities such as the Inland Revenue. As yet there is no clear legal authority extending this concept to a professional other than a lawyer.

Communications passing between the instructing member on the one hand and the lay client, barrister or third parties on the other are less likely to be privileged than equivalent communications would have been had the instructions been handled by a solicitor. In particular, the dominant purpose of the communication will not be so readily capable of being shown to be one that is covered by this privilege. Until the law in this area is clarified, clients must be informed that there is a greater risk that the production of confidential documents may be ordered (see Appendix D).

Legal professional privilege is distinct from other forms of privilege such as that which may attach to documents marked "without prejudice". The existence of these other forms of privilege is not affected by the fact that a member is instructing a barrister.

### 3.7 Choosing the appropriate number and seniority of counsel

An instructing member has to decide whether to instruct leading or junior counsel or both. Factors which may determine the decision include the importance or complexity of the matter, the expected length of any hearing, the workload likely

to be placed on counsel and the cost (see paragraph 4.4). It may sometimes be necessary to instruct more than one barrister so as to secure specialist advice in different fields of law involved in the same matter – for example planning and tax. A leading barrister may decline to act unless a junior is also instructed (see paragraph 2.5).

### 3.8 **Assessment of the documents required**

Documents should be considered from the outset. Questions to be answered include the following:

- a. Does the instructing member fully understand the nature of the documents required and how they can be obtained?
- b. Which documents are needed for the barrister, for other parties and for the court of tribunal?
- c. Which documents must be retained?
- d. Can adequate long term storage be provided for documents?
- e. Are the nature and implications of discovery fully understood?

A brief explanation of the process of discovery appears in paragraph 3.4 and there is further reference to documentation in Appendix D.

### 3.9 **Assessment of added responsibility of the town planner where a solicitor is not instructed**

If a solicitor is not to be retained, the instructing member then becomes responsible for much of the administrative work previously carried out by the solicitor (see paragraph 3.5 and Appendix D), so that the general conduct and organisation of the case will fall to the instructing member. Lay clients may also expect them to provide general business advice. Difficulties may arise where the instructing members are also witnesses and their evidence is lengthy or complex. They may then need assistance in administration and note-taking since they will be incommunicado during the period in which they are giving evidence. This assistance will mean added costs. Another disadvantage where instructing members act as witnesses is that they will not be available to the lay client for general business advice and negotiations at what might be a crucial period during the conduct of the case. These disadvantages should be carefully weighed against the savings which would otherwise be made by not instructing a solicitor.

### 3.10 **Independence of opinion**

Instructing members will be conscious of the need at all times to maintain the independence of opinion expected of a professional expert witness, which must not be allowed to be compromised by the additional administrative role undertaken by the introducing member in a case when no solicitor is instructed.

### 3.11 **Involvement of solicitor**

If a solicitor is engaged at any stage the instructing member should be able to hand over to the solicitor the necessary papers and a full record of all proceedings and advice to date. The prospect and the cost of such a transfer should be considered at the outset.

### 3.12 **Checking for time limits**

Time limits arise in a variety of situations which include statutory time limits or limitation periods, procedural time limits imposed by the relevant tribunal or arbitration rules or by order of the tribunal or arbitrator and contractual time limits both for particular notices and for the notification of claims. Appendix H provides a list of some text books in which the relevant time limits are set out.

### 3.13 **Appeals**

The need to instruct a solicitor may arise at a late stage when an appeal is to be made to a court. That possibility should be in mind when deciding whether to use DPA. Instructing members should note that appeals from the courts and tribunals listed in paragraph 2.10 must be brought in courts in respect of which the instructing member cannot brief a barrister directly or lodge documents in the Court as the client's agent, and that there are strict time limits within which to begin the appeal and lodge the necessary documents in the court.

Immediately a decision is given, often some time after the hearing, the instructing member must consult with his or her client and obtain advice from the barrister whether to appeal. If the decision is to appeal, the instructing member or the lay client must immediately instruct a solicitor.

### 3.14 **Monies**

Instructing members should keep in mind that this may require handling monies (e.g. barrister's fees, administrative expenses or settlement payments) or to give undertakings to opposing parties. If so they should ensure that they have knowledge of the legal requirements and that their firm has the facilities and insurance cover and has been put in funds by their lay client.

### 3.15 **Barrister's fees**

Solicitors normally discuss and, where necessary, negotiate with the clerk the fee for a barrister's services. Barristers are no longer required to have a clerk but the great majority still do. Barristers without a clerk may conduct their own fee negotiations. In cases of complexity, an instructing member must fulfil this role of all possible savings of costs are to be made and if possible misunderstanding about fees is to be avoided (see section 7).

## CHAPTER 4 – STEPS IN USING DPA

4.1 There are many steps in using DPA which will vary from case to case. The following notes are intended to summarise some typical steps.

4.2 Prepare a synopsis of the problem which will:

- a. assist the clerk to a set of chambers to identify a suitable barrister and quote a fee, and
- b. form the basis of instructions.

4.3 Select an appropriate set of chambers. Assistance may be obtained by referring to Appendix A, either the lay client or the instructing member may wish to nominate a particular barrister known to specialise in the required area of law. This may involve asking the chosen barrister to give the instruction, priority over other work and may be costly, a factor which is to be brought to the clients attention.

4.4 Contact the barrister's clerk with the synopsis and any other information which the clerk may require (see Appendix B). Inform the clerk whether a leader is likely to be required, or indicate the levels of seniority required.

4.5 The clerk will then:

- a. advise whether the named barrister is available;
- b. if asked, suggest a suitable alternative barrister;
- c. where a leader is to be instructed, establish whether the matter will be handled initially by a junior, and whether he or she will be involved thereafter;
- d. give an estimate of the likely period of time before the instructions will be undertaken and returned;
- e. indicate the proposed fee and what it will cover; and
- f. propose the terms of engagement which may vary the terms set out in Appendix F.

4.6 The instructing member will, if appropriate, negotiate the amount of the barrister's fee and must then confirm with the lay client that he or she accepts it, explaining to the lay client what is covered by the fee and any additional charges the barrister may make. The member should also confirm with the clerk that the terms of engagement are agreed.

4.7 The instructing member will then forward instructions to the clerk together with any requirements as to the time period within which the instructions are to be completed. Notes on the preparation of instructions appear at Appendix C.

4.8 The clerk will then inform the instructing member whether the barrister accepts the instructions.

4.9 The instructing member (or where appropriate their firm) is strongly recommended to enter into written terms of engagement with the lay client whereby the lay client agrees to pay the barrister's fee and any member to be personally responsible for Counsel's fees. The instructing member may, however, negotiate terms of engagement in which his or her firm or company accept joint and several liability for fees.

4.10 It is essential that the instructing member notifies the barrister of any developments which might affect the previous decision not to use the services of a solicitor. The member should also notify the barrister's clerk at the earliest opportunity of any hearing date, whether confirmed or provisional.

4.11 Where the barrister decides that the immediate intervention of a solicitor is needed to assist the future conduct of the matter, the instructing member should consider the arrangements proposed and consult their lay client before taking further action (see Appendix F, paragraph 7).

## CHAPTER 5 – ADVICE IN CONFERENCE

### 5.1 Making arrangements

The instructing member should liaise with the barrister's clerk to make arrangements for a conference with the barrister having regard to the commitments of the barrister and the other participants. It is sometimes helpful for the instructing member to arrange to meet the other participants before the conference, to explain to them and to a client not familiar with the processes involved the purpose of the conference, and to discuss the contributions expected from them.

### 5.2 Preparing a note

It is the responsibility of the instructing member to be sure that a proper note of the conference is taken. In many cases the instructing member will take the note. But where the instructing member has a substantial contribution to make, for example as advisor or expert witness, it will probably not be possible for them to combine this contribution with taking an adequate note. In that case the members should ensure that a competent assistant takes the note. If expert witnesses in other fields are involved, the instructing member should submit copies of the note to them for any corrections they may wish to make. It is highly desirable that any part of the note which gives advice on the law and tactics based on that advice should be settled by the barrister, or a draft sent to him for amendment and approval. In all cases the barrister should be supplied with a copy of the note. Instructing members should state clearly any deadline for any written advice or opinion (see Appendix F, paragraph 5).

### 5.3 Marking the brief

The clerk will mark the back sheet of the brief with the barrister's fee, "refreshers" (additional fees for every day of appearance after the first) and any other agreed basis of remuneration. A barrister is no longer obliged to be remunerated on the basis of a brief fee and refreshers (though this is the usual practice) but, so long as the basis and level of remuneration is agreed in advance, may accept remuneration based on an hourly rate or any other appropriate basis.

## CHAPTER 6 – ARRANGEMENTS FOR HEARINGS

### 6.1 Procedural rules

Instructing members must ensure that they are fully familiar with the procedures of the court or tribunal concerned, including those for appeals.

### 6.2 Preparation of documents

Most courts and tribunals have the power to order the delivery of documents (for example original deeds, pleadings and affidavits) necessary to substantiate the lay clients case. Although the drafting of pleadings and affidavits is normally a matter for the barrister, the instructing member will have set out sufficient material to enable the barrister to deal with an order from the court or tribunal or produce documents. The detailed procedural requirements of different courts and tribunals are outside the scope of these notes, but members must ensure that they have a general understanding of them before embarking on any DPA work (see Appendix D for more detailed information on documentation).

### 6.3 Expert and lay witnesses

Witnesses are either expert witnesses or lay witnesses. Expert witnesses are those with a professional qualification or with a recognised expertise whose evidence is intended to evaluate, or contain opinions about, the subject matter of the dispute or inquiry. Lay witnesses are witnesses of fact who give evidence of what they have seen, heard or know about the relevant facts.

### 6.4 Communications with witnesses

A barrister does not normally interview witnesses or draft their reports or witness statements. This task is very time consuming and outside the normal experience of a barrister. However, a barrister may see an expert witness at any time, advise on the content of any expert's report and discuss the case with that expert. A barrister may never see witnesses of fact other than the lay client, who may be seen at any time. In an appropriate case, which should initially be discussed with the barrister, a barrister may settle a report or witness statement of either category of witness. The document must be settled and then signed by the witness and accepted by that witness as accurate.

### 6.5 Attendance of witnesses

The instructing member should ensure that the necessary arrangements are made for the attendance, appearance and accommodation of the client and the witnesses at the hearing and at any pre-hearing conference. They may have to arrange accommodation for any conferences which the barrister may wish to hold at the end of each day of a prolonged hearing or inquiry and short conferences during lunch time adjournments. The instructing member must ensure during the progress of the case that each witness is available at whatever stage the barrister requires, including the opening.

## 6.6 Note-taking at hearings

An essential part of the instructing member's role at a hearing is to ensure that an accurate note of evidence, cross-examination, submissions and oral argument is taken for the assistance of the barrister and to enable a record of what occurred to be kept.

## CHAPTER 7 – BARRISTER’S FEES

7.1 Where a solicitor instructs a barrister, the solicitor is responsible for paying the barrister’s fees. If DPA is undertaken by an instructing member he or she will become personally responsible liable and this responsibility can only be safeguarded by an indemnity given to them by their firm or organisation. Members of partnerships are usually covered by mutual indemnities for the other partners. **Failure by an instructing member to pay a barrister’s fee would normally amount to professional misconduct and could result in disciplinary actions being taken against the member under the Institute’s Code of Professional Conduct.**

7.2 If a lay client is dissatisfied with the amount of their solicitor’s bill, including an element of barrister’s fee, they may take the dispute to the Law Society or High Court which will settle the dispute in accordance with principles which are outside the scope of these Notes. In addition, there is an informal arrangement between the Law Society and the Bar which enables a solicitor to refer a dispute to the Fees Joint Tribunal which can make a recommendation as to settlement.

7.3 If DPA is exercised by an instructing member the lay client will not have the same right to go to the High Court of Joint Tribunal and the instructing member should draw this fact to the client’s attention.

7.4 The Council of the Institute has reached agreement with the Bar Council that an informal tribunal shall be formed along the lines of the arrangement mentioned in paragraph 7.2 above. Its purpose will be to ensure that the lay client or the instructing member can challenge a barrister’s fee incurred in DPA work.

## APPENDIX A – FINDING A BARRISTER

### Barristers

- 1 Instructing members will usually want to instruct a barrister who is a specialist in town planning law, but may not know how to find such a barrister. Barristers normally practice from chambers, this is to say a group or “set” of barristers who pool administrative and clerking arrangements but who still practice independently. Broadly speaking, chambers are arranged into one or other of the following:
  - a sets in which members specialise in the same branch of work;
  - b sets in which some members specialise in the relevant field, while the other members specialise in other related work and may or may not also be competent to accept instructions in the relevant speciality; and
  - c sets in which the work is more widely and generally based in which at least some of the members may be competent to accept instructions in the relevant speciality.
- 2 Instructing members may wish to keep in mind that where a barrister’s services are required purely as an advocate, specialised knowledge of the law will not always be needed. For example, at an inquiry, skill in presenting facts and cross-examining witnesses may be required without the need for a detailed knowledge of the Town and Country Planning Act.

### How to select a suitable barrister

- 3 Finding a suitable barrister, appropriate for the particular instructions or brief, in whom the instructing member and the client can have confidence and who will work well with the team assembled for the matter in hand, is a personal and difficult process. Personal contact, recommendation or experience are the methods usually used by solicitors. The task used to be made harder by restrictive rules on advertising that governed members of the Bar, but these rules have been relaxed significantly and the Bar is now able to publish much more information about itself.
- 4 The instructing member at a loss which barrister to instruct needs to look either for a set of chambers which specialises, or contains specialists in, the relevant area of law or find barrister with that expertise. The following means of finding a barrister are open to an instructing member.
  - a. Obtain from the General Council of the Bar (addressing inquiries “Direct Professional Access Inquiry”) at 11 South Square, Gray’s Inn, London WC1R 5EL telephone 0171 242 0082, the register of barristers accepting DPA work (this is not yet available and will take some time to compile).
  - b. Look for a suitable name or chambers in the Law Directory (published by Butterworths) or the Solicitor’s and Barrister’s Directory (published by Waterflow). Both are readily available in any good reference library;

- c. Obtain from the Bar Council the appropriate specialist Bar list of members of that specialist Bar which, in the case of RTPI members, is the Local Government Planning and Environmental Bar Association; or
- d. Inquire of other chartered town planners or a solicitor for a recommendation.

The reference works referred to contain names, professional addresses and telephone numbers of all practising barristers with some indication of their fields of practice.

## **APPENDIX B – INITIAL INFORMATION FOR THE BARRISTER’S CLERK**

Chartered town planners may sometimes contact clerks by telephone. In all cases they should have available the following information which can be read to the clerk and subsequently confirmed by fax or by first class post:

- a. The instructing member’s name and professional qualification including his membership number so that the clerk can check his or her name in directory of firms offering the services of consultant chartered town planners published by the Institute or with the Registrar at the Institute. Members must be prepared to confirm that they will be personally responsible for the conduct of the matter.
- b. The name and address of the member’s firm, company, local authority or other organisation together with his or her position in that body.
- c. The nature of the law involved, e.g. planning, agricultural law, landlord and tenant etc.
- d. The name of the lay client. Where litigation is contemplated or under way, the names of all the parties must be revealed. This may be difficult if there are sub-contractors etc., but every effort should be made to discover these to avoid subsequent problems with conflicts of interest. Where the subject matter involves land or buildings these should be clearly identified.
- e. The services required, i.e. advice of advocacy.
- f. The name of any barrister to be instructed by the lay client.
- g. A synopsis of the problem.
- h. An indication of the volume of documents to be submitted.
- i. Any time limits

It is suggested that in most cases all the above information should be set out on a single A4 sheet.

## APPENDIX C – PREPARATION OF INSTRUCTIONS AND BRIEFS

### An outline for drafting instructions to counsel

- a. Clearly identify the problem upon which an opinion or advice is sought by a concise and clear recital of facts and circumstances.
- b. Always include copies, never originals, of relevant documents
- c. Refer to those documents in a numbered list and include only those that are relevant.
- d. Keep in mind that, apart from the conveyances, leases, notices and other relevant documents, public documents (for example statutory development plans) may be necessary to give a full understanding of the case.
- e. If correspondence is included it should be in a bundle prepared in a suitable sequence.
- f. Distinguish facts from opinion or commentary and once a term or description is adopted, use it consistently throughout.
- g. References to documents should be by reference to the list so that further description is unnecessary. If parts of a document are referred to, page numbers and clauses should be mentioned.
- h. If the instructing member attaches special importance to a provision, whether in a document or correspondence, the instructions should make clear the reasons for this view.
- i. Any law thought to be relevant should be mentioned with a full reference to any Act, regulation or case quoted.
- j. Check that any questions upon which advice is sought are clearly and concisely set out in the conclusion.
- k. Prepare a “back sheet” (which is a cover sheet to the instructions) giving the name of the client and of the instructing member. The barrister will endorse the back sheet at each separate occasion of their involvement, it is important for taxation purposes to ensure that this is done.
- l. When a case has been before a barrister, further evidence may be required as a result of some new development or because some completely different aspect is to be explored. It is often at this stage that the desirability of involving a leader should again be considered. A short recital of the background may be sufficient to recall the circumstances with the benefit of such new material as is to accompany the further instructions.

### **Briefs for appearing at a hearing**

A brief should include the information under (i) above. The brief will also include a back sheet which must be marked (by the clerk) with the barrister's fee, refreshers, and any other agreed basis of remuneration. It will also give:

- a. **A statement of the forum of the hearing**, i.e. whether an arbitration, planning appeal etc; also, if known, the identity of the Arbitrator, Inspector etc., and any indication of the likely timetable.
- b. **A full statement of the client's case** as the instructing member sees it.
- c. **A full statement of the evidence of the opposing party's case** as it is likely to be put.
- d. **A statement of the evidence likely to be available** of both fact and opinion stating whether the barrister is to be asked to advise further on the evidence they would like to call.
- e. **Any suggestions** the instructing member may have as to a line of argument. It is acceptable for an instructing member to offer general comments on the law and, most importantly, any comments on technical matter which their expertise and experience enable them to inter-relate with the law.

## **APPENDIX D – DOCUMENTATION**

### **1 General considerations**

An important part of an instructing member's role in instructing counsel is the gathering, presentation and safeguarding of relevant documents. The responsibility continues throughout a hearing and, as regards storage, for several years thereafter. Instructing members should liaise closely with counsel on documentation at all stages of DPA work.

### **2 Original documents**

- a. No original documents should be sent to a barrister's chambers. Apart from the question of safety, any such document may not be protected by legal privilege from removal by an investigating authority. They may, however, at the barrister's request be brought to a conference and should be removed afterwards.
- b. The instructing member should ask the barrister which original documents may be required at a hearing.

### **3 Preparation of documents for instructions**

- a. A clear set of master copies of all documents should be prepared. The master copies should not be marked except where necessary to show a reduction or enlargement.

- b. A minimum of three sets of documents should be prepared from the master copies. Each sheet should normally be identified by a number and a letter at the top of each right hand corner.
- c. One set of documents should be sent to the barrister's clerk in a binder clearly marked on the spine, referring to the instructions. It may be convenient to split documents into sections and essential where there is a large number of documents, to provide, at the front an index or contents list.

#### 4 Documents for a hearing

- a. Well before a hearing, every effort should be made to agree a bundle of documents, including a statement of facts, for presentation at the hearing. The instructing member should check well in advance of the hearing how many copies will be needed. If documents are added to an agreed bundle during the hearing, the index should be revised and copies of the revised version (noting and dating the revisions) distributed. The instructing member should ensure that there are convenient means of copying near at hand in case copies of new material are needed at short notice.
- b. Some of the documents supporting a proof of evidence can be handed in when references to them arise during the course of reading the proof. However, since many proofs are not read in full, it may sometimes be better to hand in all the relevant documents with the proof. It may be helpful if they are not attached to the proof, but presented separately in a binder so that they can be referred to easily while reading the proof and during its subsequent examination. It is essential to distinguish clearly between the two bundles by using different prefixes. No privileged material, whether or not marked "without prejudice", should be included.

## APPENDIX E – THE BAR – SOME PRACTICAL POINTS

### 1 Introduction

This appendix outlines some matters of conduct and convention which should be observed when instructing and working with a barrister. They arise from the Code of Professional Conduct for The Bar of England and Wales or are matters of convention established by long use. They reflect the role played by the barrister's clerk and the independence of the Bar.

### 2 Role of the clerk

An understanding of the role played by a barrister's clerk in the administration of chambers is valuable. The clerk is essentially the business manager for a set of chambers and should not be confused with a secretary or personal assistant. As a general rule, direct contact should not be made with a barrister but through their clerk.

### 3 Fees

It is normal practice for most professional to have direct discussions with clients and others covering their fees. This is not generally the practice when instructing a barrister. Fees are normally agreed between the instructing member and the clerk.

### 4 Correspondence

Professional correspondence and other communications should not be addressed to a barrister at their chambers by name. All such communications, including those sent by a facsimile, should be addressed to “The Clerk to ... Esq” at the chambers’ address. Letters addressed to a barrister other than through their clerk are treated as private communications and may remain unopened whilst the barrister is absent from chambers.

### 5 Conferences

A meeting with a barrister is usually called a “conference” but sometimes referred to as a “consultation” where a leader is involved. The Bar Code of Conduct states that conferences should normally be held in chambers but may be held elsewhere, for example on site or exceptionally at an instructing member’s office.

An instructing member or a suitable representative must be present at all conferences with a barrister even though they may not be immediately concerned with the particular aspect of the case for discussion.

### 6 Recommendation of a solicitor

Where DPA instructions are rejected on the grounds that the matter requires the intervention of a solicitor, the clerk may recommend a solicitor or firm if asked to do so.

### 7 Delegation of work

It is common practice amongst lay professionals for work to be delegated within a firm or to another firm, with the consent of the client. A barrister is a sole principal and may not delegate work to another barrister. A barrister may not agree with another barrister that they will each assume responsibility for the other’s professional work. A barrister who has been instructed to draft a document of advise in writing may obtain assistance in the work but remains personally responsible for the draft or advice given.

### 8 Restrictions on visiting instructing member’s office

The Bar Code of Conduct prohibits a barrister from collecting papers or instructions from an instructing member’s office, save in exceptional circumstances.

### 9 Instructing member’s conflict of interest

A barrister who concludes that there is a conflict of interest between a lay client and the instructing member is under a duty to advise the lay client that it would

be in the client's interest to instruct another professional adviser. This advice would normally be given in writing, or at a conference at which the instructing member and the lay client are both present.

#### 10 **Direct contact with the lay client and witnesses**

In normal business practice there are no restrictions on direct communication between clients and advisers. That practice does not apply to barristers who are not allowed to have direct contact with certain persons. The prohibition is in the interest of the independence of the barrister, particularly in litigation.

A barrister should not normally have direct contact with their lay client. All contact between a barrister and their lay client should be through, or in the presence of the instructing member. If that is likely to cause any difficulty, the instructing member should ensure that their lay client is aware of this.

## **APPENDIX F – MODEL TERMS OF ENGAGEMENT OF COUNSEL IN DIRECT PROFESSIONAL ACCESS WORK**

### **Preamble**

- (i) These Model Terms of Engagement have been agreed between the Royal Town Planning Institute and the Local Government Planning and Environmental Bar Association.
- (ii) They are based on the Standard Terms of Engagement produced by the Bar Council and circulated to all barrister's chambers in March 1989, but they have been amended in certain respects.
- (iii) They are intended to apply in any case where a barrister is instructed by a member of the RTPI in accordance with Direct Professional Access Rules in Annex 19 of the Bar Code of Conduct.
- (iv) Members of the RTPI are recommended to use these Model Terms, varies where appropriate, when agreeing terms on which the member is instructing a barrister.

### **Definitions**

In these Model Terms:

“RTPI” means the Royal Town Planning Institute;

“Bar Code of Conduct” means the Code of Conduct for the Bar of England and Wales for the time being in force;

“Direct Professional Access Rules” means the Rules in Annex 19 of the Bar Code of Conduct;

“Instructing member” means a member of the RTPI from whom a barrister has accepted instructions in accordance with the Direct Professional Access Rules;

“Instructions” include a brief save where the context otherwise requires.

## Instructions

1 A barrister has the right in circumstances set out in the Direct Professional Access Rules to refuse to accept instructions and these Model Terms will apply only where a barrister has accepted instructions.

- 2
- a. A barrister may only accept instructions from a member of the RTPI who is identified at the time of giving instructions.
  - b. It shall accordingly be the duty of a member of the RTPI wishing to instruct a barrister to identify him or herself as the instructing member at the time of giving instructions.

3 A barrister may only accept instructions from a member of the RTPI in a matter of a kind which falls generally within the professional expertise of the RTPI.

- 4
- (a) An instructing member may instruct a barrister in his or her capacity as a director, partner, member or employee of a company, firm, local authority or other body.
  - (b) In any case where a barrister accepts instructions from an instructing member in his or her capacity as a director, partner, member or employee of a company, firm, local authority or other body, the obligations of the instructing member under these Model Terms shall be the joint and several obligations of him or her and that company, firm, local authority or other body, unless otherwise agreed between the barrister and the instructing member.

- 5
- (a) Unless the instructing member otherwise stipulates and the barrister agrees, the barrister will deal with instructions other than a brief as soon as he or she reasonably can in the ordinary course of his or her work.
  - (b) Where for any reason there is any urgency instructing members must, when they deliver instructions, inform the barrister or the clerk of the precise deadline(s) involved in order that the barrister or the clerk may decide whether in those circumstances he or she can accept the instructions. That information must be communicated to the barrister or the clerk separately from the instructions themselves.
  - (c) The barrister or the clerk must inform the instructing member without delay whether he or she can or cannot accept instructions.

6 Notwithstanding that instructions have been delivered to a barrister, the barrister shall not be deemed to have accepted those instructions until he or she

has had reasonable time to peruse them and decide whether they are appropriate for Direct Professional Access.

7 Without prejudice to any other right which a barrister may have in accordance with the Bar Code of Conduct to return his or her instructions, a barrister shall be entitled at his or her complete discretion, which he or she shall exercise in the interests of the lay client, at any time to require, as a condition of his or her continuing to act in the matter on which he or she is instructed, that a solicitor shall take over the instructions or that the services of a solicitor shall otherwise be retained to assist in the future conduct of that matter. In such an event the instructing member shall have the option of withdrawing his or her instructions to the barrister or of complying with his or her request.

8

- (a) Unless otherwise agreed a barrister accepts a brief upon the understanding that he or she may be unavoidably prevented by a conflicting professional engagement from attending the case.
- (b) A barrister shall inform the instructing member immediately there is an appreciable risk that he or she may not be able to undertake a brief which he or she has accepted.
- (c) In the event that a barrister has to return a brief, he or she shall so far as practicable do so in sufficient time to enable another barrister to be engaged and to master the brief.

### Counsel's fees

9 It is the obligation of the instructing member, and of any company, firm, local authority or other body of which the instructing member is a director, partner, employee or member if he or she instructs a barrister in that capacity, to be responsible for the payment of the barrister's fees.

10 A barrister shall be entitled to require payment of his or her fee at the time of accepting instructions.

11

- (a) Unless otherwise agreed, a fee note will be submitted at the conclusion of the matter on which a barrister is instructed.
- (b) If, however, that matter is protracted, an interim fee note or notes may be submitted at intervals of not less than three months.

12 A brief will only be accepted by a barrister after a fee has been agreed with the instructing member.

13 In the case of instructions other than a brief it is a matter for agreement between the instructing member and the barrister or the clerk whether the fee shall be agreed before the instructions are accepted or at any later date.

### Copies of instructions and records of advice

14 It shall be the duty of the instructing member to retain one copy of the instructions and any papers delivered to the barrister and of any advice given by the barrister and of any documents drafted or approved by him or her for a period of six years from the completion of the case. However a barrister shall be entitled for the purposes of his or her records to retain copies of any of these papers and of any written advice given. If so requested by the barrister it shall be the duty of the instructing member to supply him or her with and to permit him or her to retain copies of such instructions, papers or advice.

15 In any case where a barrister gives advice orally it shall be the duty of the instructing member to make a written record of the advice and to submit it to the barrister for approval as soon as is practicable and in any event by such date as the barrister may reasonably require.

### Note

These terms are deemed to apply unless and to the extent that they are excluded or varied by agreement between the instructing member and the barrister in any particular matter.

## APPENDIX G - DIRECT PROFESSIONAL ACCESS ADMINISTRATIVE GUIDELINES

*(published by the Bar Council pursuant to paragraph 13.7(b) (vi) of the Code of Conduct, 4<sup>th</sup> Edition)*

- 1 A barrister who accepts direct professional access instructions must keep a case record (whether on card or computer) which sets out:
  - 1.1 the date of receipt of the instructions, the name of the professional client, the name of the case and any requirements of the professional client as to time limits;
  - 1.2 the date on which the instructions were accepted;
  - 1.3 the terms on which the instructions were accepted;
  - 1.4 the dates of subsequent instructions, of the despatch of advice and other written work of conferences and of telephone conversations;
  - 1.5 when agreed, the fee;
  - 1.6 when made, any promises or undertakings as to the completion of the instructions; and
  - 1.7 as soon as they become apparent to the barrister, any time limits.
- 2 There must be retained:

- 2.1 instructions (including supplemental instructions);
- 2.2 copies of all advice given and documents drafted or approved;
- 2.3 a list of all documents enclosed with any instructions; and
- 2.4 notes of all conferences and of all advice given on the telephone.

3 In addition to the individual case records a forward diary must be kept of all statutory or other time limits which are applicable to the current direct professional access instruction or which arise out of the current instructions. The forward diary may be kept on a chambers' basis for each individual barrister, provided that in either case it is easy to inspect and is regularly inspected.

## **APPENDIX H - DIRECT PROFESSIONAL ACCESS TO THE LANDS TRIBUNAL: GUIDANCE NOTE (FEBRUARY 1993)**

*(This guidance note has been drawn up by the Local Government Planning and Environmental Bar Association with the agreement of the Royal Institution of Chartered Surveyors, the Royal Town Planning Institute, the Royal Institute of British Architects and the Institute of Revenues Rating and Valuation, and is set out here for the benefit of RTPI members.)*

1 This note is intended to provide guidance upon the use of direct professional access to barristers in relation to the Lands Tribunal in cases of instruction by members of the RICS, RTPI, RIBA and IRRV.

2 The Bar's Code of Conduct permits a barrister to accept DPA instructions to appear in the Lands Tribunal in the above-mentioned cases. The Code requires a barrister to refuse to accept instructions by DPA "if he/she considers it in the interests of the lay client that a solicitor be instructed". Similarly, having accepted instructions by DPA, he/she must decline to act further if "at any stage he/she considers it is in the interests of the lay client that a solicitor be instructed." (Annex E, paras. 1 and 2, Bar Council Code of Conduct.)

3 Factors which may be relevant in deciding whether "it is in the interests of the lay client that a Solicitor be instructed" in relation to the preparation and hearing of cases in the Lands Tribunal include:

- (a) The extent to which the case involves the marshalling and mastering of legal documents such as deeds and leases;
- (b) The extent to which the case involves questions of legal difficulty;
- (c) The extent to which the case will involve interlocutory proceedings or other pre-trial organisational steps;
- (d) The extent to which questions of primary fact will be in dispute, the need for witnesses to prove such facts and the extent to which proofs may have to be taken from such witnesses;

- (e) The need for the barrister to be instructed comprehensively during the course of the hearing and in particular if the person instructing him/her is expected to give evidence;
- (f) The potential economic consequences of the case for the lay client;
- (g) The experience and ability of the person instructing and his/her assistants.

4 DPA instructions will very rarely be appropriate with respect to:

- (a) Any originating application under section 84 (1) of the Law and Property Act 1925 (restrictive covenants affecting land);
- (b) Any interlocutory application under that subsection;
- (c) Any objection in any such proceedings made on behalf of a person entitled to the benefit of the relevant restrictions;
- (d) Any preliminary point of law ordered pursuant to Rule 49 of the Lands Tribunal Rules 1975.

5 In all cases the barrister ought to be asked to be specifically by the instructing member to advise whether it is in the interests of the lay client that a solicitor be instructed on delivery of instructions and at appropriate stages thereafter.

## APPENDIX I - SOME PUBLICATIONS WHICH SET OUT TIME LIMITS FOR PROCEDURAL STEPS

- Encyclopaedia of Compulsory Purchase and Compensation  
Sweet and Maxwell, (looseleaf). £320 including annual update
- Encyclopaedia of Planning Law  
D Heap, Sweet and Maxwell, (looseleaf). £430 including annual update
- Urban Planning Law  
M Grant, Sweet and Maxwell 1982, with 1986 supplement. Out of print: second edition due in 1996
- Planning Appeals and Inquiries  
Blundell & Dobry, Sweet and Maxwell, Third edition, 1990. £38
- Butterworths Planning Law Handbook  
Butterworths. Third Edition, 1992. £39.50
- Planning Law and Procedure  
A E Telling, Butterworths. Ninth edition, 1993. £18.95
- Boyton's Guide to Compulsory Purchase and Compensation  
Longman. Seventh edition, 1994. £65
- Listed Buildings: The Law and the Practice  
R Suddards, Sweet and Maxwell. Third edition. Was due for publication in 1994 but not yet available

Prices as at March 1993.

This guidance is written for chartered town planners working in England and Wales.

While every care has been taken in the assembly of this material, no responsibility for loss occasioned to any person acting or refraining from action as a result of any material included in this publication can be accepted by the Royal Town Planning Institute.

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