



Constitution

FINAL VERSION AS AT 12TH JUNE 2015 FOLLOWING AGM APPROVAL
THEREAFTER ADDITIONAL CHANGES FOLLOWING AGM APPROVAL 7TH JUNE 2018

1. Interpretation

In this Constitution, the following terms shall apply, unless the context otherwise requires:

“the Bar Council” shall mean the governing body of the Bar of Northern Ireland as established and constituted in accordance with the provisions hereof

“the Executive Council” shall mean the body established under the Constitution and Bye-Laws of the Inn of Court dated 30th June 1983 as amended on the 12th June 2015

“the Inn” shall mean the body originally constituted by a special meeting of the Bench and Bar of Northern Ireland on 11th January 1926 and subsequently designated “The Honourable Society of the Inn of Court of Northern Ireland”

“the Bar of Northern Ireland” shall mean all barristers in independent practice, employed barristers, and non-practising barristers, who have been admitted to practice in Northern Ireland, and “called to the Bar of Northern Ireland” shall mean “admitted to practice in Northern Ireland”, and references to “the Bar” shall mean “the Bar of Northern Ireland”

“a barrister” shall mean a person called to the Bar of Northern Ireland, who is either in independent practice or in employment as a barrister, or non-practising, other than a person who is carrying out full time judicial functions

“a practising barrister” shall be a barrister who is either in independent practice, or employed as barrister

“an employed barrister” shall mean a barrister who in return for a salary is employed wholly or primarily for the purpose of providing legal services to an employer either under a contract of employment or by virtue of an office under the Crown, or in the Institutions of the European Union

“Inner Bar” shall mean those persons admitted to the rank of Queen’s Counsel

“Outer Bar” shall mean barristers who have not been admitted to the rank of Queen’s Counsel

“the Chairman” shall mean the Chairman of the Bar Council, elected in accordance with the Constitution and the bye-laws made thereunder

“the Vice Chairman” shall mean the Vice Chairman of the Bar Council, elected in accordance with the Constitution and the bye-laws made thereunder

“the Bursar” shall mean the Bursar of the Bar Council, elected in accordance with the Constitution and the bye-laws made thereunder

“the Officers of the Bar Council” shall mean the Chairman, Vice Chairman and Bursar

“the Chief Executive” shall mean the Chief Executive to the Bar Council, appointed in accordance with the Constitution and the bye-laws made thereunder

“Bar Bencher” shall mean a member of the Bar of Northern Ireland appointed by the Bar Council to the [Government of the Inn] in accordance with the Constitution

“the Code of Conduct” shall mean the body of professional rules from time to time adopted by the Bar Council concerning the standards of conduct and service to be provided by the Bar of Northern Ireland

“the Bar Library” shall include the premises at 91 Chichester Street, Belfast, and that part of the Royal Courts of Justice so called, and such other premises as the Bar Council hereunder constituted, may from time to time designate

2. Source of Authority and Commencement

- (a) A General Meeting of the Bar of Northern Ireland, called in accordance with the regulations then applicable, resolved on 12th June 2015, to adopt this Constitution as the source of government for the Bar of Northern Ireland
- (b) The Executive Council acknowledges the primacy of the Bar Council constituted in accordance herewith and has irrevocably transferred to the Bar Council all of its powers and functions, save as those expressly declared in the Constitution of the Inn of Court as having been retained.

3. Governance

The government of the Bar of Northern Ireland shall be vested in the Bar Council of Northern Ireland, and in its barrister members, from time to time assembled in General Meeting, as provided for in this Constitution

4. The Bar Council

The Bar Council is an autonomous body for the purpose of the exercise of its powers and functions in the performance of which it is subject to any direction from the Inn. The powers and functions of the Bar Council, and its composition and committees are as set out herein.

5. Composition

The following shall be members of the Bar Council:

- (a) The Chairman who shall be a practising barrister of at least ten years standing and shall be elected by the practising barristers in accordance with such bye-laws as may be made from time to time for that purpose by the Bar Council.
- (b) The Vice Chairman who shall be a practising barrister of at least ten years standing and shall be elected by the practising barristers in accordance with such bye-laws as may be made from time to time for that purpose by the Bar Council.
- (c) The Bursar who shall be a practising barrister of at least ten years standing and shall be appointed by the Bar Council in accordance with such bye-laws as may be made from time to time for that purpose by the Bar Council.
- (d) 13 other members of the Bar of Northern Ireland, of whom 4 shall be members of the Inner Bar and 9 shall be members of the Outer Bar and of these 9 one shall be of not more than 3 years' standing and one of between 3 and 7 years' standing, elected by the practising barristers in accordance with such bye-laws as may be made from time to time for that purpose by the Bar Council.
- (e) The Bar Council may at its first meeting co-opt not more than 6 other members of the Bar
- (f) The Attorney General for Northern Ireland

6. Term

- (a) The Bar Council shall hold office for the term of two years commencing on such date as the Bar Council may by bye-laws provide.

- (b) The Officers of the Bar Council, save and excepting the Bursar, are ineligible for immediate re-election, but subject thereto, may be elected for one further term.
- (c) The other members of the Bar Council are eligible for immediate re-election

7. Duties

- (a) The Officers and Members of the Bar Council, whether elected or co-opted, shall act at all times in the best interest of the Bar of Northern Ireland, and without prejudice to the generality of the foregoing, shall act in accordance with the principles declared in the First Schedule to this Constitution.
- (b) All Officers and Members of Committees of the Bar Council, who are not otherwise Officers or Members of the Bar Council, shall act in accordance with the principles declared in the First Schedule hereto, whether the Committees are Standing Committees of the Bar Council or Ad Hoc.
- (c) The Bar Council may by resolution require the associations of the Bar of Northern Ireland to incorporate into their constitutions or rules of association, the principles declared in the First Schedule hereto.

8. Functions and Powers

The Bar Council shall have the following functions and powers

- (a) To maintain the standards, honour and independence of the Bar
- (b) To promote, preserve and improve the services and functions of the Bar
- (c) To represent and act for the Bar of Northern Ireland in its relations with the Law Society, Ministers and their Departments, statutory agencies, public officers, the media and all others in all matters concerning the Bar, or the administration of justice
- (d) To consider and lay down general policy with regard to all matters affecting the Bar, either on its own motion or on reference from any of its Committees
- (e) To raise funds for its general purposes or any of them by way of subscriptions from members of the Bar or otherwise
- (f) To purchase, or retain such services, as from time to time may be appropriate.

- (g) To consider and make provision from time to time for the education, advocacy training and continuing professional development of members of the Bar
- (h) To elect, or appoint as the case may require, members of its Committees
- (i) To consider reports from its Committees, and to refer matters to its Committees for consideration
- (j) To delegate any of its functions and powers to any such Committee and at any time to revoke any such delegation
- (k) To elect Bar Benchers
- (l) To nominate, from time to time, such person or persons to the Executive Council as it deems fit
- (m) To make bye-laws, not being inconsistent with the Constitution, and from time to time to alter, add to, amend or rescind such bye-laws
- (n) To establish, and from time to time to review, criteria for the recognition by the Bar Council of associations as associations of the Bar, and to oversee, supervise and regulate such associations of the Bar, so as to ensure the compliance of such associations with this Constitution, the bye-laws of the Bar, and the rules of professional conduct, and the Bar Council may without prejudice to the generality of the foregoing, require any such association to provide a written constitution and may make such amendment to such constitution as it shall see fit
- (o) To provide and maintain a Pro Bono Unit, having the composition and functions specified in the Fourth Schedule to this Constitution
- (p) To convene and conduct an Annual General Meeting of the members of the Bar
- (q) To convene and conduct such Extraordinary General Meetings of the members of the Bar, as may from time to time be required
- (r) To canvass the views of members of the Bar, or any part thereof, by ballot or otherwise, as it considers fit
- (s) To invite, from time to time, such members of the Bar Library, or other persons, not otherwise members of the Bar Council to attend its meetings, or any part thereof, as circumstances may require
- (t) To supervise the adherence of members of the Bar to the Code of Conduct and to refer matters to the Professional Conduct Committee, and to make provision requiring members of the Bar to participate in, or make arrangements to be subject to procedures for the resolution of complaints relating to professional services provided by members of the Bar established and maintained by such person or body as the Bar Council may from time to time specify, and further to make provision for the enforcement of such requirements

- To amend or alter the provisions of the Code of Conduct as from time to time may be appropriate
- (u) To consult with the Legal Services Oversight Commissioner in all matters in which such consultation may by statute be required
- (v) To do such acts as are necessary to comply with such statutory obligations as from time to time may apply
- (w) To appoint Disciplinary Committees from time to time
- (x) To discharge all functions, which formerly fell to discharged by the Executive Council of the Inn of Court, and Benchers, save for those expressly provided for in the Constitution of the Inn of Court, as having been retained.
- (y) To survey and regulate as thought fit all matters relating to:
- (1) the professional etiquette of the Bar
 - (2) the organization and conditions of work at the Bar
 - (3) the remuneration of the Bar
 - (4) the relationship of the Bar with others

9. Standing Committees

The Bar Council shall have the Committees set out hereafter. Notwithstanding the provisions as to membership, the Bar Council shall have the power to appoint such additional members to any of its Committees as it shall from time to time determine.

A. The Finance Committee

Chairman: The Chairman

Members ex officio: The Vice Chairman and the Bursar

Members:

- (i) 3 Members of the Bar Council elected by the Bar Council
- (ii) 2 other members of the Bar nominated by the Bar Council

Powers and Functions:

- (a) To make recommendations to the Bar Council on the rates of subscription, classes of subscriber to the Bar Library, and exemptions from subscription
- (b) To administer the collection of subscriptions
- (c) To administer a scheme for the granting of practising certificates
- (d) To keep books of account and to prepare annual accounts of the Bar Council
- (e) To administer the income and funds of the Bar Council, including charitable funds, and all associated companies
- (f) To exercise such powers of investment and borrowing on behalf of the Bar Council as may from time to time be delegated to it
- (g) To prepare an annual budget for the running costs of the Bar Library and its functions, and to make provision therefor
- (h) To oversee and administer the employment of staff
- (i) To propose a budget for, and authorize expenditure for, the other Committees
- (j) To consider, and as the case may be, authorize the payment of, in whole or in part, the reasonable, vouched expenses of the Chairman in the exercise of his or her functions under this Constitution

B. The Members Services Committee

Chairman: The Vice Chairman

- Members:
- (i) 4 members of the Bar Council elected by the Bar Council
 - (ii) 3 members of the Bar nominated by the Bar Council

Powers and Functions

- (a) To administer the services of the Bar Library
- (b) To provide information technology support to members of the Bar Library

- (c) To provide and maintain the Bar Library website
- (d) To receive and determine requests from others for use of the Bar Library facilities
- (e) To determine the benefits and services to which barristers, who are not members of the Bar Library are entitled
- (f) To provide and implement a data protection policy for the members of the Bar Library, and to from time to time, to review and amend same as may be required.
- (g) To nominate members to, and oversee the work of the following sub committees: the Charity Committee, the Social Committee, the Arts Committee
- (h) To nominate members to and oversee the Bar Benevolent Society
- (i) To assume all functions and powers previously exercised by the Library Committee of the Executive Council

C. The Education Committee

Chairman: A Member of the Bar Council nominated by the Bar Council

Members ex officio: The Chairman, Vice Chairman and Bursar

Members: (i) 4 members of the Bar Council elected by the Bar Council
(ii) 2 members of the Bar nominated by the Bar Council

Powers and Functions

- (a) To consider and make recommendations, if thought fit, to the Inn on any matter relating to: legal education; general policy on qualifications for admission; and pupillage
- (b) To provide and maintain an Advocacy Training Board, having the composition and functions specified in the Second Schedule to this Constitution
- (c) To review, consider and make recommendations to the Bar Council regarding the requirements for continuing professional development for practising barristers
- (d) To regulate and administer the issue of practising certificates for practising barristers
- (e) To make recommendations to the Bar Council regarding requirements for barristers in restricted practice

D. The Professional Conduct Committee

Chairman: A member of the Bar Library, nominated by the Chairman of the Bar Council

Vice-Chairman: A member of the Bar Library, nominated by the Chairman of the Bar Council

Membership: The Chairman and Vice-Chairman of the Professional Conduct Committee, 10 other members of the Bar, not being members of the Bar Council, nominated by the Chairman of the Bar Council, and 2 lay persons

Powers and Functions

- (a) To receive and investigate complaints against members of the Bar in their professional capacity
- (b) Notwithstanding the absence of formal complaint, to investigate any matter concerning professional conduct, and the provision of professional services
- (c) To provide advice and assistance to members of the Bar on matters concerning professional conduct, and provision of professional services
- (d) To provide a procedure for the resolution and mediation of complaints established and maintained by such persons or bodies as may from time to time be specified by the Bar Council, concerning the provision of professional services by members of the Bar, as defined by the Legal Complaints and Regulation [Bill]
- (e) To nominate mediators in respect of the matters set out in paragraph (d) above
- (f) To refer matters concerning provision of professional services, as defined by the Legal Complaints and Regulation [Bill] to the Bar Complaints Committee established by the said legislation
- (g) To establish a summary panel to adjudicate on such complaints concerning professional conduct as may from time to time be determined, by bye-laws, to be amenable to a summary procedure
- (h) To make recommendations to the Bar Council for the establishment from time to time of Disciplinary Committees, in respect of complaints concerning professional conduct, which are not amenable to a summary procedure
- (i) To make recommendations on matters of professional conduct and etiquette to the Inn of Court and Bar Council, as from time to time may seem appropriate
- (j) To review from time to time the Code of Conduct and make recommendations to the Bar Council for such amendment of same as may be appropriate

10. Ad Hoc Committees

The Bar Council may establish such further committees for such purposes and for such duration as it sees fit, and may appoint members to such committees as it considers appropriate

11. Proceedings of the Bar Council

The Bar Council may hold meetings and adjourn and otherwise regulate its meetings as its members shall think fit but so that at least one meeting shall be held in each Term. The following provisions shall apply in respect of meetings of the Bar Council:

- (1) Seven members shall constitute a quorum
- (2) Save as provided hereafter, questions arising at a meeting shall be decided by a majority of the votes of those present and voting
- (3) In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote
- (4) If the question is put on an Extraordinary Resolution the requisite number of votes for the passing of the resolution shall be 12 votes cast by members present and voting at a meeting of the members of which notice specifying the intention to propose the resolution as an Extraordinary Resolution has been duly given
- (5) If a ballot is demanded by at least one quarter of those present and entitled to vote, the question shall be determined upon a ballot which shall be held (subject to any bye-laws containing provisions in that regard) in such manner as the Bar Council may determine so as best to ensure that every member of the Bar Council shall have the opportunity of voting
- (6) No resolution of the Bar Council shall be rescinded except by a resolution passed by a majority of not less than two thirds of the members present at a meeting of the Bar Council and being entitled to vote, or by a simple majority of the votes of those voting in a ballot on the question demanded under the preceding provision.
- (7) On the request of the Chairman or of not less than five members of the Bar Council, a meeting of the Bar Council shall be summoned. Not less than four clear days notice of each meeting shall be given, unless the Chairman in any case of emergency shall otherwise direct.
- (8) The Chairman shall preside at all meetings of the Bar Council at which he or she shall be present but if there be no Chairman or if he or she be absent then the Vice Chairman shall so preside; but if there be no Vice Chairman or if he or she shall be absent then the members present shall chose one of their number to be Chairman of that meeting

- (9) The members may at any time invite any person to attend in an advisory capacity at the whole or any part of a meeting or meetings of the Bar Council
- (10) The Bar Council shall cause proper minutes to be kept of all appointments of officers made by the Council and of the proceedings of all meetings of the Council and its Committees and of all business transacted at such meetings and any such minutes of any meeting, if purporting to be signed by the Chairman of such meeting or by the Chairman of the next succeeding meeting shall be sufficient evidence without proof of the facts therein stated
- (11) The Bar Council may act notwithstanding any vacancy in its body provided always that in case the members shall at any time be reduced in number to less than 10, they may act as members for the purpose of filling up vacancies in their body but not for any other purpose.
- (12) In the event that the office of Chairman shall be vacated during the term of office, the Vice Chairman shall act as Chairman for the residue of the term of office.
- (13) In the event that the office of Vice Chairman shall be vacated during the term of office, including the grounds set out in paragraph 11(12) above, the Bar Council shall appoint one of its members to act as Vice Chairman for the residue of the term of office.
- (14) In the event that the office of Bursar shall be vacated during the term of office, the Bar Council shall appoint a new Bursar in accordance with the provisions of paragraph 5(c) hereof.

12. Proceedings of Committees and Sub-Committees

In this Section, reference to "Committee" shall include Standing Committees and Ad Hoc Committees

- (a) Every Committee shall consider matters referred to it by the Bar Council and any other matters within its terms of reference and shall make periodical reports to the Bar Council as to executive action taken by it to implement general policy laid down by the Bar Council in accordance with the Constitution
- (b) A Committee may refer a matter to the Bar Council or to any other member or to the Inn. A Committee in referring a matter to the Bar Council or to the Inn shall always state its own views.
- (c) Any Committee may from time to time delegate any of its powers to a sub-committee consisting of members of its body or other persons and may from time to time revoke such delegation. Any sub-committee so formed shall conform to any regulations which may be imposed on it by the committee making the delegation
- (d) Every Committee may at any time invite any person to attend in an advisory capacity at the whole or any part of a meeting or meetings of such Committee or sub-committee

- (e) The Chairman of each Committee shall take the chair at every meeting of such Committee. In the absence of the Chairman, the Vice-Chairman, if any, shall take the chair, and in the absence of the Chairman or Vice-Chairman the members actually present shall proceed to elect a Chairman from among their number. Subject as aforesaid each Committee and sub-committee shall meet and regulate its business in such manner as its members shall think fit
- (f) Questions arising at any meeting of any Committee or sub-committee shall be decided by a majority of votes. In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote
- (g) The proceedings of each meeting of any Committee shall be entered in books to be kept for the purpose and shall be signed by the Chairman of the meeting or of the next succeeding meeting

13. Administrative Staff

The Bar Council may appoint a Chief Executive Officer and such other administrative officers for such periods, and on such terms as it thinks fit. Such officers shall discharge all such duties as the Bar Council shall from time to time assign to them respectively

14. Annual General Meeting

- (a) An Annual General Meeting of the members of the Bar of Northern Ireland shall be held once in every year on such date and at such time and place as the Bar Council may determine. At the Annual General Meeting, the Bar Council shall present its annual report and accounts. Every member of the Bar of Northern Ireland shall be entitled to attend the Annual General Meeting
- (b) Not less than twenty-eight clear days notice of an Annual General Meeting shall be given by the posting of a notice in the Bar Library and in such other places as the Bar Council may from time to time direct. Such notices shall specify the place, day and hour of the meeting and the general nature of any matter which is to be brought forward for discussion. The accidental omission to post any such notice in the manner provided shall not invalidate the proceedings of any meeting
- (c) Any member of the Bar of Northern Ireland shall be at liberty to bring forward for discussion at an Annual General Meeting any matter provided that subject to the discretion of the Chairman prior notice in writing shall have been given to the Secretary of not less than 14 clear days before the date of the meeting
- (d) No business shall be transacted at an Annual General Meeting unless a quorum is present at the time when the meeting proceeds to business and, save as hereinafter otherwise provided, 25 personally present shall constitute a quorum

- (e) If within 20 minutes after the time appointed for an Annual General Meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place or at such other time and place as the Chairman of the meeting shall appoint and if at such adjourned meeting a quorum be not present within 20 minutes from the time appointed for the meeting those persons who are present shall constitute a quorum
- (f) The Chairman of the Bar Council shall preside at every Annual General Meeting and in his or her absence the Vice-Chairman shall so preside. If at any Annual General Meeting one of the aforementioned officers shall be present after the time appointed for holding the same the persons present shall choose some other person present to preside
- (g) At any Annual General Meeting no member present shall be permitted without the consent of the Chairman of the meeting to speak more than once or for more than five minutes on the same matter

15. Investment and Borrowing

- A. The Bar Council shall have the power at any time and from time to time to borrow and secure any monies borrowed and to act as guarantor for any subsidiary company provided always that the aggregate amount of any borrowing for the time being outstanding and any liability arising from acting as guarantor for a subsidiary company shall not then exceed on half of the market value of the investments then held by the Bar Council
- B. The Bar Council shall have the power, in respect of all monies not allocated to current purposes, to deposit such monies or to invest same in the purchase of or on the security of such shares, stocks, funds, securities, lands, buildings, chattels or other investments of property or whatsoever nature and wheresoever situated and whether involving liabilities or producing income or not, and all such investments shall be held in the name of a body corporate from time to time selected by the Bar Council as its nominee for that purpose.

16. Alteration of Constitution and Bye-laws

- (a) The Constitution or any part thereof may be amended, added to or rescinded by a resolution of the Bar in general meeting
- (b) Bye-laws may be made, amended, rescinded, or revoked by the Bar Council from time to time by an Extraordinary Resolution, provided same shall be effective only insofar as the same are not inconsistent with the Constitution

17. General

- (a) The Bar Council may act notwithstanding any vacancy in its numbers
- (b) The Bar Council may appoint any practising barrister to fill a casual vacancy in its numbers

- (c) All acts done by the Bar Council or any of its Committees shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any of its members, be as valid as if every person had been duly appointed
- (d) No proceedings of any general meeting of the Bar shall be invalidated notwithstanding that it is afterwards discovered that notice was not duly given to any person or persons entitled thereto or that any person not entitled to such notice was present at or voted at such meeting
- (e) No election of any member of the Bar shall be invalidated by reason of any defect or invalidity of any voting paper used thereat or by reason of any error however occasioned in the tally of votes cast
- (f) Anything required to be done and any discretion required to be exercised by and any notice required to be given to the Secretary may be done or exercised by or given to any deputy for the Secretary authorized by the Finance Committee to act in the latter's place either prospectively or retrospectively and either generally or for the particular purpose

18. Transitional and Saving Provisions

All bye laws, rules and regulations, howsoever described, in force at the date upon which the Constitution was adopted, shall be adopted as bye laws rules and regulations of the Bar Council, and shall continue in force until such time as they are expressly amended, rescinded or revoked by the Bar Council in accordance with this Constitution.