

The Bar Council of Northern Ireland

Constitution

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 30<sup>th</sup> June 1983 as amended on the 12<sup>th</sup> June 2015

“the Inn” shall mean the body originally constituted by a special meeting of the Bench and Bar of Northern Ireland on 11<sup>th</sup> 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 Benchers” 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 12<sup>th</sup> 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) 9 other members of the Bar of Northern Ireland, of whom 3 shall be members of the Inner Bar and 6 shall be members of the Outer Bar and of these 6 one shall be of not more than 3 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 4 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

- (u) To amend or alter the provisions of the Code of Conduct as from time to time may be appropriate
- (v) To consult with the Legal Services Oversight Commissioner in all matters in which such consultation may by statute be required
- (w) To do such acts as are necessary to comply with such statutory obligations as from time to time may apply
- (x) To appoint Disciplinary Committees from time to time
- (y) 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.
- (z) 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 or 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.





Bar Council

Undertaking and Indemnity

Whereas

- A. Part 1 of the Legal Complaints and Regulation [Bill] makes provision for the imposition of a levy and a penalty on the Honorable Society of the Inn of Court; and
- B. Part 2 and Schedule 2 of the [Bill] oblige the Benchers of the Honorable Society of the Inn of Court to establish and maintain a committee, known as the Bar Complaints Committee;
- C. Part 2 of the [Bill] makes provision for appeals against determinations of the Bar Complaints Committee:

The Bar Council, as the representative body of the Bar of Northern Ireland, in accordance with its Constitution, agrees:

- 1. To provide the Benchers with all such assistance, and do all such acts, as the Benchers may reasonably require in the exercise of their obligations under the said [Bill], and such other legislation as may from time to time apply;
- 2. To indemnify the Honorable Society of the Inn of Court in respect of any levy or penalty imposed on that body in accordance with Part 1 of the [Bill];
- 3. To indemnify the Benchers of the Honorable Society of the Inn of Court in respect of any sum payable in consequence of the obligations imposed on them by Part 2 and Schedule 2 of the [Bill], and in respect of all costs or expenditure, howsoever described, incidental to such obligations.
- 4. To indemnify the Bar Complaints Committee in respect of all costs of, or incidental to, any appeal against a determination by it.
- 5. To indemnify the Benchers and the Honorable Society of the Inn of Court in respect of all liabilities incurred by the Benchers or the Honorable Society of the Inn of Court in the exercise of any function under the [Bill].

CONTINUING PROFESSIONAL DEVELOPMENT REGULATIONS

1. These Regulations apply to all practising barristers.
2. These Regulations shall have effect from such date as the Bar Council determines
3. For the purposes of these Regulations, "Continuing Professional Development" means any education and study which is relevant to maintaining and developing a barrister's professional knowledge, skills, ethics or abilities.
4. For the purposes of those Regulations the Mandatory Continuing Professional Developments Requirements are those set out in paragraph 5.
5. The Mandatory Continuing Professional Development Requirements are as follows:
  - (a) Subject to paragraph 5(c), all Barristers called to the Bar of Northern Ireland after January 1st 2005, shall complete within the first 12 months from the date of their call:
    - (i) A Northern Ireland Bar Advocacy Training Course; and
    - (ii) A Northern Ireland Bar Ethics Course.
  - (b) All Barristers who have completed pupillage, shall complete a minimum of 12 hours of continuing professional development in the 12 month period commencing on the 1st day of May 2003 following completion of pupillage, whichever is the later, and in each successive 12 month period thereafter, commencing on the 1st day of May in each year.
6. The Bar Council may by resolution specify the nature, content and format of courses and other activities which may be undertaken by Barristers, or any category, thereof, in order to satisfy the mandatory CPO requirements.
7. The Bar Council may by resolution vary the minimum number of hours of CPO which must be completed in order to satisfy any of the mandatory CPO requirements.
8. Every Barrister shall keep a record of the CPO undertaken to comply with these Regulations and shall produce that record to the Bar Council on demand.
9. Any Barrister who fails to comply with any of the mandatory CPO requirements, or who fails to furnish a record of their CPO to the Bar Council upon demand may be referred to the Professional Conduct Committee for breach of the Code of Conduct.

WAIVERS

10. The Bar Council shall have the power in relation to any Barrister to waive any or all of the mandatory CPO requirements in whole or in part, and to revoke such a waiver and to extend the time which the barrister must complete any of the said mandatory requirements.

11. Any application by a Barrister to the Bar Council for a waiver of any of the mandatory CPD requirements or to extend the time within which to complete any of the said mandatory requirements must be made in writing, setting out all of the mitigating circumstances relied upon and supported by all relevant documentary evidence.
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FIRST SCHEDULE

1. The Bar of Northern Ireland adopts, subject to such adaptation as is required, as a declaration of the standards expected of the Officers and Members of the Bar Council, and its Committees, the “Nolan” principles of public life.
2. The Nolan principles of public life are the “Seven Principles of Public Life” set out in the First Report of the Committee on Standards in Public Life.
3. The Bar of Northern Ireland accordingly adopts such principles, as adapted for the Bar’s purposes as follows:

(1) Selflessness

The Officers and Members of the Bar Council, and its Committees, should act solely in terms of the interest of the Bar. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

(2) Integrity

The Officers and Members of the Bar Council, and its Committees should not place themselves under any financial or other obligation to outside individuals or organizations that might seek to influence them in the performance of their duties.

(3) Objectivity

In carrying out the business of the Bar Council, including the making of appointments, awarding contracts, or recommending individuals for rewards and benefits the Officers and Members of the Bar Council should make choices on merit.

(4) Accountability

The Officers and Members of the Bar Council, and its Committees, are accountable for their decisions and actions to the Bar of Northern Ireland and must submit themselves to whatever scrutiny is appropriate to their office.

(5) Openness

The Officers and Members of the Bar Council and its Committees should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only

when the wider interest of the Bar, or obligations of confidentiality clearly demand.

(6) Honesty

The Officers and Members of the Bar Council and its Committees have a duty to declare any private interests relating to their Bar Council duties and to take steps to resolve any conflicts arising in a way that protects the interests of the Bar of Northern Ireland

(7) Leadership

The Officers and Members of the Bar Council and its Committees should promote and support these principles by leadership and example.

SECOND SCHEDULE

THE ADVOCACY TRAINING BOARD

Preamble

The Education Committee of the Bar of Northern Ireland shall establish and maintain a body, known as the Advocacy Training Board, for the provision of training in advocacy to members of the Bar

Composition

The Advocacy Training Board shall consist of the following members:

- (1) A Chairman, being a member of the Bar appointed by the Chairman of the Bar Council
- (2) A Vice Chairman, being a member of the Bar appointed by the Chairman of the Bar Council
- (3) The Chairman of the Bar Council ex officio
- (4) 10 members of the Bar, appointed by the Bar Council and having attained such accreditation in the provision of advocacy training, as the Bar Council may from time to time specify
- (5) 2 members of the Bar Council elected by the Bar Council

Functions

The Advocacy Training Board shall have the following functions:

- (a) to devise and implement programs for training members of the Bar in advocacy
- (b) to devise and implement programs for the training and accreditation of members of the Bar in the provision of advocacy training
- (c) to consider and review the provision made for advocacy training, and for the accreditation of members of the Bar in the provision of advocacy training
- (d) to make recommendations to the Bar Council for the improvement and development of the provision for advocacy training, and for the accreditation of members of the Bar in the provision of advocacy training

- (e) to assist and report to the Bar Council, when required, on any matter concerning the provision of advocacy training
- (f) to advise and report to the Bar Council on the resources required for the implementation and development of advocacy training programs
- (g) to maintain a list of members of the Bar who have attained accreditation in the provision of advocacy training, and to produce such list to the Bar Council if required to do so

#### Proceedings

The provisions contained in Clause 12 of the Constitution concerning the proceedings of Committees and Sub Committees shall apply to the Advocacy Training Board

#### Term of Office

- (1) The members of the Advocacy Training Board, not being the Chairman of the Bar Council ex officio, or the members of the Bar Council elected to the Advocacy Training Board, shall hold office for a term of two years from the date of their appointment, and shall be eligible for immediate re-appointment.
- (2) The members of Bar Council elected to the Advocacy Training Board shall not hold such office longer than their term of office as members of the Bar Council.
- (3) The Chairman or Vice Chairman or any appointed member of the Advocacy Training Board may resign their appointment at any time by written notice to the Bar Council, and the Bar Council may appoint such member or members of the Bar as are necessary to fill such vacancies, in keeping with the composition specified herein.

THIRD SCHEDULE  
THE SUMMARY  
PANEL

(a) MEMBERSHIP: The total membership shall be 3 made up as follows

CHAIRMAN: 1 Senior Counsel

MEMBERS: 1 Junior Counsel and 1 lay person

The secretary to the Summary Panel shall not be the secretary to the Professional Conduct Committee.

(b) POWERS AND FUNCTIONS

- (i) To deal with any complaint or matter referred to it by the Professional Conduct Committee in accordance with Regulation 27(i)(b)(ii) above or on appeal from an adjudication made by the Professional Conduct Committee pursuant to Bye-law 12 of the Bye-laws of the Professional Conduct Committee.
- (ii) Where a Barrister has failed to pay his/her professional indemnity insurance after the expiration of the period of 7 days from the due date specified by the professional indemnity insurers of the Bar, and upon the professional indemnity insurers immediately informing the Chief Executive of the list of defaulters, a Summary Panel shall be convened by the Chief Executive as soon as practicable to deal with complaints concerning failure to pay professional indemnity insurance and in such cases the Summary Panel shall have the additional powers specified at paragraph 11 (ii) of the Bar Council Bye Laws Proceedings of the Professional Conduct Committee.
- (iii) The Summary Panel shall not be entitled to release information to any third party about an ongoing investigation into a barrister's conduct/professional services or where the Professional Conduct Committee is investigating a matter which has come to its attention or when charges are pending unless the barrister consents.
- (iv) Where a barrister has been found guilty of an offence by the Summary Panel a record of this finding and all related documents shall be securely stored in the Chief Executive's office for a period of two years. Thereafter the record shall be destroyed. The Chief Executive shall only release the record to a third party upon a direction from the Bar Council. The said barrister shall be entitled to peruse the record within the confines of the Chief Executive's office at any time, reasonable notice having been given to the Chief Executive.
- (v) Where a barrister has been found guilty of an offence by the Summary Panel, the Summary Panel may direct that a notice of the finding shall be posted on the Bar Library notice board with or without the name of the barrister concerned, for a period of four weeks.



## **FOURTH SCHEDULE**

### **THE BAR OF NORTHERN IRELAND PRO BONO UNIT**

1. The Bar of Northern Ireland Pro Bono Unit (“The Unit”) has been established by the Bar of Northern Ireland to provide free legal advice and representation in deserving cases for those who cannot afford the legal help which they need, and who cannot obtain assistance from any other source. Advice and representation is provided by Barristers who have volunteered to join the Bar of Northern Ireland Pro Bono Panel (“The Panel”). Pro bono legal work has always been an integral part of membership of the Bar of Northern Ireland, as part of its work in providing access to justice and meeting otherwise unmet legal need. Delivery of Pro Bono Legal Work by Barristers in Northern Ireland is now organised by the Bar of Northern Ireland Pro Bono Unit working with partner accredited referring advice agencies or Solicitors also working on a Pro Bono basis.

2. Pro bono legal work by Barristers in Northern Ireland is more effectively delivered by co-ordination of the relationship between the Barrister and the accredited referring advice agency/Pro Bono Solicitor by the Unit.

3. Pro bono legal work can only be undertaken by a Barrister where there has been a referral from an advice agency which is accredited by the Bar Council of Northern Ireland (“Accredited Referring Advice Agency”) or a referral by a Solicitor working on a Pro Bono basis. An Application for Assistance must be in writing, using the Application Form set out in Appendix 2. Prior to completing the Application Form, the Applicant should read and understand/have explained to him/her the contents of the Guidance Notes set out in Appendix 3.

4. Copies of the Application Forms and Guidance Notes can be obtained by writing to The Bar of Northern Ireland Pro Bono Unit, Bar Library, 91 Chichester Street, Belfast BT1 3JQ, or by telephoning 02890241523 and requesting to be put through to the Office or by emailing [Lisa.Mayes@barofni.org](mailto:Lisa.Mayes@barofni.org)

### **DEFINITION OF PRO BONO WORK**

5. Pro Bono legal work means legal advice or representation provided by Barristers on a referral by advice agencies, accredited by the Bar of Northern Ireland, or by Solicitors working on a Pro Bono basis to individuals or community groups who cannot afford to pay for that advice or representation and where legal aid or other funding is not available.

6. Pro Bono legal work can involve:

- Giving advice either in the form of a written opinion or verbal advice at consultation; or
- Representing individuals or community groups in any Court or Tribunal in Northern Ireland, or in the European Court of Justice or the European Court of Human Rights or the Supreme Court of the United Kingdom when the cause or matter being adjudicated upon emanates from Northern Ireland; or
- Providing assistance with mediation.

7. Legal work is Pro Bono legal work only if it is free to the Applicant, without payment to the Barrister (regardless of the outcome) and provided voluntarily by the Barrister.

8. Pro Bono legal work is always only an adjunct to, and not a substitute for, a proper system of publicly-funded legal services. The availability of appropriately funded legal advice or representation will require to be considered before a Barrister undertakes Pro Bono legal work. The Bar of Northern Ireland and its partner accredited advice agencies are committed to working for the improvement of publicly funded legal advice and representation for appropriate cases.

## **THE BAR OF NORTHERN IRELAND PRO BONO UNIT**

9. The Unit shall consist of a Management Committee and a Panel of Barristers willing to provide advice and representation on a Pro Bono basis.

10. The Management Committee shall consist of between 5 and 9 Barristers in independent practice appointed to the Committee by the Bar Council. Of these Members of the Committee, the Bar Council shall appoint one to act as Chairman of the Committee. The term of appointment of the members of the Management Committee shall be two years but the term of appointment can be renewed. Any vacancy on the Management Committee can be filled by the Bar Council.

11. The Management Committee shall have the primary responsibilities of:

- (a) Assembling, maintaining and refreshing the Panel of Barristers who are willing to provide advice and representation on a Pro Bono basis.
- (b) Determining by majority vote if necessary whether an Application for assistance should be granted; and
- (c) If so, assigning a Barrister from the Panel to provide assistance.

12. The Panel of Barristers shall consist of Barristers in independent practice who have indicated a willingness to provide advice and representation on a Pro Bono basis and who in the opinion of the Management Committee are sufficiently skilled and experienced to provide high quality advice and representation. The Panel should include Barristers of differing levels of experience with different areas of practice to ensure that the advice and representation that can be provided by the Pro Bono Unit is of a high quality, irrespective of the field of law involved in the Application for advice or representation. The Panel can include pupil Barristers.

13. The aim of the Unit is to help in cases where the Applicant cannot afford to pay for the assistance sought or obtain public funding, has a meritorious case, and needs the help that a Barrister can provide.

## **THE ROLE OF THE MANAGEMENT COMMITTEE**

14. The Management Committee will be responsible for the co-ordination of Pro Bono legal work between the Barrister and the accredited referring advice agency.

15. Applications for advice or representation will be considered by the Management Committee, whose decisions are final. In deciding what is an appropriate case the Management Committee will have regard to inter alia the legal merits of the case; whether the Applicant (or his/her family) can afford legal assistance; whether the services of a Barrister are needed; and whether the work involved will take more than three days.

16. Applications will initially be reviewed by a member of the Management Committee of the Unit who will then make a recommendation to the full Management Committee and the Management Committee will then make a decision as to whether or not to try to find a volunteer Barrister to assist the Applicant. The decision of the Management Committee can be by way of majority voting, with five members constituting a quorate Committee. In the event of an equal number of votes being cast for and against the Application, the Chairman shall have a casting vote and in the absence of the Chairman, the most Senior Barrister present shall have the casting vote.

17. If the decision is that help should be given, the Management Committee will try to find a volunteer of the appropriate level of experience to take on the piece of work required. Cases will only be given help on a step by step basis, and any further work required will only be sanctioned following a review of the file by the Management Committee of the Unit to consider the request in light of any advice or representation already provided.

18. If the decision is that help cannot be given, the Management Committee will write to confirm that decision, giving a brief reason why. The accredited referring agency or the Pro Bono Solicitor will be informed in writing of the management Committee's decision within a reasonable time.

19. The Management Committee will make every effort to identify a Barrister to offer advice or representation in appropriate cases subject to the following:

20. The Unit cannot accept any responsibility whatsoever for the choice of Counsel or any advice or representation provided by them. Barristers are self-employed individuals in private practice. They provide their services voluntarily for no fee. They are not employed by the Unit. They are responsible for the quality of their advice and/ or any representation which they undertake.

21. No Barrister is bound to accept instructions to carry out Pro Bono legal work. The services of a particular Barrister cannot be requested.

22. The Management Committee retains an absolute discretion to refuse any application for representation or advice and excludes any liability in respect of such a refusal.

23. The Management Committee will seek to ensure that any advice and/or representation provided will be of the same quality as if the case were funded.

24. Volunteer Barristers are specifically prohibited from charging clients for the work that they do. However, in certain cases an opposing party or opposing parties in a

case can and do ask for an order that their own legal expenses be paid by the client represented by the volunteer Barrister. That may be when the client has lost the case, but it can also happen for example if the client has lost a part of the case. That the client has had a volunteer Barrister will not mean that such an order cannot be made.

25. If such an order is made, the involvement of a volunteer Barrister will not prevent the order being enforced.

## **THE ROLE OF THE ACCREDITED REFERRING ADVICE AGENCY**

26. The Unit can only receive applications for assistance as a result of referrals from advice agencies accredited by the Bar Council of Northern Ireland or Solicitors who have agreed to work for a client on a Pro Bono Basis. A list of the referring advice agencies accredited by the Bar Council of Northern Ireland is set out in Appendix 1.

27. The accredited referring advice agency or Pro Bono Solicitor will be responsible for making appropriate referrals having regard to the complexity of the case, the number and novelty of the questions raised and the importance of the case to the client.

28. It is the responsibility of the accredited referring agency or the Pro Bono Solicitor to provide sufficient information to allow the Management Committee and the Barrister to consider the application fully.

29. The availability of public or appropriate privately funded legal advice or representation should always be considered by the accredited referring advice agency or the Pro Bono Solicitor before a referral is made.

30. As with any other professional instruction, the Barrister should not deal directly with the Applicant, who at all times remains the client of the accredited referring advice agency or the Pro Bono Solicitor.

31. When a Barrister is asked by the accredited referring advice agency to undertake Pro Bono legal work the accredited referring advice agency will be responsible for the preparation of the case for Counsel in the same way in which a Solicitor would in relation to paid work, including making arrangements for consultations, responding to correspondence etc.

32. For the avoidance of doubt, no Barrister can appear in any Court or Tribunal on behalf of a client on a Pro Bono basis without being attended by a Solicitor unless this is permitted by the Code of Conduct applicable to Barristers in independent practice in Northern Ireland. If it transpires that the Applicant requires assistance by way of representation by a Barrister in a Court or Tribunal in which the Barrister cannot appear unless attended by an instructing Solicitor and the accredited referring advice agency does not have Solicitors among their staffing contingent, the Management Committee shall refer this matter to the Bar Council and the Bar Council shall request the Solicitors retained for the time being by the Bar Council or such solicitors as are approved by the Bar Council to provide a Solicitor to assist the Applicant on a Pro Bono basis and thus ensure that the Barrister is attended by a

Solicitor in the said Court or Tribunal. In this context, an attending Solicitor may include a trainee Solicitor working under a training contract with the Solicitors retained for the time being by the Bar Council.

## **THE ROLE OF THE BARRISTER**

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33. The Bar Council expects that Pro Bono legal work will always be done to a high standard. A volunteer Barrister is expected to give Pro Bono work the same priority, attention and care as would apply to paid work and give his/her decision on whether or not to take an instruction for Pro Bono legal work within a reasonable time

34. The terms on which the Pro Bono legal work is undertaken including the circumstances in which the relationship may be terminated will be made clear at the outset.

35. Pro bono legal work will not be undertaken without appropriate insurance.

36. A Barrister in doubt or difficulty in relation to a piece of Pro Bono legal work is expected to seek advice from the Management Committee.

37. A commitment to the delivery of Pro Bono legal work is encouraged throughout a Barrister's professional life.

**APPENDIX ONE**  
**ACCREDITED REFERRING ADVICE AGENCIES**

- Northern Ireland Citizens Advice Bureau.
- Belfast Law Centre.

**APPENDIX 2**  
**BAR OF NORTHERN IRELAND**  
**APPLICATION FORM FOR ASSISTANCE FROM**  
**THE BAR OF NORTHERN IRELAND PRO BONO UNIT**

All applications for free legal help from the Bar of Northern Ireland should be made on this form. We will review all applications: assistance **with some forms of advice and representation** in some tribunal cases may be provided by trainee Barristers (pupils), in other cases which we take, we will aim to secure assistance from a practising Barrister. Legal assistance can take the form of advice, a written opinion, help with mediation or representation at a court or tribunal.

- We can only assist those who cannot reasonably afford the legal help which they need, and who cannot obtain that help from other sources, such as legal aid, insurance or their trade union. Please see the note overleaf on the issue of legal aid.
- Applications are assessed on the basis of the non-availability of alternative sources of funding and on the merits of the case.
- Please read the Unit's information leaflet carefully before completing both this form and the financial information form.
- Please complete all sections and sign both forms. Failure to do so may delay consideration of your application.
- Please ensure that a copy of the completed application form and financial information form are retained for your records.
- Please send the following (in hard copy or electronically) to the Unit:

*(1) this application form;*

*(2) the case summary form;*

*(3) copies of supporting documents (DO NOT send originals as documents cannot be returned)*

Our contact details are as follows:

The Bar of Northern Ireland Pro Bono Unit

[Lisa.Mayes@barofni.org](mailto:Lisa.Mayes@barofni.org)

Bar Library,

91 Chichester Street,

Belfast BT1 3JQ.

**Legal Aid Notice**

**You must find out if you are eligible for legal aid before applying to the Unit.** A solicitor/advice agency such as a Law centre or Citizens' Advice Bureau will be able to help you with this. The Unit will not be able to process the application until we know why you have not obtained public funding. We cannot assist you if you can obtain legal aid unless you are required to make contributions and cannot afford to pay them. If this is the case, please provide the relevant details on a separate sheet

Further information and helpful legal aid calculators can be found at:

<http://www.dojni.gov.uk/index/legalservices/legal-services-members-of-the-public.htm>

1.	Have court or tribunal proceedings already started? <b>*Delete as appropriate</b>	*Yes/No
2.	Urgent Cases: Is there a deadline in this case within the next month?	
3.	If there are court or tribunal proceedings pending, where are they and what is the case reference number?	
4.	Name of Referring Agency/Pro Bono Solicitor.	
5.	Name of Advisor (and details of availability if part-time)	
6.	Agency/Pro Bono Solicitor Address	
7.	Agency/Pro Bono Solicitor Telephone Number	



8.	Agency/Pro Bono Solicitor Email Address.		
9.	Your Full Name		
10.	Your Date of Birth		
11.	Your full Postal Address		
12.	Your Contact Telephone Number		
13.	Your Email Address		
14.	Have you been assessed to see if you qualify for legal aid or made an application for legal aid (please tick and provide details as appropriate)?	No, I have not been assessed to see if I qualify for legal aid.	<p><b>Please note that these options <u>must</u> be explored before the Pro Bono can assist you.</b></p> <p>More information on whether you might qualify can be found <a href="#">here</a>.</p> <p>More information on how to apply for legal aid can be found <a href="#">here</a>.</p> <p>A solicitor or advice agency such as a Law centre or <a href="#">Citizens Advice Bureau</a> will also be able to help you with this.</p>
		No, I have not applied for legal aid.	
		Yes, I have applied for legal aid (please enclose details).	
		Yes, I have been assessed to see if I qualify for legal aid and think I qualify, but cannot find a solicitor to act (please provide details):	
		Other (please provide details) :	

15.	<p>Have you received any advice/assistance for this case through legal aid? If so, please provide details.</p> <p>If you have received legal aid but are required to make some contributions to your legal costs that you are unable to pay please explain why.</p>		
16.	<p>Are you a member of a trade union? If so, have you sought legal assistance from them?</p>		
17.	<p>Have you checked whether you have legal expenses insurance under any insurance policy (e.g. household or motor)?</p>		
18.	<p>Have you requested or received assistance with this case in the past from a solicitor or advice agency? If so, please provide full details and a contact name.</p>		
19.	<p>Is your case already under consideration by a court or tribunal? If so, please provide details of where, and please provide copies of any court or tribunal papers.</p>		
20.	<p>When is the next deadline in the case?</p>		
21.	<p>What help would you like? *Delete as appropriate</p>	<p>*Written Advice Advice and Representation Assistance with Mediation</p>	
22.	<p>What would be your preferred outcome for your case?</p>		
23.	<p>What is your occupation?</p>		
24.	<p>Are you currently employed?</p>		
25.	<p>If you are not employed please provide details of your employment status e.g. unemployed, retired, self employed, student.</p>		
26.	<p>What is your salary?</p>		
27.	<p>What income do you receive each month?</p>		

If you answer yes to any of the following questions, please provide full details and amounts	
28.	Do you receive any means tested benefits? If so, please state which one(s).
29.	Do you have any savings?
30.	Do you own any property? If so please provide details and approximate value?
31.	What monthly expenses do you have?
32.	Do you owe any money?
33.	Is any money owed to you?
34.	Do you live with anyone else? If so please provide names, ages, and details of relationship to you.
35.	What other income is brought into your home on a monthly basis?
36.	Are any of the people that you live with financially dependent on you?
37.	Do you expect to receive any other income within the next six months which you have not already provided details of?

**DATA PROTECTION NOTICE**

The Bar of Northern Ireland Pro Bono Unit will process your information (whether provided by you or by a third party) for the purposes of administering your application and your case. Processing may include disclosure of your information to third parties such as other advice agencies, voluntary organisations, the Court, legal expenses insurers, trades unions and legal advisers. By making this application and signing below you confirm that you consent to such processing. Your information will not be sold to any third party nor used for the purpose of direct marketing. By signing below, you certify that the information in this application to the best of your knowledge is true, complete and accurate.

Signature:

Date:

Signed for and on behalf of Advice Agency/Pro Bono Solicitor:

Date:

**Have you completed the case summary on the following sheet, signed and dated the statement and attached any relevant supporting evidence?**

CASE SUMMARY (continue on a separate sheet if necessary)

Please give us a summary of your case. This is an important section. Please note the following points:

- You should set out the facts of your case, so that we can understand what it is about.
- The easiest way to do this is often to go through in date order explaining briefly what has happened at each stage
- It is not enough just to say 'see the attached documents'. You should tell us about what happened, any financial loss or injury, or anything you are entitled to that you have not received.
- You should give details of any court or tribunal hearings which have already happened.
- If you want advice or representation in connection with an appeal, you MUST include a copy of the judgement appealed from
- If you are seeking advice (including advice with representation) you should set out exactly what help you think you need

Signature:

Date:

## **APPENDIX 3**

### **GUIDANCE FOR APPLICANTS SEEKING PRO BONO ASSISTANCE**

#### **THE UNIT**

The Bar of Northern Ireland Pro Bono Unit (“The Unit”) has been established by the Bar of Northern Ireland to provide free legal advice and representation in deserving cases for those who cannot afford the legal help they need and who cannot obtain assistance from any other source. Advice and representation is provided by Barristers who have volunteered to join the Bar of Northern Ireland Pro Bono Panel (“the Panel”).

#### **HOW THE UNIT CAN HELP**

We can help by putting members of the public referred by an advice agency in touch with Barristers on the Panel who can:

- (a) Give advice either in the form of a written opinion or verbal advice at consultation; and/or
- (b) Represent them in any Court or Tribunal in Northern Ireland, or the European Court of Justice, the European Court of Human Rights or the Supreme Court of the United Kingdom in respect of any cause or matter emanating from Northern Ireland; or
- (c) Provide assistance with mediation.

#### **FREE OF CHARGE**

Applications for advice or representation are considered by our Management Committee whose decisions are entirely a matter for their discretion. The Unit seeks to ensure that any advice or representation provided will be of the same quality as if the case were funded.

#### **WHEN SHOULD AN APPLICATION BE MADE?**

The Unit requests a minimum of three weeks’ notice.

#### **REFERRAL**

Applications will only be considered where there has been a referral by an advice agency accredited by the Bar of Northern Ireland (“accredited advice agency”) or a Solicitor providing services to a client on a Pro Bono basis.

#### **HOW ARE APPLICATIONS CONSIDERED?**

The questions which will normally decide whether the Unit will accept a case are:

1. Does the case deserve Pro Bono assistance? This will involve some assessment of the legal merits of the Applicant's case. Consideration will also be given to whether the case revolves on its own specific facts, or whether there is a point of wider public interest in respect of which clarification would provide assistance to many people. It is often emphasised to unsuccessful applicants that pro bono resources are scarce and must be deployed to maximum effect. Cases involving a point of public interest have tended to receive a more favourable response - as they may ultimately help a greater number of people.
2. Can the Applicant (or his/her family) afford legal assistance? The Unit exists to help those who cannot reasonably afford the legal help which they need and cannot obtain assistance from other sources. That means the applicant:
  - Must give a summary of his/her financial resources (stating income, main items of expenditure and any substantial savings/property) and any family members to whom the Applicant might reasonably look for help (e.g. spouse/partner/parent).
  - Must explain whether he/she has applied for legal aid and if he/she has been refused he/she must explain why enclosing correspondence.
  - Should check before he/she applies whether he/she is entitled to legal assistance from a trade union or under an insurance policy.
3. Are the services of a Barrister needed? A Solicitor or advice agency, rather than a Barrister, may be better able to help in some cases. The principal expertise of a Barrister is in representing clients at hearings in Courts and other tribunals and giving specialist legal advice. Barristers cannot carry out factual inquiries, interview witnesses or deal with correspondence or court procedure on a client's behalf.
4. Will the work involved take more than three days? Members of the Panel will be able to devote a maximum of three days' work to a case though this may be exceeded in exceptional cases. This should be enough for most types of advisory work and for representation for short cases or hearings. The Unit cannot provide a Barrister to advise on an continuing basis over a long period or provide assistance for long cases in Court. In a complex case, assistance is more likely to be given if a Solicitor or advice agency can deal with some aspect of the work.

## MAKING AN APPLICATION

We accept applications only through an accredited advice agency or a Solicitor working on a Pro Bono basis. This allows the accredited advice agency or Solicitor to help you by giving initial advice and to help us by collecting information about the Applicant's case.

The Unit's Application Form must be completed in full. The Applicant should include the following information:

- Hearing dates or other deadlines;

- The nature of the problem and, if possible, the area of law upon which assistance is sought;
- A summary of the facts of the case; and
- Set out the questions upon which advice is sought and/or the nature of the hearing for which representation is requested.

The accredited advice agency/Pro Bono Solicitor should ensure that there is sufficient information with the application for the case to be properly considered. It is not possible for us to consider applications unless copies of all the important documents are enclosed. What documents we need to see will obviously depend on the particular case but the following guidance may be helpful:

- Where there are already Court or Tribunal proceedings, we must see all Court papers, including all Court Orders or Judgments;
- Where the Applicant has already been advised by a Solicitor or Barrister, we must see any letters or opinions giving advice about the case;
- Where there is correspondence about a problem with any other person(s) involved or their Solicitors, we must see copies of all the letters on both sides;
- If you want advice about a contract or any formal document, a full copy should always be attached. If the dispute is with an employer, the contract of employment or if there is none, the letter of appointment or any handbook, company rules, etc. should be provided;
- If the Court is a Criminal Court, copies of the Indictment, the witness statements, any documents lodged with the Court, any advice on appeal and any documents sent to the Applicant by the Court must be produced;
- If the papers are very bulky (over 100 pages) it would be helpful if the advice agency could make a selection of what seems to be the most important but also provide a summary of what other documents exist so that if we need more we can request them;
- Always put documents in date order. If there are a lot of documents please put a list at the front and number the documents sequentially; and
- Always send photocopies and not original documents.

#### URGENT CASES

Approaching deadlines or hearing dates must be highlighted on the Application Form. The Unit normally needs 21 days' notice of any hearing date and there is no guarantee that the Unit can respond to urgent cases.

#### SIGNIFICANT DEVELOPMENTS

Significant developments such as a change of hearing date, settlement, an offer of settlement, or reinstatement of Legal Aid, after an Application has been submitted but before a decision has been notified must be immediately notified to the Unit.

#### WHAT HAPPENS NEXT?

Applications are considered by the Management Committee. Once a decision has been made the accredited advice agency/Pro Bono Solicitor will be informed in writing, usually within 3 weeks of the date of the Application. Except in urgent cases, the process of an Application cannot be discussed over the telephone with the accredited advice agency/Pro Bono Solicitor.

Where further information is needed before a decision can be made it is the responsibility of the Applicant to provide this when requested. No decision can be taken until the information requested has been provided and considered.

No Barrister is obliged to take on any particular case and it may not always be possible to assist. The services of a particular Barrister cannot be requested.

#### WHEN AN APPLICATION IS ACCEPTED

The accredited advice agency/Pro Bono Solicitor will be notified in writing advising it:

- That the Application has been accepted;
- Of the identity of the Barrister allocated to deal with the case;
- Of the nature and extent of the work that the Barrister has been requested and has agreed to undertake;
- As to what will happen next, for example that the Barrister will send his/her opinion in due course or that a consultation is required and how that should be arranged;

The accredited advice agency representative/Pro Bono Solicitor must then deal with the Barrister direct and the Management Committee will cease to be actively involved unless there are unexpected difficulties. The Applicant understands that whilst the Barrister is offering services free of charge, this does not include the payment of expenses such as Court Fees, photocopying and other incidental expenses. **The applicant is responsible for paying court fees, photocopying charges etc.** The Applicant must be prepared to provide promptly any further information/documentation which the Barrister requires via the advice agency and to attend any consultations.



Once a case is accepted the Barrister will deal with it like any other professional case and the Barrister is bound to abide by every provision of the Code of Conduct except where there are specific and explicit exceptions for Pro Bono work set out in the Code of Conduct applicable to Barristers in independent practice in Northern Ireland. Occasionally, a Court hearing can be arranged at a time when the Barrister is already committed to another case. Usually there is ample notice of this and a replacement can be arranged through the Unit in good time or the time of the hearing may be rearranged. Very occasionally the problem arises at short notice. In such a case, every effort will be made to find a replacement or to rearrange the hearing date but the Unit cannot give a guarantee that this will be possible. A Barrister may also have to give up a case if ordinary professional rules prohibit him/her from acting.

The Management Committee retain an absolute discretion to refuse any Application for representation or advice and exclude any liability in respect of such a refusal. Best endeavours will be made to ensure that representation and/or advice is provided in those cases accepted by the Unit. Barristers are individuals in private practice and where they agree to accept instructions from the Unit they provide their services voluntarily for no fee. They are not employed by the Unit.

They are responsible for the quality of their advice and/or any representation they undertake. The Unit cannot accept any responsibility whatsoever for the choice of Barrister or any advice or representation provided by them.