

Dear applicant

**Re: Temporary Membership of the Inn of Court of Northern Ireland and
of the Bar of Northern Ireland**

I refer to your enquiry regarding temporary membership of the Inn of Court of Northern Ireland and of the Bar of Northern Ireland. The obligation to consider the relevant documents and to submit the application rests on the applicant. That obligation should not be delegated to a clerk or assistant and accordingly this correspondence is with you as the applicant rather than to anyone on your behalf.

The governing requirements are contained in the relevant provisions of the Admission Rules, which you will have to consider and observe fully.

There is a formal procedure which must be followed in respect of obtaining temporary call.

A member of the Bar of England & Wales may apply for temporary membership of the Inn of Court of Northern Ireland and of the Bar of Northern Ireland under Rule 20 of the Admission Rules of the Inn of Court of Northern Ireland (for the purpose of conducting a particular case or particular cases) if he or she is invited to accept instructions in a particular case or cases before a Court or Courts in Northern Ireland which arise out of the same facts or involve the same point of law. Temporary membership if granted lasts until all procedures (including appeals) have been completed in respect of the particular case or cases concerned.

You may if you so wish apply for permanent membership of the Inn of Court of Northern Ireland and of the Bar of Northern Ireland under Rule 15 or Rule 15A of the Admission Rules. This letter deals only with the procedure for temporary membership under Rule 20.

Pursuant to Rule 20 (5), your application for temporary membership will be considered by the Temporary Membership Committee of the Inn of Court of Northern Ireland. You should anticipate that if you fail to comply fully with the requirements set out in Rule 20 (2) your application will be refused leaving you, if you so wish, to make a further application.

I draw a number of specific matters to your attention which must be attended to:

1. The Inn of Court application form must be completed and returned.
2. Schedule 4 - Rule 20 (Memorial, Declaration and Undertaking) attached herewith for Temporary Membership must be completed and returned.
3. The evidence that you should provide to comply with Rule 20(2)(i)(a) is a letter from the Solicitor of the Court of Judicature of Northern Ireland who has invited you to accept instructions in the case or cases in respect of which you seek temporary membership. In the letter the solicitor should state the name of the case in which they wish to instruct you. If you seek temporary membership to cover a number of cases which arise out of the same facts or involve the same point of law then in the letter the solicitor should state the name of all of the cases and state the basis upon which it is suggested that they arise out of the same facts or involve the same point of law.
4. The administration fee for processing application for temporary membership specified under Rule 20(7) is **£500**. Should this application require to be expedited as set out in paragraph 7 below, the fee will be **£750**.
5. A passport size photograph must be included with your application.
6. The Temporary Membership Committee will sit to consider applications for temporary call to the Bar of Northern Ireland within the first 2 weeks of each legal term.
7. **Exceptional Applications**

The Temporary Membership Committee may meet more frequently where an application contains exceptional circumstances.

In order to request the Temporary Membership Committee to meet in such circumstances then you should take the following steps:-

- a) Make that application in writing, in an accompanying letter, setting out the exceptional circumstances upon which you rely. This should also include exact details as to when the applicant was invited to accept instructions. Please note that any application for expedition must be completed by the applicant and it is therefore

not the responsibility of the instructing solicitor or clerk to the applicant;

Please note that the administration fee for an expedited application will be £750.

8. The governing requirements are contained in Rule 20 of the Admission Rules. Against that background the Temporary Membership Committee has established an administrative system which includes the following:
 - (a) All documents in relation to an application for temporary membership and, where appropriate, any application to request that an exceptional Temporary Membership Committee meeting is convened should be sent by post at the same time in the same envelope to me.
 - (b) The only documents that will be copied by me and made available to the members of the Temporary Membership Committee are the documents contained in that envelope.
 - (c) If other documents are sent at some other time or in some other fashion then you should anticipate that they will not be copied or made available to the members of the Temporary Membership Committee. If this means that you have failed to comply with the requirements set out in Rule 20 (2) then you should anticipate that your application will be refused leaving you, if you so wish, to make a further application.
 - (d) In cases of exceptional urgency where there is insufficient time to post documents then all documents in relation to an application for temporary membership and if necessary to request that a special Temporary Membership Committee meeting is convened should be sent to me as an attachment to an e mail at the same time. The only documents that will be copied by me and made available to the members of the Temporary Membership Committee are the documents attached to that e mail. If other documents are sent at some other time or in some other fashion then you should anticipate that they will not be copied or made available to the members of the Temporary Membership Committee. If this means that you have failed to comply with the

requirements set out in Rule 20 (2) then you should anticipate that your application will be refused leaving you, if you so wish, to make a further application.

- (e) The obligation to submit the necessary documents is on the applicant. Please note further paragraph 9 below. Please note that my role is purely an administrative one and that I am not responsible for checking papers before they are sent to the Committee for consideration.
 - (f) If for any reason you wish to make reference to previous appearances as counsel and/or grants of temporary membership in this jurisdiction, kindly ensure that you include within your application full particulars and, further, that, if necessary, you append thereto relevant documents, including in particular the Lord Chief Justice's Certificate of Temporary Membership.
9. I would emphasise in particular paragraph 8(e) above. Those who contemplate temporary membership of the Inn of Court of Northern Ireland and of the Bar of Northern Ireland have an obligation to study and understand the relevant regulatory requirements and to act accordingly. You should not require any information other than that contained in this letter, the attachments and Rule 20. While this letter is designed to be helpful and informative, the information which it contains is provided gratuitously. If you form the view that you must apply for temporary membership, the necessary materials, fully and accurately completed, accompanied by the requisite payment, must be sent with your application. Exceptionally, in truly borderline or doubtful cases, the Temporary Membership Committee will consider a provisional application, which is an application to the Temporary Call Committee for advice and if the advice is that there should be an application for temporary membership then the Committee will in addition to giving advice also at the same time consider and determine that application. The procedure is identical in all respects to a conventional application, that is to say you must submit the requisite materials fully and accurately completed, together with the appropriate cheque for the administration fee of either £500 or £750. Cheques should be made payable to "The Executive Council Account". Payments can also be made by credit card or bank transfer on request. Absent some compelling or exceptional circumstance, supplementary communications such as emails or letters

will not be considered by either myself or the Committee. ***(PLEASE NOTE FURTHER INFORMATION REGARDING FEES TO BE DISCHARGED AT 10 (i) AND (ii)).***

10. I draw to your attention to the fact that it is a disciplinary offence to accept instructions or to hold yourself out as a barrister without a valid practising certificate. Thus you will have to make a separate and distinct application to the General Council of the Bar of Northern Ireland for a temporary practising certificate. Please note particularly paragraph 6 of the Application Form. Such separate application will be considered by a duly designated committee of that organisation. I am anxious to ensure that there is no confusion regarding the two separate committees concerned. Kindly note, if you are successful in seeking temporary call, it will be necessary to discharge the following fees in addition to those set out above, namely:-

- i) The Call Fee **£250**
- ii) Practising Certificate fee **£250**

Further information, including the application form for a temporary practising certificate, may be obtained from Ms McIlwaine, Bar Council Office, Bar Library, 91 Chichester Street, Belfast BT1 3JQ Tel: 028 9056 2349, DX 002 NR Belfast or by email:- madeline.mcilwaine@barofni.org

This Committee will convey its determination to the Temporary Practising Certificate Committee. You will have no entitlement (to appear) to act on instructions in the case/s to which your application relates unless and until you receive the necessary temporary practising certificate, together with the appropriate Certificate signed by the Lord Chief Justice.

Yours sincerely

Lisa Mayes
Clerk to the Benchers