



**THE HONORABLE SOCIETY OF  
THE INN OF COURT OF NORTHERN IRELAND**

*CONSTITUTION & BYE-LAWS*

Her Majesty's Judges of the Supreme Court of Judicature of Northern Ireland, mindful that at common law the power and duty resides in them on behalf of Her Majesty of deciding to whom they shall grant and from whom they shall withdraw the right to practise and a right of audience as barristers in the Superior Courts in Northern Ireland, hereby resolve and determine that the power of prescribing and amending from time to time the qualifications for admission as a student of the Inn of Court of Northern Ireland and the qualifications for admission to the degree of barrister-at-law with a view to call to the Bar of Northern Ireland and of determining what persons shall be admitted as such students and approved for call to such Bar respectively, hitherto exercised on behalf of Her Majesty's Judges and with their consent by the Benchers of the Inn may henceforth be exercised on behalf of Her Majesty's Judges and with their consent by the Executive Council the creation of which is provided for in the Constitution of the Inn to which this resolution is annexed.

Principal Secretary to  
the Lord Chief Justice

Dated the 30th day of June 1983

.....

Her Majesty's Judges of the Court of Judicature of Northern Ireland, mindful that at common law the power and duty resides in them on behalf of Her Majesty of deciding to whom they shall grant and from whom they shall withdraw the right to practise and a right of audience as barristers in the Superior Courts in Northern Ireland, hereby resolve and determine that the power of prescribing and amending from time to time the qualifications for admission as a student of the Inn of Court of Northern Ireland and the qualifications for admission to the degree of barrister-at-law with a view to call to the Bar of Northern Ireland and of determining what persons shall be admitted as such students and approved for call to such Bar respectively, hitherto exercised on behalf of Her Majesty's Judges and with their consent by the Executive Council may henceforth be exercised on behalf of Her Majesty's Judges and with their consent by the Benchers of the Inn, the Executive Council and the General Council of the Bar of Northern Ireland in accordance with the provisions of the Constitution and Bye Laws of the Inn of Court of Northern Ireland dated 30<sup>th</sup> June, 1983 as amended and the Constitution of the Bar Council of Northern Ireland dated 12<sup>th</sup> June ,2015.

Principal Secretary to  
the Lord Chief Justice

Dated 12<sup>th</sup> June, 2015.

## **CONTENTS**

- Regulation 1
  - Interpretation
- Regulation 2
  - Source of authority and commencement
- Regulation 3
  - Constitution
- Regulation 4
  - Benchers
- Regulations 5-9
  - Executive Council
- Regulation 10
  - Finance Committee
- Regulation 11
  - Library Committee
- Regulation 12
  - Education Committee
- Regulation 13
  - Disciplinary Committees
- Regulation 14
  - Fitness to Practice
- Regulation 15
  - Ad hoc Committees
- Regulations 16-21
  - Proceedings of the Executive Council
- Regulation 22
  - Proceedings of Committees
- Regulation 23
  - The Bar Council
- Regulation 24
  - Administrative Staff of the Inn

Regulation 25

Disqualification from membership of the Inn

Regulations 26-32

Annual General Meeting of the Inn

Regulations 33-35

Investments and borrowing

Regulations 36-37

Accounts

Regulations 38-39

Amendments of Regulations and Bye-laws

Regulation 40

General

## INTERPRETATION

1. In these Regulations, unless the context otherwise requires;

"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 Council" shall mean the General Council of the Bar of Northern Ireland as constituted under the Constitution of the Bar Council of Northern Ireland dated 12<sup>th</sup> June 2015 and "the former Bar Council" shall mean the General Council of the Bar of Northern Ireland as constituted prior to the operative date.

"a barrister member of the Inn" shall mean a member of the Bar of Northern Ireland other than a Judge of the Supreme Court.

"Bencher" shall mean a Bencher of the Inn who held office on the operative date or who after the operative date becomes a Bencher pursuant to the provisions of these regulations or who was at the time a Bencher but on the grounds of ineligibility had ceased to be a Bencher and was subsequently restored to office.

"the Bursar" shall mean the Bursar of the Executive Council elected pursuant to these Regulations.

"the Chairman" shall mean the Chairman of the Executive Council elected pursuant to these Regulations.

"the Chief Executive" shall mean the Chief Executive of the Inn appointed pursuant to these Regulations.

"the Establishment Directive" shall mean the Lawyers' Establishment Directive 98/5/EC implemented by the European Communities (Lawyers Practice) Regulations 2000 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

"the Executive Council" shall mean the Executive Council of the Inn as constituted by these Regulations.

"Honorary Bencher" shall mean an Honorary Bencher of the Inn holding office on the operative date or elected pursuant to the provisions of these Regulations after the operative date.

"the operative date" shall mean the 24<sup>th</sup> day of June, 2015.

The term "barrister" includes any person who is either a practising barrister or a non-practising barrister other than a person who is carrying out full-time judicial functions.

"A practising barrister" means a barrister who is either a barrister in independent practice or an employed barrister.

"A Non-practising barrister" is any barrister other than one who is a practising barrister or is a person who (having previously been called to the Bar of Northern Ireland) is carrying out full-time judicial functions.

"these Regulations" shall mean these Regulations or other Regulations for the time being of the Inn.

"the relevant date" shall mean the date of the first meeting of the Executive Council after 1st September in each calendar year.

"the Secretary" shall mean the Secretary of the Inn appointed pursuant to these Regulations.

"a student of the Inn" shall mean a student of the Inn on the operative date or admitted pursuant to the provisions of these Regulations after the operative date.

"the Treasurer" shall mean the Treasurer of the Inn holding office on the operative date or elected pursuant to these Regulations after the operative date.

"the Trustees" shall mean the Trustees of the Inn holding office on the operative date and their successors from time to time.

"the Under-Treasurer" shall mean the Under-Treasurer of the Inn appointed pursuant to these Regulations.

"the Vice-Chairman" shall mean the Vice-Chairman of the Executive Council elected pursuant to these Regulations.

"a year" shall mean the period starting on the relevant date in each year and ending on the day before the relevant date in the following year except that references to a financial year shall read as referring to a calendar year ending on 31st December, and the Executive Council may for any or all purposes determine that a particular year shall end on (and the next year begin on the day after) a date other than the date specified in this definition.

## **SOURCE OF AUTHORITY AND COMMENCEMENT**

2. (a) A General Meeting of the Benchers and barrister members of the Inn has resolved to adopt these Regulations as the Constitution of the Inn.
- (b) The Judges of the Court of Judicature have resolved in the terms of the resolutions hereto and confirmed that from henceforth Call to the Bar and disciplinary powers over barristers shall be exercised in accordance with the provisions of these

Regulations and the Constitution of the Bar Council of Northern Ireland dated 12<sup>TH</sup> June 2015.

- (c) A General Meeting of the barrister members of the Inn has resolved that after the operative date the Bar of Northern Ireland and the General Council of the Bar of Northern Ireland shall be governed by these Regulations and shall transfer to the Trustees of the Inn upon trust for the Inn all rights and liabilities and property and funds held by them. These regulations shall also apply to those registering under the Establishment Directive 98/5/EC in the same way as it applies to practising barristers notwithstanding that such persons are not called to the Bar.
- (d) These Amended Regulations take effect on the operative date.

### **CONSTITUTION**

3. The government of the Inn shall be vested in the Benchers, the Executive Council and the Committees thereof, the Bar Council and the Committees thereof and in the Benchers and barrister members of the Inn assembled in General Meeting as provided for in these Regulations.

#### **THE BENCHERS**

4. (a) The following persons shall be Benchers of the Inn of Court.

#### **Judicial Benchers**

- (i) The Judges of the Court of Judicature of Northern Ireland.
- (ii) Any Justice of the Supreme Court of the United Kingdom who has been a member of the Court of Judicature of Northern Ireland.
- (iii) Such persons who hold public office in the administration of justice not otherwise provided for as from time to time the Benchers may elect.
- (iv) (a) Seven County Court Judges elected by the Benchers.
- (b) Any County Court Judge elected a Bencher before 1 January 2000 who shall retain the precedence as a Bencher he or she had as of 1 January 2000.
- (v) Any Bencher appointed to any judicial office other than that of a Judge of the Court of Judicature of Northern Ireland will remain a Bencher and will retain his or her precedence as a Bencher at the time of his or her appointment to such office.

#### **Bar Benchers**

- (vi) (a) The Chairman of the Bar Council of the Inn of Court of Northern Ireland; and
- (b) The Attorney General for Northern Ireland while each holds that office.
- (vii) Such number of barristers of the Inn of Court of Northern Ireland of at least 10 years' standing in private independent practice elected by the Benchers on the nomination of the Bar Council.

#### **Benchers Emeriti**

- (viii) Those persons who have at any time been Benchers, with the exception of those referred to at 4(a)(vi) above, those who have resigned as Benchers, and those who have been disbenched as Benchers pursuant to Regulation 4(b)(vi), shall continue to be Benchers after they have ceased to be Judicial Benchers or Bar Benchers and shall be known as Benchers Emeriti. They shall be entitled to attend meetings of the Benchers but shall have no right to vote thereat and shall not be liable to pay the annual subscription of a Bencher.

#### **Honorary Benchers**

- (ix) Such persons as from time to time the Benchers may elect as Honorary Benchers; such persons shall have no right to attend meetings of the Bench or to vote thereat.

The following provisions apply to the Benchers:-

- (x) No one may be a Bencher, save under (i) and (ix) hereof, who is not a member of the Inn of Court of Northern Ireland.
- (xi) The number of Judicial Benchers shall exceed the number of Bar Benchers by at least two.
- (xii) Those Judicial Benchers, (pursuant to 4(a) (i) to (v) above) and those Bar Benchers (pursuant to 4(a)(vii) above) shall be deemed to be Judicial Benchers and Bar Benchers respectively until the completion of their 75<sup>th</sup> year, if prior to that time they have retired from judicial office or private practice, as the case may be. If upon completion of their 75<sup>th</sup> year, they still remain in office or private practice, they shall be deemed to be Judicial Benchers and Bar Benchers respectively until the time of their retirement from office or private practice.

- (xiii) Any Judicial Bencher and Bar Bencher who has retired from office or private independent practice who does not wish to act pursuant to (xii) may elect to become a Bencher Emeritus.
  - (xiv) Before any meeting of the Bar Council at which qualifying barristers are to be nominated pursuant to 4 (a) (vii) above the Chairman of the Bar Council shall make such inquiries as are appropriate as to the seniority, standing and contribution to the work of the Bar of suitable candidates paying due regard to diversity.
4. (b) **Powers**

The Benchers shall have the following exclusive powers:

- (i) To determine the qualifications and training required by those seeking to be admitted as student members of the Inn, to levy appropriate charges for admission as student members of the Inn and for Call to the Bar of Northern Ireland, to receive, consider and accept or decline to accept the Memorials of such persons seeking to be admitted as student members of the Inn as have been approved by the Bar Council.
- (ii) To receive consider and accept or decline to accept the Memorials of such persons seeking to be called to the Bar of Northern Ireland as have been approved by the Bar Council.
- (iii) To invite the Lord Chief Justice to call to the Bar of Northern Ireland those whose Memorials to be called have been approved by the Bar Council and accepted by the Benchers.
- (iv) To appoint from time to time a committee (hereinafter referred to as a "Disciplinary Appeal Committee") to hear an appeal from a decision of a Disciplinary Committee.
- (v) To establish and maintain a committee (hereinafter referred to as the Bar Complaints Committee to hear complaints made in relation to the provision of professional services by Barrister members of the Inn in accordance with the Legal Complaints and Regulation Act.
- (vi) To disbench a Bencher for conduct unbecoming a Bencher, a vote to do so having to be carried by at least three-quarters of those Benchers present and entitled to vote.
- (vii) To disbar a barrister or to suspend him from practice for a period in accordance with the recommendation of a Disciplinary

Committee or a Disciplinary Appeal Committee..

- (viii) To expel or suspend a student of the Inn.
- (ix) To consider and adjudicate upon applications by Students of the Inn for permission to engage in part-time employment.
- (x) To elect annually in Michaelmas term in each year the Treasurer of the Inn for the following calendar year.
- (xi) To appoint the Under Treasurer of the Inn.
- (xii) To elect Benchers and Honorary Benchers in accordance with Regulation 4(a) (iii), (iv) or (vii).
- (xiii) To fix the annual subscription to be paid by each Bencher; to take all necessary steps to provide for the banking, investment and disbursement of such subscriptions; to deal with all monies and other property of the Benchers in such manner and for such purposes as the Benchers may direct and to receive and approve accounts relating to all such monies or property at such times and for such periods as the Benchers may from time to time direct.
- (xiv) To levy such charges and engage such administrative assistance as necessary to enable the Benchers to exercise their powers including all disciplinary functions vested in them under these Regulations. All charges levied by the Benchers under this provision shall be discharged by the Bar Council of Northern Ireland

(c) **Bye-Laws**

The Benchers shall have power to make their own bye-laws not being inconsistent with these Regulations and from time to time to alter, add to or rescind such bye-laws.

(d) **Proceedings**

The Benchers may hold meetings and adjourn and otherwise regulate their meetings as they think fit so that at least one meeting shall be held in each Term.

Seven Benchers shall constitute a quorum. Subject as hereinafter provided questions arising at any meeting shall be decided by a majority of votes of those present and voting and in the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

- (e) On the request of the Treasurer or of not less than seven Benchers the Under-Treasurer shall at any time summon a meeting of the Benchers. Four clear days' notice at least of each meeting shall be given unless the Treasurer in any case of emergency shall otherwise direct.
- (f) The Treasurer shall preside at all meetings of the Benchers at which he shall be present but if there be no Treasurer or if he be absent then the Lord Chief Justice or the Judge next in order of seniority shall preside.
- (g) The Benchers may at any time invite any person to attend in an advisory capacity at any meeting or meetings of the Benchers.
- (h) The Benchers shall cause proper minutes to be kept of the proceedings of all meetings of the Benchers and of their 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.

#### **Regulation 4 A**

- (a) Subject to any express provision contained in these Regulations, the Benchers may, by resolution, arrange for the discharge of any of their functions by a standing or ad hoc committee with such composition, functions and powers as the Benchers shall from time to time determine. For the avoidance of doubt, the power of a committee to delegate any of its functions to a sub-committee can only be exercised in circumstances where the Benchers have specifically granted the committee the power of delegation either at the time the committee was established or pursuant to a resolution of the Benchers at some later time.
- (b) Any arrangements made by the Benchers under this Regulation for the discharge of any functions by a committee shall not prevent the Benchers from discharging those functions.
- (c) Subject to the provisions of these Regulations, a committee established under this Regulation:
  - (i) shall have power of decision in respect of any matter relevant to the discharge of its functions and any such decision shall be deemed to be a decision of the Benchers;
  - (ii) may decline to exercise its power of decision in respect of any matter relevant to the discharge of its functions and refer the matter for decision to the Benchers, with or without a recommendation from the committee;

- (iii) shall have power to make rules for the proper and efficient discharge of its functions;
- (iv) subject to such rules as may be made by the committee for the discharge of its functions, the committee may regulate its own procedure in dealing with any matter as it considers appropriate;
- (v) Subject to sub-paragraphs (vi) and (vii) below, any standing or ad hoc committee may from time to time delegate the performance of its functions to a sub-committee consisting of members of its body or other persons (including officers of the Inn) 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;
- (vi) The majority of members of any sub-committee shall be Benchers and the appointment of other persons to serve on any such sub-committee shall be contingent upon the express approval of the Benchers being obtained;
- (vii) Any such sub-committee shall have the power to make recommendations in respect of any matter relevant to the discharge of its functions. But such a recommendation can only be made if endorsed by the majority of Benchers then making up the membership of the sub-committee. However, for the avoidance of doubt, the power of decision shall remain with the relevant committee, having paid due regard to the recommendation of the sub-committee;
- (viii) Every committee or sub-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;
- (ix) 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;
- (x) 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;
- (xi) 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.

Reference in this Regulation to the discharge of any of the functions of the Benchers includes reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

## 5. **THE EXECUTIVE COUNCIL**

### **Composition**

The following shall be members of the Executive Council:-

- (1) The Chairman for the time being of the Bar Council shall by virtue of that office be the Chairman of the Executive Council.
- (2) The Vice Chairman for the time being of the Bar Council shall by virtue of that office be the Vice Chairman of the Executive Council.
- (3) The Bursar for the time being of the Bar Council shall by virtue of that office be the Bursar of the Executive Council.
- (4) Four other members of the Bar (of whom two shall be members of the Inner Bar and two shall be members of the Outer Bar or persons registered under the Establishment Directive) elected by the Bar Council who shall, subject to and in accordance with such bye-laws as may from time to time be made for that purpose by the Bar Council, hold office for 2 years.

## 6. **CASUAL VACANCIES**

If a casual vacancy occurs among the Executive Council such vacancy shall be filled by the Bar Council. Any person who fills a casual vacancy shall remain a member until the date when the period of office of the member whose place is filled would have terminated.

## 7. **OFFICERS:-**

- (a) The following shall be the Officers of the Executive Council.
  - (i) The Chairman.
  - (ii) The Vice-Chairman.
  - (iii) The Bursar.

- (b) The Executive Council may nominate some eligible person to fill a casual vacancy due to any officer ceasing to be eligible to hold office or for any other reason. Any person nominated to a casual vacancy shall hold office until the date when the period of office of the officer whose place is filled would have terminated.

8. **POWERS:-**

The Executive Council have power on behalf of the Inn:-

- (a) To discharge all functions which formerly fell to be discharged by the Benchers except:
  - (i) those functions reserved to the Benchers by these Regulations; and
  - (ii) those functions now exercised by the Bar Council of Northern Ireland under and in accordance with the Constitution of the Bar Council of Northern Ireland dated 12<sup>th</sup> June 2015.
- (b) To consider and propose for consideration general policy with regard to all matters affecting the profession (other than matters within the exclusive jurisdiction of the Bar Council) either of its own motion or on reference from any of its Standing Committees.
- (c) To raise funds for its general purposes or any of them by way of subscriptions from current and former holders of judicial office and from practising and non-practising barristers and students, or otherwise.
- (d) To review all matters referred to the Executive Council by way of its Standing Committees, the Benchers or the Bar Council.
- (e) To refer back for further consideration any matter referred to the Executive Council by any of its standing Committees, the Benchers or the Bar Council.
- (f) To receive reports from time to time from any of its Standing Committees.
- (g) To refer any matter for consideration or action to any of its Committees, the Benchers or the Bar Council or its Committees.
- (h) To elect the members of the Standing Committees (save for ex officio or nominated members).
- (i) To make bye-laws (not being inconsistent with these Regulations) for the purpose of carrying these Regulations into effect, and from time to time to alter, add to or rescind such bye-laws.

- (j) To appoint a Disciplinary Committee.

9. **STANDING COMMITTEES:-**

The Executive Council shall have the Standing Committees set forth in Regulations 10 to 14 (inclusive). Notwithstanding the provisions of those regulations as to membership the Executive Council shall have the power to appoint such additional members to any of its standing committees as it shall from time to time determine.

10. **THE FINANCE COMMITTEE:-**

- (a) **MEMBERSHIP:** The total membership shall be at least 7 made up as follows:-

**CHAIRMAN:** The Chairman.

**MEMBERS EX OFFICIO:** The Vice-Chairman and the Bursar.

- MEMBERS:**
- (i) Two members of the Executive Council elected by the Executive Council.
  - (ii) Two Benchers who are Judicial Office Holders elected by the Benchers.

- (b) **POWERS AND FUNCTIONS**

- (i) To liaise and operate in conjunction with the Finance Committee of the Bar Council and to take full account of any relevant resolution, request or recommendation of the Bar Council or the Benchers and thereafter to make recommendations to the Executive Council on the rates of subscription and the classes of subscriber to the Inn and to the Bar Library.
- (ii) To prepare annual accounts of the Inn.
- (iii) To administer the funds of the Inn including the charitable funds.
- (iv) To exercise the powers of investment and borrowing on behalf of the Executive Council.
- (v) To discuss with the Library Committee the annual running costs of the Library of the Inn and the Bar Library and to make provision therefor.

- (vi) To be responsible for the administration of the secretariat of the Inn.

#### 11. THE LIBRARY COMMITTEE

- (a) **MEMBERSHIP:** The total membership shall be at least 5 made up as follows:-

**CHAIRMAN:** The Vice-Chairman.

**MEMBERS:** (i) Two members of the Executive Council elected by the members of the Executive Council.

(ii) Two Benchers who are Judicial Office Holders elected by the Benchers.

- (b) **POWERS AND FUNCTIONS**

(i) To administer the Library of the Inn.

#### 12. THE EDUCATION COMMITTEE

- (a) **MEMBERSHIP:** The total membership shall be at least 6 made up as follows:

**CHAIRMAN:** The Chairman.

**MEMBER EX OFFICIO:** The Vice Chairman.

**MEMBERS:** (i) Two members of the Executive Council elected by the Executive Council.

(ii) Two Benchers who are Judicial Office Holders elected by the Benchers.

- (b) **POWERS AND FUNCTIONS**

(i) To liaise and operate in conjunction with the Education Committee of the Bar Council and to take full account of any relevant resolution, request or recommendation of the Bar Council, and if thought fit, make recommendations to the Executive Council on any matter relating to:-

(a) legal education;

(b) pupillage;

- (c) the provision of facilities for continuing education, including refresher courses for practising barristers.
- (ii) To review and make recommendations to the Executive Council on general policy on qualifications for admission.

### 13. **DISCIPLINARY COMMITTEES**

- (i) Any charge of failing to comply with the duties specified in section 8.01 of the Code of Conduct preferred by the Professional Conduct Committee of the Bar Council against a barrister or any appeal from the Summary Panel shall be heard and determined by a Committee nominated for the purpose by the Executive Council, called a Disciplinary Committee.
- (ii) Subject to (vii) hereof a Disciplinary Committee shall consist of a Chairman ("The Committee Chairman") and not less than five and not more than seven other persons.
- (iii) The Committee Chairman shall be a Judge or a retired Judge.
- (iv) A Disciplinary Committee shall include as two of its members two lay persons ("the lay members") selected by the Committee Chairman from a panel of not less than seven lay persons nominated by the Lord Chief Justice of Northern Ireland for that purpose.
- (v) Subject to (viii) hereof, of the other members of a Disciplinary Committee not less than four and not more than five shall be barristers in independent practice.
- (vi) Of the barristers in independent practice who are members of a Disciplinary Committee not less than two shall be members of the Bar Council.
- (vii) Where, in any particular case, the Committee Chairman is of the opinion that it is appropriate that a solicitor should serve on a Disciplinary Committee, he shall select one solicitor from a panel of not less than five solicitors of at least ten years' standing nominated by the President of the Incorporated Law Society of Northern Ireland for that purpose in which event such solicitor will sit as a member of the Disciplinary Committee in addition to the members appointed in accordance with the provisions of (i) - (vi) hereof.
- (viii) When the barrister charged is an employed barrister one of the barrister members of the Disciplinary Committee may be an employed barrister, in which event such employed barrister will sit as a member of the Disciplinary Committee in addition to the members appointed in accordance with the provisions of (i)-(vi) hereof.
- (ix) A member of the Professional Conduct Committee at any time that the matters to which the charge relates were being considered by such Committee shall not

be eligible to serve on the Disciplinary Committee which hears and determines the charge.

- (x) If any member of a Disciplinary Committee, other than the Committee Chairman, becomes unable to act or disqualified from acting before the commencement of the hearing the Committee Chairman may, before such commencement, nominate another qualified person to act in his place.
- (xi) If a member other than the Committee Chairman becomes unable to continue to act or disqualified from continuing to act after the commencement of the hearing the remaining members of the Disciplinary Committee shall be entitled to proceed with the hearing and no objection shall be competent on the ground that the number of members of the Disciplinary Committee is less than the number prescribed by any of the other provisions of this Regulation or on the ground that one of more members of the Disciplinary Committee has or may have become unavailable to act or disqualified from acting.
- (xii) If the Committee Chairman becomes unable to act or disqualified from acting before the commencement of the hearing the Executive Council shall nominate a new Committee Chairman in his stead.
- (xiii) If the Committee Chairman becomes unable to continue to act or disqualified from continuing to act after the commencement of the hearing the Executive Council shall nominate a new Committee Chairman in his stead and the hearing shall start afresh before the same Disciplinary Committee but with the new Committee Chairman as its Chairman.
- (xiv) If a Disciplinary Committee in the course of the hearing forms the view that the facts presented or agreed could sustain a charge of an offence other than that formulated it may add or substitute an alternative charge or amend the preferred charge. In the event of it doing so the hearing may proceed or on the application of the barrister or person registered under the Establishment Directive charged the Disciplinary Committee may adjourn the hearing for such period of time as may seem fit in the circumstances.
- (xv) A Disciplinary Committee shall act in the name of and on behalf of the Inn.
- (xvi) A Disciplinary Committee shall have the power contained in the bye-laws of the Disciplinary Committee of the Inn or such other powers as may from time to time be conferred on it by the Executive Council and shall have power to direct that evidence before it shall be given on oath or affirmation.
- (xvii) A barrister may appeal from any decision of a Disciplinary Committee against him and the appeal shall be heard and determined by a Disciplinary Appeal Committee.

(xviii) A Disciplinary Appeal Committee shall have the powers contained in the Disciplinary Appeals Rules and such other powers (if any) as may be from time to time conferred on the Committee.

(xix) The hearing before the Disciplinary Committee shall be in public.

(xx) Where the Disciplinary Committee is hearing an appeal from the Summary Panel, the barrister shall have a waivable right to have the appeal heard in public.

## 14. **FITNESS TO PRACTISE RULES**

### **Introduction**

1. These Rules enact the procedure by which any issue whether a barrister is unfit to practise, as defined in these Rules, shall be governed, and make provision for the establishment of Medical Panels, Medical Appeal Panels and the nomination of Medical Advisors.

### **Definitions**

2. In these Rules:

(a) "The Treasurer" means the Treasurer from time to time of the Benchers of the Inn of Court of Northern Ireland.

(b) "Medical Panel" means a Medical Panel as provided for in rule 3 of these Rules;

(c) "Appeal Panel" means an Appeal Panel as provided for in rule 3 of these Rules;

(d) "the Respondent" means the barrister whose standing is referred to a Medical Panel pursuant to the procedure prescribed by these Rules;

(e) "Medical Advisor" means a registered medical practitioner appointed for the purposes of performing medical (including psychiatric) examinations on barristers, and providing advice to Medical and Appeal panels;

(f) "The Under Treasurer" means the Under Treasurer of the Benchers of the Inn of Court of Northern Ireland;

(g) "Unfit to practise" when used to describe a barrister means that he is incapacitated by reason of ill health and:

(1) the barrister is suffering from serious incapacity due to his physical or mental condition (including any addiction); and

- (2) as a result the barrister's fitness to practise is seriously impaired;  
and
- (3) this suspension from, or the imposition of conditions on, his acting as a barrister is necessary for the protection of the public.

### **Composition of Panels**

- 3. (1) To provide for the constitution of the Medical Panel, the Benchers shall appoint the following to serve for a period of 3 years at a time:
    - (i) Two Judge Benchers, of whom one shall sit on each Medical Panel;
    - (ii) Two barrister Benchers, of whom one shall sit on each Medical Panel;
    - (iii) Two lay people, of whom one shall sit on each Medical Panel.
  - (2) To provide for sittings of the Appeal Panel, the Benchers shall appoint for a period of 3 years at a time, the following, other than those appointed under paragraph (1) above:
    - (i) Two Judges who are Benchers, one of whom shall sit on each Appeal Panel;
    - (ii) Two barristers who are Benchers, one of whom shall sit on each Appeal Panel;
    - (iii) Two lay people, one of whom shall sit on each Appeal Panel.
  - (3) The Judge serving on any Medical Panel or Appeal Panel shall act as Chairman thereof. No person appointed under Rule 3(1) shall be eligible to be appointed under Rule 3(2).
- 4. (1) In the event that a member of a Medical Panel or Appeal Panel becomes unable or unavailable to serve generally in that capacity, the Benchers shall appoint a replacement who will serve for the remainder of the 3 year term.
  - (2) In the event that a member of a Medical Panel or Appeal Panel becomes unable or unavailable to serve or continue to serve for the purposes of a particular enquiry, the replacement shall assume his appointment for the remainder of the 3 years for which he has been appointed.

### **Referral to a Medical Panel**

5. Where information in writing or a complaint in writing is received by the Benchers concerning any barrister holding a practising certificate which raises the question whether that barrister is unfit to practise, the Treasurer shall consider whether to refer the case to a Medical Panel.

The Treasurer may also, at his own instigation, or at the instigation of the Benchers, initiate an investigation into any matter which raises the question whether a barrister is unfit to practise.

6. The Treasurer shall refer a case to a Medical Panel if:
  - (a) having been referred to him under rule 5 above, the Treasurer considers a barrister may be unfit to practise for medical reasons, or
  - (b) a barrister requests the Treasurer in writing to refer his or her case to a Medical Panel.

7. As soon as practicable after it has been decided to refer a case to a Medical Panel, the Under Treasurer shall notify the Respondent of the decision in writing, and provide a copy of the Rules. The letter of notification shall:

- (a) contain a summary of the reasons why the case has been referred to a Medical Panel;
- (b) lay down a fixed time and date (normally not less than fourteen and not more than twenty-one days from the date of the letter) for a preliminary hearing of the Panel to take place; one alternative date and time shall also be given;
- (c) the letter shall invite the Respondent to accept one or other of each of the dates proposed, or, in the alternative, to provide a written representation, within fourteen days of the date thereof, to the Under Treasurer, objecting to each of the dates, with reasons, and providing two further alternative dates. Any such representation shall be given to the Under Treasurer not more than fourteen days after the date of the letter of notification. The Treasurer shall consider any such representation and either confirm one of the original dates or re-fix the hearing;

if no such representation is received within fourteen days of the date of the letter of notification the hearing shall take place on the date and time fixed pursuant to rule 7(b) above;

the Treasurer's decision, which shall be notified in writing to the Respondent by the Under Treasurer, shall be final. A hearing date, once fixed, shall be vacated only in exceptional circumstances;

- (d) inform the Respondent that he is entitled to make representations in writing or orally, by himself, or by another member of the Bar, or a solicitor, and that he may produce medical evidence, provided that a proof of such evidence shall have been submitted prior to the hearing; but subject to the discretion of the Chairman of the Panel to consider any form of evidence placed before it;
- (e) inform the Respondent that he may be invited to attend within a period of time upon an Appointed Medical Advisor nominated by the Panel to carry out an examination of the Respondent, and be requested to authorise disclosure of his medical records;
- (f) inform the Respondent of his right to appeal as provided in rule 17 below.

#### **Procedure and Powers of Medical Panels**

- 8. At any hearing of a Medical Panel the proceedings shall be governed by the rules of natural justice, subject to the following:
  - (a) the procedure shall be informal, the details of which shall be at the discretion of the Chairman of the Panel;
  - (b) the Respondent shall be entitled to make representations in writing or orally, by himself or by another member of the Bar or a solicitor on his behalf, and may produce medical evidence, provided (but subject to the discretion of the Chairman of the Panel to consider any form of evidence placed before it) that a proof of such evidence shall have been submitted at a reasonable time prior to the hearing;
  - (c) the attendance of the Respondent shall be required. Should he fail to attend, the hearing may proceed in his absence provided the Panel are satisfied that this course is acceptable, and that all proper steps requiring the Respondent's attendance have been taken and that no acceptable explanation for the Respondent's absence has been provided. But if an acceptable explanation has been provided, the Panel may adjourn the hearing;
  - (d) a Medical Advisor nominated by the Panel shall be present whenever any proceedings are held under these Rules. When a Respondent is not present, the Panel shall maintain a record of any advice given by the Medical Advisor. When a Respondent is in attendance the advice of the Medical Advisor shall be given before the Respondent. Any advice

given by the Medical Advisor during the private deliberations of the Panel shall subsequently be repeated before the Respondent. The Respondent shall be given the opportunity to make representations on the contents of the advice given by the Medical Advisor;

- (e) the hearing shall not be in public unless so requested by the Respondent and in that event a record shall be taken electronically. The tape of the hearing shall be retained for two years or until any related charges of professional misconduct against the Respondent arising out of the case have been finally disposed of through the Bar Council's procedure for complaints and any appeal procedure has been exhausted, whichever period is the longer;
  - (f) should the Panel decide that an adjournment is necessary, it may adjourn the hearing for such period and to such time and place, and upon such terms, as it may think fit.
9. If the members of a Medical Panel are not unanimous as to any decision, the decision shall be that of a simple majority. The Medical Advisor shall not be entitled to vote on this decision.
10. At the conclusion of a preliminary hearing of a Medical Panel, the Panel:
- (a) may give preliminary directions for a full hearing by the Panel, including:
    - (i) a direction within a specified period of time that an Medical Advisor nominated by the Panel shall carry out an examination of the Respondent;
    - (ii) a direction that the Respondent authorise disclosure of his medical records to such Medical Advisor;
  - (b) shall advise the Respondent that should he fail to comply with a direction made under rule 10(a) above, the Panel hearing his case shall be entitled to draw such adverse inferences as it may consider appropriate in the circumstances of such refusal;
  - (c) may recommend to the Benchers that the barrister be suspended from practice, or prohibited from accepting or carrying out any direct professional access instructions (either unconditionally or subject to conditions) for a specified period, which should not, save in exceptional circumstances exceed 3 months pending the full hearing of the Panel. A period of interim suspension or prohibition should not be recommended

unless the Panel is satisfied that it is necessary for the protection of the public;

- (d) in lieu of recommending a period of suspension or prohibition under (c) above, may accept from the Respondent an undertaking in writing in terms satisfactory to the Panel. Such undertaking shall be that the Respondent:
  - (i) be immediately suspended from practice, or, in the alternative;
  - (ii) will not accept or carry out any direct professional access instructions,

until the full hearing has been completed and the Panel has given its decision.

- (e) may accept from the Respondent an undertaking or undertakings in writing in terms acceptable to the Panel (and subject to such conditions and for such a period as the Panel may agree) as to the conduct of the Respondent's practice pending the conclusion of the full hearing;
- (f) shall set down in writing, signed by the Chairman of the Panel, the decision of the Panel, including the terms of any directions given under rule 10(a) above, and the period and terms of any interim suspension or prohibition recommended under rule 10(c) above, or any undertaking accepted under rule 10(d) or (e) above;
- (g) shall, if a period of interim suspension or prohibition is recommended under rule 10(c) above, or a written undertaking is accepted under rule 10 (d) above:
  - (i) fix a time and date within the period of suspension or prohibition recommended, or to which the undertaking relates, or alternatively, inform the Respondent so that a date and time will be fixed by the Chairman and notified to the Respondent not less than fourteen days previous to such date, that, unless a Medical Panel has concluded proceedings, a Panel shall be convened for the purpose of Appealing the matter;
  - (ii) inform the Respondent of his right to appeal the matter prior to the date fixed in (1) above as provided in rule 14 below;

- (iii) inform the Respondent of his right of appeal as provided in rule 17 below.
    - (iv) inform the Respondent that he is entitled to request an expedited full hearing of the Medical Panel, whereupon the Chairman may so direct a hearing.
- 11. If a Medical Panel shall decide to give directions under Rule 10(a) above, as soon as practicable after the report of any examination requested has been carried out, or declined, and a summary of the case against the Respondent has been prepared on behalf of the Panel, the Under Treasurer shall by letter notify the Respondent with the intent of fixing a full hearing. The letter shall:
  - (a) contain:
    - (i) the summary of the case against the Respondent;
    - (ii) a copy of any report produced by the Medical Advisor nominated to carry out an examination of the Respondent;
  - (b) lay down a fixed time and date (normally not less than fourteen and not more than twenty-one days from the date of the letter) for a full hearing of the Panel to take place, and provide an alternative date;
  - (c) require the Respondent to accept one or other of the dates proposed, or, in the alternative, to provide a written representation to the Under Treasurer, objecting to both dates with reasons, and providing two further alternative dates not more than twenty-one days from the date of the letter of notification. Any such representation shall be provided to the Chairman of the Medical Panel not more than fourteen days from the date of the letter of notification;

the Chairman of the Medical Panel shall consider this representation and either confirm one of the original dates or re-fix the hearing. If no such representation is received within fourteen days of the date of the letter of notification the hearing shall take place at the time and date first fixed pursuant to rule 11(b) above. The Chairman's decision, which shall be notified in writing to the Respondent by the Under Treasurer, shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the Chairman of the Medical Panel;
  - (d) inform the Respondent of his right to appeal as provided in rule 17 below.
- 12. At any full hearing of a Medical Panel the provisions of rule 8 shall apply. The Respondent shall be entitled to require the attendance of any Medical Advisor

whose report is in evidence before the Panel and shall be entitled by himself or by another member of the Bar or a solicitor to cross-examine any Medical Advisor. Should the Respondent require this facility he shall give prior notice within seven days of the receipt of the medical report.

13. At the conclusion of a full hearing of a Medical Panel, the Panel:
- (a) may decide to take no action;
  - (b) if satisfied that the Respondent is or may become unfit to practise may recommend to the Benchers one or more of the sanctions or conditions set out herein under rules 13(c), (d) and (e) below;
  - (c) may recommend a period of interim suspension from practise or interim prohibition from accepting or carrying out any direct professional access instructions (either unconditionally or subject to conditions) of up to six months, but shall inform the Respondent that such period of interim suspension or interim prohibition shall be continued without any further decision of a Panel unless determined at an appeal of his case as provided in rule 14 below;
  - (d) may recommend an indefinite period of suspension or prohibition from accepting or carrying out any direct professional access instructions;
  - (e) may recommend that the Respondent's right to continue to practise, or to resume practice after any period of suspension or prohibition from accepting or carrying out any direct professional instructions, be made subject to such conditions as the Panel may think fit, including, without prejudice to the generality of the foregoing:
    - (i) a requirement that the Respondent should attend one or more Appointed Medical Advisors for regular examination whose report(s) should be made available to the Medical Panel when considering the case;
    - (ii) a requirement that the Respondent should attend one or more clinics or hospitals as the Panel may decide for the purposes of treatment in respect of any physical or mental condition which the Panel may think is or may become a cause of the Respondent's unfitness to practise;
  - (f) in lieu of taking any of the measures provided for under rule 13(b) above the Panel may accept from the Respondent one or more undertakings in writing satisfactory to the Panel referring to such period of suspension or prohibition and any conditions which the Panel would have imposed or made under rules 13 (c), (d) and (e) above;

- (g) shall inform the Respondent of his right to request a Panel to Appeal his case as provided in rule 14 below;
  - (h) shall inform the Respondent of his right of appeal as provided in rule 17 below;
  - (i) shall inform the Respondent that to attempt to practise during a period of suspension or to attempt to accept or carry out any direct professional instructions during a period of prohibition or, if the Respondent's right to continue to practise is subject to one or more conditions, not to comply with any such condition, would be serious professional misconduct likely to result in a charge of professional misconduct and a hearing before a Disciplinary Tribunal;
  - (j) shall set down in writing signed by the Chairman of the Panel the decision of the Panel and the terms of any suspension or prohibition recommended, conditions recommended, or undertakings accepted.
14. At any time, during a period of suspension or prohibition imposed or undertaken, or in the event of a significant change in circumstances or other good reason, the Respondent may make a request in writing to the Treasurer for a Panel to be convened to hear an Appeal in his case. Where a significant change in circumstances, or good reason is relied upon, the letter must set out the details of any such alleged change in circumstances or good reason. On receipt of such a letter the Treasurer may in his discretion convene a Panel, or refuse the request. In either case the Treasurer shall inform the Respondent in writing of his decision but shall not be obliged to give reasons. The Treasurer's decision shall be final.
15. At any time during which a Respondent is subject to a period of suspension or prohibition or is practising subject to conditions made pursuant to these Rules, a Respondent may make an Appeal in writing, and the Treasurer may in his discretion convene a Panel to hear any appeal made by the Respondent.
16. When a case is referred for appeal to a Panel under rules 14 or 15 above:
- (a) there shall be a rehearing of the case by the Panel and the provisions of rules 8, 9, and 12 above shall apply save that copies of the report of any expert or any proof of evidence referred to at any previous hearing of a Medical Panel in respect of the same case may be referred to;
  - (b) unless agreed in writing between the Chairman of the Panel and the Respondent that any of the provisions contained in rules 7, 10 and 11 shall not apply, there shall be a preliminary as well as a full hearing of the Panel and the provisions contained in rules 7, 10, 11 and 13 above shall apply thereto.

17. A Respondent may by letter served on the Under Treasurer not more than fourteen days after the date of the relevant decision of the Benchers give notice of his wish to appeal against the decision.

### **Appeals**

18. As soon as practicable after receipt of a letter in accordance with rule 17 above the Under Treasurer shall convene an Appeal Panel and write to the Respondent notifying him of a fixed time and date (normally not less than fourteen and not more than twenty-one days from the date of receipt of the letter) for the hearing to take place. The Respondent may make a written representation, addressed to the Chairman of the proposed Appeal Panel, objecting to the date with reasons and providing two further alternative dates. Any such representation must be received by the Chairman of the Appeal Panel not more than fourteen days from the date of the letter of notification. The Chairman shall consider any such representation and either confirm the original date or re-fix the hearing. If no such representation is received within fourteen days of the date of the letter of notification the hearing shall take place at the time and place originally notified to the Respondent. The Chairman's decision, which shall be notified in writing to the Respondent by the Under Treasurer, shall be final. Once fixed, a hearing date shall be vacated only in exceptional circumstances and with the agreement of the Chairman of the Appeal Panel.
19. The proceedings before an Appeal Panel shall be by way of a rehearing and the provisions of rules 8 and 12 above shall apply as if for references therein to the Medical Panel and the Chairman of the Medical Panel for the purposes of a full hearing of a Medical Panel there were substituted references respectively to the Appeal Panel and the Chairman of the Appeal Panel, save that copies of the report of any expert or any proof of evidence referred to at any hearing of a Medical Panel in respect of the same case may be referred to.
20. At the conclusion of the hearing, the Appeal Panel:
  - (a) may allow the appeal and decide to take no action;
  - (b) confirm the decision that is the subject of the appeal;
  - (c) may exercise any of the powers of a Medical Panel as set out in rules 13(c), (d), (e), and (f) above;
  - (d) shall inform the Respondent of his right to request the Treasurer to convene a Panel to consider his case as provided in rule 14 above;

- (e) shall inform the Respondent that to attempt to practise during a period of suspension or to attempt to accept or carry out any direct professional access instructions during a period of prohibition or, if the Respondent's right to continue to practise is subject to one or more conditions, not to comply with any such condition, would be serious professional misconduct likely to result in a charge of professional misconduct and a hearing before a Disciplinary Tribunal;
  - (f) shall set down in writing signed by the Chairman of the Panel the decision of the Panel and the terms of any suspension or prohibition recommended, conditions recommended, or undertakings accepted. If the members of the Panel are not unanimous as to the decision the decision shall be that of the majority of them.
21. A pending appeal to an Appeal Panel shall not operate as a stay of any period of suspension or prohibition from accepting or carrying out any direct professional access instructions or any conditions or the terms of any undertaking which is the subject of the appeal.
22. There shall be no right of appeal from the recommendation of an Appeal Panel.

#### **Costs**

23. A Medical Panel and an Appeal Panel shall have no power to award costs.

#### **Confidentiality of medical reports**

24. A Respondent's medical records and any report prepared for or submitted to a Medical Panel or an Appeal Panel shall not be used for any other purpose than is provided for in these Rules and shall not be disclosed to any other person or body without the consent in writing of the Respondent.

#### **Report and Publication of Decisions**

25. As soon as practicable after the Benchers have considered the recommendations of a Medical Panel hearing or an Appeal Panel hearing, the Under Treasurer shall confirm the decision to the Respondent in writing.
26. (1) Unless the decision of the Benchers considering recommendations of a Medical Panel full hearing or an Appeal Panel hearing is to take no action and the Respondent is permitted to continue to practise without being subject to any conditions, the Treasurer shall communicate brief details thereof in writing to the following:
- (a) the Lord Chancellor;
  - (b) the Lord Chief Justice;

- (c) the Judges of the High Court and of the County Court
- (d) the Attorney General;
- (e) the Director of Public Prosecutions;
- (f) the Chairman of the Bar Council;
- (g) the Chairman of the Professional Conduct Committee;
- (h) the Respondent;
- (i) the Treasurers of the Respondent's Inn of Call and of any other Inns of which he is a member.

- (2) The Lord Chief Justice may, in his discretion, further communicate details to such others as he deems appropriate in light of the nature and extent of the Respondent's practice.

#### **Service of documents**

27. Regulation 4 (1) of the Disciplinary Appeals Rules shall apply for the purposes of the service of any documents in connection with the procedures which are the subject of these Rules.

#### **15. OTHER COMMITTEES**

There shall be such other standing committees or ad hoc committees of the Executive Council with such composition, functions and powers as the Executive Council shall from time to time determine.

#### **16. PROCEEDINGS OF THE EXECUTIVE COUNCIL**

The Executive 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. 5 shall constitute a quorum. Subject as hereinafter provided questions arising at a meeting shall be decided by a majority of votes of those present and voting, and in the case of an equality of votes the Chairman of the meeting shall have a second or casting vote. If a question be put on an Extraordinary Resolution the requisite number of votes for the passing of the resolution shall be 5 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. 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 Executive Council may determine so as best to ensure that every member of the Executive Council shall have the opportunity of voting. No resolution of the Executive Council shall be rescinded except by a resolution passed by a majority or not less than two-thirds of the members present and (being entitled to do so) voting at a meeting of the Executive Council or by a simple majority of the votes of those voting in a ballot on the question demanded under the last preceding provision of the Regulation

17. On the request of the Chairman or of not less than 3 members of the Executive Council the Secretary shall summon a meeting of the Executive Council. Four clear days' notice at least of each meeting shall be given unless the Chairman in any case of emergency shall otherwise direct.
18. The Chairman shall preside at all meetings of the Executive Council at which he shall be present but if there be no Chairman or if he be absent then the Vice-Chairman shall so preside; but if there be no Vice-Chairman or if he be absent then the members present shall choose one of their number to be Chairman of that meeting.
19. 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 Executive Council.
20. The Executive 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 of its standing 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.
21. The Executive 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 5 they may act as members for the purpose of filling up vacancies in their body but not for any other purpose.

#### **PROCEEDINGS OF COMMITTEES**

22. (a) Every committee shall consider matters referred to it by the Executive Council and any other matters within its terms of reference and shall make periodical reports to the Executive Council as to executive action taken by it to implement general policy laid down by the Executive Council in accordance with these Regulations.
  - (b) A committee may refer a matter to the Executive Council or to any other member or to the Benchers. A committee in referring a matter to the Executive Council or to the Benchers shall always state its own views.
  - (c) Any standing or ad hoc committee may from time to time delegate any of its powers to a sub-committee consisting of members of its body or

other persons (including officers of the Inn) 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 or sub-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.

## **THE BAR COUNCIL**

23. The Bar Council shall be an autonomous body for the purposes of its separate duties, powers and functions in the performance of which it shall not be subject to any directions from the Inn. Such duties, powers and functions and its composition and committees are set forth in Constitution of the Bar Council of Northern Ireland dated 12<sup>th</sup> June 2015 . For the performance of its duties the Bar Council may use the offices and services of the Inn. The Bar Council shall indemnify the former Bar Council and its members against its liabilities outstanding on the operative date. The Bar Council shall indemnify the Benchers and the Executive Council and its members against its liabilities incurred in the exercise of powers, duties or functions under these Regulations.

## **ADMINISTRATIVE STAFF OF THE INN**

24. The Executive Council, upon the recommendation of the Bar Council, shall appoint the Chief Executive, the Secretary and such other administrative officers for such periods and with such remuneration as it thinks fit. Such administrative officers shall discharge all such duties as the Executive Council, and the Bar Council and all their respective committees and sub-committees shall assign to them respectively. The Secretary shall

be secretary of each committee but may, subject to any direction of the Finance Committee, appoint any administrative officer of the Inn as his deputy for this purpose in relation to any committee either indefinitely or for any particular occasion.

#### **DISQUALIFICATION FROM MEMBERSHIP OF THE INN**

- 25.
- (a) The office of Bencher shall be vacated as provided for in these Regulations.
  - (b) Barrister members of the Inn shall be members of the Inn for life unless disbarred.
  - (c) A student of the Inn shall continue to be student of the Inn for life unless he becomes a barrister member of the Inn or resigns or is removed by the Benchers pursuant to these Regulations.
  - (d) Persons registered under Article 3 of the Establishment Directive shall remain so unless deregistered or they become registered under Article 10 of the Establishment Directive.

#### **ANNUAL GENERAL MEETING OF MEMBERS OF THE INN**

26. An Annual General Meeting of the members of the Inn shall be held once in every year on such date and at such time and place as the Executive Council may determine. At the Annual General Meeting the Executive Council shall present its annual report and accounts. Every Bencher and barrister member of the Inn and persons registered under the Establishment Directive shall be entitled to attend the Annual General Meeting.
27. 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 (if any) as the Executive Council may from time to time direct. Such notices shall specify the place, the day and the 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 manner provided shall not invalidate the proceedings of any meeting.
28. Any Bencher or barrister member of the Inn or persons registered under the Establishment Directive 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 thereof shall have been given in writing to the Secretary not less than 14 clear days before the date of the meeting.
29. 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.

30. If within 20 minutes after the time appointed for an Annual General Meeting a quorum be 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.
31. The Treasurer shall preside as Chairman at every Annual General Meeting and in his absence the Chairman of the Executive Council shall so preside. In the absence of the Chairman the Vice-Chairman shall so preside. If at any Annual General Meeting one of the aforementioned officers be not present after the time appointed for holding the same the persons present shall choose some Bencher or, if no Bencher be present and willing to take the chair, some other person present to preside.
32. At any Annual General Meeting no member of the Inn 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.

#### **INVESTMENT AND BORROWING**

33. Funds not held upon a charitable trust may be placed on deposit or invested in the purchase of or upon the security of such shares, stocks, funds, securities, lands, buildings, chattels or other investments or property of whatsoever nature and wheresoever situate and whether involving liabilities or producing income or not or upon personal credit with or without security in all respects as if the persons exercising the powers of investment hereby conferred were absolute owners beneficially entitled and so that any investments shall be held in the name of the Trustees from time to time.
34. The Executive Council shall have power to borrow and secure any moneys borrowed.
35. The powers of investment and borrowing conferred by Regulations 37 and 38 may be exercised at any time and from time to time on behalf of the Executive Council by the Finance Committee.

#### **ACCOUNTS AND BOOKS OF ACCOUNT**

36. The Executive Council shall cause proper books of account to be kept at such place or places as the Executive Council shall think fit.
37. (a) The Executive Council shall each year prepare accounts which shall be duly audited and shall annually present such accounts to the members of the Inn in General Meeting.
- (b) The accounts shall be drawn up to the 31 December in each year.

## **ALTERATION OF REGULATIONS AND BYE-LAWS**

38. Subject to the duty to consult in accordance with the provisions of Section 3 of the Legal Complaints and Regulation Act (Northern Ireland) 2016, these Regulations may be altered or added to or rescinded by Extraordinary Resolutions passed by the Executive Council and the Benchers. The procedure for putting a matter to an Extraordinary Resolution shall be as set out in Regulation 16 and where necessary the references to the Executive Council shall be substituted by references to the Benchers and for the figure 5 shall be substituted by the figure 7.
39. Subject to the duty to consult in accordance with the provisions of Section 3 of the Legal Complaints and Regulation Act (Northern Ireland) 2016, bye-laws may be made and rescinded or amended by the Executive Council from time to time by an Extraordinary Resolution and bye-laws may be made and rescinded or amended by the Benchers from time to time by an Extraordinary Resolution (within the meaning of that expression in Regulation 16 but for the references to the Executive Council substituting references to the Benchers and for the figure 5 the figure 7); provided that all bye-laws of the Executive Council and the Benchers shall be effective insofar only as the same are not inconsistent with these Regulations.

## **GENERAL**

40. (a) The Executive Council may act notwithstanding any vacancy in its numbers.
- (b) All acts done by the Executive 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.
- (c) No proceedings of any general meeting either of members of the Inn or of the Bar shall be invalidated notwithstanding that it be 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.
- (d) No election of any member of the Inn 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.
- (e) 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 authorised by the Finance Committee to act in the latter's place (either prospectively or retrospectively and either generally or for the particular purpose).
- (f) Chairman's Expenses

- (i) As and from 1 February 1996 the reasonable expenses of the Chairman of the Bar Council and the Executive Council shall be met from the funds of the Executive Council.
  - (ii) Any claim for expenses to be incurred by the Chairman shall be paid from the funds of the Executive Council if the expenditure has been approved by the Bursar or the Executive Council in advance.
  - (iii) Any claim for reimbursement of expenses incurred by the Chairman may be paid from the funds of the Executive Council if approved by the Bursar after scrutiny of any receipts or vouchers in respect of the sums claimed.
- (g) In accordance with the requirements of Articles 4, 5, 8 and 31 of and Schedule 1 to the Registration of Clubs (NI) Order 1996, these Regulations contain the provisions specified in Appendix A.

## **APPENDIX A**

1. The business and affairs of the club shall be under the management of a committee or governing body consisting of a secretary, a treasurer and not less than 5 ordinary or life members who are elected to the committee or body for not less than 1 year by the general body of members having rights of voting in relation to the affairs of the club.
2. Elections to the committee or governing body shall be held annually and, if all the elected members do not go out of office in every year, there shall be fixed rules for determining those that are to.
3. The committee or governing body shall hold periodical meetings.
4. The names and address of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least 1 week before their election, and an interval of not less than 2 weeks shall elapse between the nomination and election of ordinary members.
5. All members of a club shall be elected by the whole body of members having rights of voting in relation to the affairs of the club or by the committee or governing body, with or without specially added members.
6. No persons shall be allowed to become honorary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations specified in the rules.
7. There shall be a defined subscription payable by members on election and thereafter annually by a specified date in the year.
8. An alphabetical list of the names and addresses of every official and member of the club shall be kept on the premises of the club.
9. The same person, except where that person is a parent, husband, wife or child of a member, shall not be admitted as a guest of a member to the club premises on more than 20 days in any period of 12 months.
10. A guest of a member shall not be admitted to the club premises except in the company of a member and the member shall, immediately on the admission of his guest to the club premises, enter his name and the name of his guest in a book which shall be kept for that purpose and which shall show the date of each visit.
11. A member shall be responsible for his guest strictly observing the rules and shall not leave the club premises before his guest and a guest shall not be supplied with intoxicating liquor in the club premises unless upon invitation and in the company of a member.

12. No official, and no manager or servant employed in the club, shall have any personal interest in the supply of intoxicating liquor in the club or in the profits arising from such supply.
13. No person shall be paid at the expense of the club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the club.
14. No person shall, directly or indirectly, derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club or members or guests, apart from any benefit accruing to the club as a whole.
15. Intoxicating liquor shall not be supplied for consumption outside the premises of the club.
16. The date of the end of the financial year of the club is 31 December.