

advocate



The Bankruptcy Representation Scheme ("BRS")

Explanatory note for persons without representation

High Court

On the day of the hearing of the bankruptcy petition, barristers who are qualified and trained advocates are on duty and may be able to offer you assistance. However, there is no guarantee a barrister will be available to assist you. The barrister will assess your case in order to decide whether they can help, and you should also be aware that there may be other individuals who also require assistance.

The Bankruptcy Representation Scheme ("BRS") is designed for those unable to afford to pay for legal representation. The barristers are acting voluntarily and will not be paid for any work they do for you.

- **The duty advocate is a barrister, is acting as a volunteer, and is working for free.**
- **They will try to help you on this hearing but there will be limits to that help.**
- **They will only be able to give limited time to your case, and their assistance may be required by a number of other litigants.**
- **On the day of your hearing, you will be directed to the duty barrister at the Rolls Building (where the bankruptcy petition is being heard).**
- **If the barrister can help you, they may offer you some advice and may be willing to speak for you at the hearing.**
- **If you want the barrister to help you, you can ask them to make all of the arguments for you, or to make only some of the arguments for you.**
- **There may be points that the barrister is not able to make. You can choose to make these points yourself.**
- **If you would like the barrister to say anything on your behalf, you should not speak while the duty barrister is speaking, and you will not usually be able to comment on or add to what the barrister has said in relation to points you have asked them to make.**
- **The barrister can only help you on the day of your hearing. If you need further help, you may be able to get help from Advocate.**

The scheme is operated through Advocate, which is one of the country's main "pro bono" (free of charge) legal charities, and is supported by the Business and Property Courts of England and Wales and the Chancery Bar Association.

On the day of your hearing

1. Please go to the first floor reception in the Rolls Building, Fetter Lane, London, and introduce yourself to the court staff.
2. If the duty barrister is already present, the court staff will direct you to them.
3. If a duty barrister is not present, you should stay in the area outside the Court to wait for them. If the duty barrister has not appeared when the case is called on, please let the Judge know that you are due to receive assistance through the Scheme. The court staff will contact the duty barrister(s) for the day and ask them to go to the Court as soon as possible.

In either situation the duty barrister will, if appropriate (a) offer you advice about what is possible in the immediate circumstances, and (b) be ready, if you wish, to speak for you before the Judge at your hearing that day.

If you need further help after the hearing, you may be able to get help from Advocate. Further help might be, for example, detailed advice, or appearance at the next hearing. Three weeks' notice is normally required and there is no promise of further help. You are able to contact Advocate about any further work at bankruptcy@weareadvocate.org.uk, and Advocate will provide you a link to complete their online application form.

PLEASE REMEMBER:

- **The duty barrister is acting as a volunteer and is working without charge.**
- **They will try to help you on this hearing but there will be limits to that help.**

Data protection notice

The duty barrister and Advocate will process data about your involvement in BRS. They both have privacy notices to explain how they process clients' data. The duty barrister's chambers will also have a privacy notice. All those privacy notices are available on their websites. The duty barrister will inform Advocate about what happened in relation to your hearing. They may comment about the need for any further assistance in the case. If your case requires a hearing on a later date then the duty barrister on that date may be informed about what happened in relation to your hearing, unless you say that you do not wish this to happen. This is because the later volunteer has a legitimate interest in knowing the background to the case. Advocate, the volunteer barristers, and the Court may keep records to monitor the use of the scheme and may make such information available to duty barristers.

Comments, concerns, or complaints

If the unrepresented person or a volunteer barrister wishes to raise any comment, concern or complaint he or she should, in the first instance, write to the Chief Operations Officer of Advocate at 2nd Floor Lincoln House, 296-302 High Holborn, London WC1V 7JH.

Reporting

Advocate will produce quarterly reports addressing:

- a. How many volunteers are listed
- b. How many requests for assistance have been submitted
- c. How many requests for assistance have been accepted

BRS will provide a yearly report to Advocate on the impact of the scheme on the court process by consulting court staff and/or the Judiciary hearing these cases including, where available, information about:

- a. Time saved by volunteer involvement
- b. Cost of the time saved
- c. Anecdotal comments from the Judiciary or court staff