

# EDUCATION RULES OF THE HONORABLE SOCIETY OF KING'S INNS



ADMISSION OF STUDENTS  
COURSES OF EDUCATION AND TRAINING  
CONFERRING OF THE DIPLOMA IN LEGAL STUDIES  
CONFERRING OF THE DEGREE OF BARRISTER-AT-LAW  
CALL TO THE BAR

Edition of January 2006

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# **PART I**

## **INTRODUCTION**

### **1. The Honorable Society of King's Inns**

The Honorable Society of King's Inns is the body which governs entry to the profession of barrister-at-law. The Society provides courses of education and training for students, conducts examinations and confers the Diploma in Legal Studies and the Degree of Barrister-at-Law. Only holders of this degree may be called to the Bar of Ireland by the Chief Justice and admitted to practise in the courts of Ireland as members of the Bar of Ireland.

## PART II

### THE SOCIETY'S DIPLOMA IN LEGAL STUDIES

#### 2. Educational qualifications for admission to the Diploma Course

- (a) Every person who seeks a place on the Diploma in Legal Studies course shall
- (i) hold an approved degree from a university or from another third level educational institution other than an approved degree which would qualify the student, for the time being, to sit for the Society's entrance examination in accordance with Part III, or
  - (ii) be at least twenty five years of age on the 1 of May in the year in which he presents himself for examination in Part I of the diploma examination. Consideration will be had to (a) academic and professional qualifications and (b) occupation and work experience. An applicant who holds an approved degree may not apply for a place reserved for mature applicants.
- (b) Every person who seeks a place in the diploma course must lodge the appropriate application form not later than the 30 April in the year in which he seeks a place. In the case of an applicant who is in the process of acquiring the necessary educational qualifications to be eligible for a place in the diploma course, the application may be made on a provisional basis not later than the 30 April and shall be treated as conditional upon such educational qualifications being acquired not later than the 15 July in the year in which he seeks a place. Applications are also accepted on payment of a late fee up to 30 June in the year which he seeks a place. Fees must be paid in accordance with the directions that are laid down by the Society.
- (c) An applicant who has been allocated a place shall be notified in writing by ordinary post to the address given in his application form or a subsequently amended address which must be notified in writing to King's Inns. He shall signify his acceptance of such place not later than ten days from the date of posting by payment of such fee as may be laid down from time to time. If he fails either to indicate his acceptance or to pay the required fee within the specified time, his place may be offered to another candidate designated by the Education Committee. The decision of the Education Committee as to the allocation of places in the diploma course shall be final.

### 3. The Society's Diploma in Legal Studies

- (a) The Society's diploma examination shall be an examination of similar standard as that of the approved degrees in law.
- (b) With effect from the academic year 2002/2003 the Society's diploma examination shall be an examination in the following subjects:

#### **Part 1**

Introduction to the Legal System  
Irish Constitutional Law  
Criminal Law  
Law Land  
(including Law of Succession)  
Law of Contracts  
Law of Torts

#### **Part 2**

Company Law  
Equity  
Law of the European Union  
Evidence  
Jurisprudence  
Family Law

(Note: The Education Committee shall be entitled to vary, from time to time, the contents of the course)

- (c) Each student of the diploma course must complete the course of education provided in each of the two years of the course by attending at lectures in accordance with regulations made from time to time by the Education Committee. Attendance at lectures is compulsory.
- (d) The annual examination in the subjects of the diploma course shall be taken on such dates as shall, from time to time, be determined by the Education Committee. Such examinations shall be held at King's Inns or such other place or places as the Education Committee may appoint.
- (e) Each student must present himself for his first attempt at the annual examinations in the academic year for which he has registered (as a full time student). Each student is allowed two attempts only at Part 1 and two attempts only at Part 2.
- (f) Supplemental examinations may be held before the beginning of Michaelmas term but those students only who have taken the annual examination in the same year and failed to obtain a pass shall be eligible to take the supplemental examination. Notification of intention to take the supplemental examination shall be given on or before the 31 July preceding the examination and the appropriate fee must be paid.  
A student who is unable to take his second attempt at the supplemental examinations must apply for permission to take his second attempt at the annual examination in the following year. The application must be made to the Education Committee before 15 July in the year that he failed. If the

application is granted, notification of intention to present for the second attempt shall be given on or before 15 February preceding the examination and the appropriate fee shall be paid.

- (g) A student who takes the diploma examination (Part 1 or Part 2 as the case may be) and who fails to pass in any one or more subjects of such examination after two attempts at such examination shall not be allowed to present himself for examination again.
  
- (h) To be awarded a pass in Part 1 or Part 2 of the diploma examination a student must receive marks of at least 40% in each subject. If a student be awarded a pass in three or more subjects at his first sitting of either part of the diploma examination he may be exempted from further examination in those subjects.
  
- (i) A student who obtains aggregate marks of 70% or over shall be awarded first class honours. A student who obtains aggregate marks of 60% or over shall be awarded second class honours.
  
- (j) No student will be allowed to proceed to Part 2 of the diploma course unless he shall have successfully passed the examination for all subjects in Part 1.
  
- (k) A diploma in legal studies shall be awarded to all candidates who pass the Society's diploma examination in all subjects. The award shall be designated second class honours where the candidate shall have been awarded aggregate marks in the annual examinations (Part 1 and Part 2) of 60% or more but below 70% and first class honours for aggregate marks of 70% or more.

## PART III

### THE BARRISTER-AT-LAW DEGREE COURSE

#### 4. Definitions

- (a) 'annual entrance examination' means the annual entrance examination leading to the admission to the Barrister-at-Law degree course.
- (b) 'core subjects' Land Law (including Law of Succession), Law of Contracts, Law of Equity, Law of the European Union, Law of Torts, Jurisprudence.
- (c) 'approved degree' means
  - (i) any full time degree in the law of Ireland or in the law of Northern Ireland from a university approved by the Society and conferred on a student who has been examined and who has passed the five core subjects,
  - (ii) such other degrees that are awarded by any university in which the law of Ireland or of Northern Ireland is a principal or dominant element approved for the purpose of these Rules and conferred on a student who has been examined and who has passed the five core subjects,
  - (iii) the degrees specified in the schedule to these Rules and conferred on a student who has been examined and who has passed the five core subjects.
  - (iv) Persons who commenced their university degree course before 1/8/2003 and have not been examined and passed Jurisprudence but would otherwise be the holder of an approved degree within the meaning of the preceding paragraphs may be deemed to be the holder of an approved degree if they pass Jurisprudence in the Society's Diploma examination.
- (d) 'approved university' shall mean such university specified in the schedule to these rules or as recommended by the Accreditation Board and approved by the Council of King's Inns. The universities specified in the schedule to these rules shall be approved universities for the purposes of their respective approved degrees.
- (e) "A post graduate diploma in law" shall mean a diploma, degree or other award which is conferred by a third level educational institution following the successful completion of a course which:-
  - (i) is primarily open to persons holding primary degrees (the availability of a limited number of places for non graduate mature

- students shall not exclude a course coming within this definition);  
and
- (ii) is considered by the Accreditation Board to be of equivalent standard to a course leading to an approved degree in the law of the State or Northern Ireland having regard to teaching methods (including availability of tutorials); library and research facilities and range of subject choices.
- (f) “An approved post graduate diploma” means:-
- (i) the Diploma in Legal Studies from the Honorable Society of King’s Inns; and
- (ii) such other post graduate diplomas in the Law of Ireland or of Northern Ireland approved for the purposes of these Rules and conferred on a student who has been examined and passed the five core subjects.

## 5. Accreditation Board

(a) There shall be nominated in January of each year an Accreditation Board (as set out below)

- to consider applications from a university for recognition of a particular degree as an approved degree of the said university as an approved university for the purpose of these rules
- to consider applications from third level educational institutions for recognition of a post-graduate diploma in law as an approved post-graduate diploma for the purposes of these Rules.

(b) The Accreditation Board shall comprise the following members:

- (i) One member nominated by the Council of King’s Inns,  
(ii) two members of the Education Committee nominated by the chairman,  
(iii) the Director of Education.

The Accreditation Board shall elect its own chairman.

(c) Any application for recognition as an approved degree or as an approved university or as an approved post-graduate diploma shall be made not later than the 1 March (or such later date as may be agreed by the Accreditation Board) in any given calendar year. The Accreditation Board shall be entitled to request from the university or third level educational institution such information and assistance as it deems necessary.

(d) The decision of the Accreditation Board shall be final. In the absence of agreement the decision shall be made by simple majority and the chairman shall have a casting vote

## 6. Entrance Examination

There shall be an annual entrance examination for admission to the Barrister-at-Law degree course. The entrance examination shall be held once annually in the month of September.

It shall comprise the following subjects

Company Law  
Criminal Law  
Irish Constitutional Law  
Law of Evidence  
Law of Torts

No person shall be admitted as a student member of the Society (subject to the provisions of rule 12) for the course of education leading to the Barrister-at-Law degree course unless he has passed the annual entrance examination in all subjects.

## 7. Eligibility to sit the Annual Entrance Examination

(a) In order to be eligible to sit the entrance examination a candidate shall be required to hold either:

- (i) an approved degree from an approved university,
- (ii) an approved post-graduate diploma.

(b) A candidate seeking to take the entrance examination must lodge the appropriate application form not later than the 30 April in the year in which admission is sought. An applicant who is in the process of acquiring the necessary educational qualifications may apply on a provisional basis not later than the 30 April and the application shall be treated as conditional upon such qualifications being acquired not later than the 8 July in the year in which he seeks a place. Applications are also accepted on payment of a late fee up to 30 June in the year which he seeks a place. Fees must be paid in accordance with the directions that are laid down by the Society.

(c) A candidate shall pay the prescribed fee with the application.

## 8. Disqualifications

No person shall be eligible to be a candidate for the annual entrance examination if:

- (i) he is engaged in any occupation which, in the opinion of the benchers of King's Inns, is incompatible with the position of a student seeking to be called to the Bar; or

- (ii) he is for any reason considered by the benchers to be unsuitable for admission.

## **9. Marks and Standards**

- (a) To be awarded a pass in the entrance examination a candidate must achieve marks of at least 40% in each subject. A Candidate who fails more than one subject shall not be permitted to pass the examination. A candidate who fails one subject shall be permitted to pass the examination if he achieves a pass mark when the marks of all subjects are averaged out, provided that the failure in that subject does not fall below a minimum of 10% lower than the pass mark.
- (b) A candidate who attains aggregate marks of 70% or over shall be awarded first class honours. Candidates who receive aggregate marks of 60% or over shall be awarded second class honours.
- (c) Candidates who take the entrance examination shall pass all subjects in one sitting subject to the above provision concerning compensation. No exemptions in any subject shall be allowed. Candidates are not allowed to transfer results from one year into a subsequent year.

## **10. Exemptions**

Candidates who take the annual entrance examination shall pass all subjects in one sitting subject to the above provision concerning compensation. No exemptions in any subject shall be allowed. Candidates will not be allowed to transfer results from one year into a subsequent year.

## **11. Eligibility to resit the Annual Entrance Examination**

- (a) Candidates who sit and fail the entrance examination shall be permitted to re-sit the entrance examination in all subjects in two subsequent years only. In order to re-sit the entrance examination, the candidate must submit a new application.
- (b) Candidates who sit and pass the entrance examination and who have declined to take up their place [except candidates who are permitted to defer in accordance with rule 12(c)] shall have two further attempts at the entrance examination. In order to re-sit the entrance examination, the candidate must submit a new application.

## **12. Allocation of Places in the Barrister-at-Law Degree Course**

- (a) All candidates who pass the entrance examination will be offered a place on the degree course in the year in which they pass the examination, save in the

exceptional circumstance that the number of those passing exceeds the available teaching capacity.

- (b) In the event that the number of students passing the entrance examination exceeds the available teaching capacity, the available places will be allocated to successful candidates in order of merit determined by the aggregate marks obtained at a specific sitting. Candidates not offered a place in the year in which they pass the examination, or who avail of permission to defer, shall be offered a place in the succeeding year in priority to candidates who pass the entrance examination in that year
- (c) A candidate who has been offered a place on the Barrister-at-Law degree course shall not be allowed to defer the offer to any subsequent year save with the consent of the Examination Board. Offers of places must be accepted in accordance with the time frame laid down by the Education Committee.
- (d) The Examination Board shall only permit a candidate to defer an offer of a place on the Barrister-at-Law degree course to a subsequent year upon one of the following exceptional grounds:
  - (i) exceptional personal circumstances which could not have been foreseen at the date of application to sit the entrance examination and which preclude the candidate from taking up the place on the Barrister-at-Law degree course in the relevant year; or
  - (ii) an exceptional professional or academic opportunity which was not available to the candidate at the date of application to sit the entrance examination and which, in the opinion of the Examination Board, would significantly contribute to the candidate's future practice at the Bar.
- (e) An application to defer may be made prior to the allocation of a place and conditional upon the allocation and must be made within ten days from the date upon which notice of the offer of the place on the Barrister-at-Law degree course is given.
- (f) Any consent of the Examination Board to a candidate to defer a place shall be for a maximum of two years.

### **13. Annual Entrance Examination Fee**

- (a) Each candidate shall attach to his application form for the annual entrance examination such fee as shall from time to time be prescribed by the Council of the Honorable Society of King's Inns.

## 14. Examination Board

- (a) There shall be nominated in January of each year an Examination Board comprising the following members:
- (i) a judge of the Superior Courts nominated by the Chief Justice,
  - (ii) a member of the Bar nominated by the Council of King's Inns,
  - (iii) a member of the Bar nominated by the Bar Council of Ireland,
  - (iv) three members of the Education Committee nominated by the Chairman of that Committee,
  - (v) the Director of Education, *ex officio*.

The Examination Board shall elect its own chairman.

- (b) All decisions concerning the entrance examination shall be taken by the Examination Board the decisions of which shall be final. In the event of a lack of agreement, decision shall be by simple majority and the chairman shall have a casting vote.
- (c) The functions of the Examination Board shall include:
- (i) appointing examiners and external examiners for the entrance examination,
  - (ii) reviewing the results of the entrance examination,
  - (iii) publishing the results and the examiners' reports relating to the entrance examinations.
- (d) (i) The Examination Board shall meet from time to time as it deems necessary.  
(ii) The quorum of the Examination Board shall be not less than three for all meetings.
- (e) Not more than one person involved in teaching or examining in either the diploma or the degree course shall be eligible to be appointed as an examiner or as an external examiner in the entrance examination or be a member of the Examination Board.

## 15. Content of the Degree Course

The course of education leading to the award of the degree of Barrister-at-Law is a two year course. The content of the course is as follows (subject to such alterations as may be made from time to time by decision of the Education Committee).

### First Year

1. Court practice and procedure, civil and criminal
2. Commercial & Insolvency Law

3. Taxation
4. Administration and Planning Law
5. Conveyancing
6. Competition Law

### **Final Year**

1. Court practice and procedure, civil and criminal
2. Employment Law
3. Advocacy, Legal Drafting and Negotiation
4. Law of Landlord and Tenant
5. Law of Evidence
6. Law of Arbitration

A limited number of lectures may also be given on other branches of the law in either or both years. The Society shall make available to barrister and students an optional advanced advocacy and legal drafting course through the medium of Irish.

### **16. Lectures, Tutorials, Examinations and Assessments**

- (a) Before being admitted to the degree of Barrister-at-Law a student must pass examinations in each subject of the course of education and satisfy the Benchers of King's Inns that he has attained a satisfactory standard of education in each subject.
- (b) Each student must complete the course of education provided in each of the two years by attending at lectures and tutorials in accordance with regulations made from time to time by the Education Committee. Attendance at lectures and tutorials and other courses prescribed by the Education Committee is compulsory.
- (c) The annual examinations in the subjects of the degree course shall be taken on such dates as shall, from time to time, be determined by the Education Committee. Such examinations shall be held at King's Inns or such other place or places as the Education Committee may appoint. Each student must present himself for his first attempt at the annual examination in the academic year for the year in which he is registered (as a full time student).
- (d) Degree students who fail their first attempt in the annual examination may have three further attempts as follows:
  - 2<sup>nd</sup> attempt: Supplemental examination sitting (same year as annual examination)
  - 3<sup>rd</sup> attempt: annual examination sitting (year following first and second attempts)

4<sup>th</sup> attempt: supplemental examination sitting (year following first and second attempts)

Notification of intention to present for 2<sup>nd</sup>, 3<sup>rd</sup> and final attempts must be given on or before 31 July or 15 February preceding the examination and the appropriate fee must be paid in accordance with the directions that are laid down by the Society

A student who is unable to take his 2<sup>nd</sup>, 3<sup>rd</sup> or final attempt as stipulated above must apply for permission to postpone his further attempts. The application must be made to the Education Committee before 15 July or 15 November in the year that he failed.

- (e) A student may not commence the final year course until he has passed examinations in each subject of the first year course and his attendance, participation and performance at tutorials (if any) is reported as having been satisfactory.
- (f) Supplemental examinations may be held before Michaelmas term in each year but those students only who shall have sat for the annual examination in the same year and failed to obtain a pass shall be eligible to sit for the supplemental examination. Notification of intention to sit for the supplemental examination shall be given on or before the 31 July preceding the examination.
- (g) A student who sits for the first year degree examination or the final year degree examination (as the case may be) and who fails to pass in any one or more subjects of such examination within two academic years shall not be allowed to sit again.
- (h) All subjects for examination for the course for each year must be taken at each annual examination. To be awarded a pass a student must receive marks of at least 50% in each subject. If a student be awarded a pass in three or more subjects at the annual examination in any year he may be exempted from further examination of those subjects. No exemptions are given on results of a supplemental examination. For the purpose of clarification, any subsequent examination taken by a student who has failed some or all of the subjects in the annual examination shall be regarded as a supplemental examination in the case of each student. Reports received on his attendance, participation and performance at tutorials may be taken into consideration to determine whether a student be allowed a pass in any examination and to determine whether a candidate be allowed exemption from further examination.
- (i) Honours (to be designated second class honours) may be awarded to every student passing the annual examination in which he shall have been awarded

aggregate marks of 60% or more but below 70%. The honours to be awarded to a student whose aggregate marks are 70% or more shall be designated first class honours. Before honours may be awarded to a student, reports on his attendance, performance and participation at tutorials may be taken into consideration. The award of the degree of Barrister-at-Law shall be designated second class honours where the student shall have been awarded aggregate marks in the first year and final year of the Degree Course annual examinations of 60% or more but below 70%.

#### **17. Special Examinations**

The Education Committee may, on such conditions as it may prescribe, grant a special examination to any student on any grounds it may deem sufficient and such examination will be accepted in substitution for an equivalent annual or supplemental examination for purposes of admission to the degree of Barrister-at-Law.

### **18. Commons**

Students on the barrister-at-law course are required to dine in the hall on 10 occasions during the academic year. Details are available from the Under Treasurer.

### **19. Admission to the Degree of Barrister-at-Law**

Every student who has complied with these rules and who wishes to be admitted to the degree of Barrister-at-Law must lodge at the Under Treasurer's office a completed declaration for admission to the degree of Barrister-at-Law. The certificate which is included in the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal which is included in the memorial must be signed by a bencher of the Society.

The declaration for admission to the degree of Barrister-at-Law shall include an undertaking by the applicant that, if admitted to practise at the Bar of Ireland, he (a) will not embark on practice as a barrister without first becoming a subscribing member of the Law Library and submitting to the disciplinary jurisdiction of the General Council of the Bar of Ireland (including the right, in appropriate circumstances, to suspend from membership of the Law Library for professional misconduct) and (b) will not embark on practice as a barrister until he has been accepted as a pupil for the normal period of pupillage by a practising barrister to be approved by the General Council of the Bar of Ireland.

The attention of students is drawn to the Legal Practitioners (Qualification) Act, 1929, regarding the requirement for barristers to have knowledge of the Irish language before being permitted to practise in the courts of Ireland.

**20. Precedence for Honours at Call to the Bar**

At each call to the Bar those students who have obtained scholarships, exhibitions and prizes shall take rank and seniority over all other students who shall be called on the same day and those who have obtained scholarships, exhibitions and prizes shall take rank and seniority among themselves according to their respective merits.

20 (a) Before being admitted to the degree of Barrister-at-Law a student must successfully complete the degree course. Regulations concerning the successful completion of the degree course shall be made by the Education Committee and may be amended by it from time to time.

## PART IV

### RULES APPLICABLE TO SPECIALLY QUALIFIED APPLICANTS

#### 21. Northern Ireland Barristers

- (a) A member of the Bar of Northern Ireland who has been in practice for at least three years immediately preceding his application may, at the discretion of the benchers of the Society, be admitted to the Society and to the degree of Barrister-at-Law without submitting to any examination and without keeping terms provided he complies with the requirements set out in paragraph (b).
- (b) Every such applicant shall
- (1) produce a certificate of his call to the Bar of Northern Ireland and a certificate from the Lord Chief Justice stating that he is a fit and proper person to be called to the Bar of Ireland and a certificate from the proper officer stating that he has been practising for at least three years immediately preceding his application,
  - (2) lodge at the Under Treasurer's office a completed declaration for admission to the Society and to the degree of Barrister-at-Law (the certificate part of the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal part must be signed by a Bencher of the Society), and
  - (3) pay the degree fee set out in the schedule of fees.

#### 22. English and Welsh Barristers<sup>1</sup>

- (a) A member of the Bar of England and Wales who has been in practice for at least four years immediately preceding his application may, at the discretion of the Benchers of the Society, be admitted to the Society and the degree of Barrister-at-Law without submitting to any examination provided he complies with the requirements of paragraph (b) and provided that, at the date of his application for admission, there are in existence reciprocal arrangements in like terms or such other terms as are acceptable to the Benchers for the time being.

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<sup>1</sup> This reciprocal arrangement in abeyance at the time of printing (1 January 2002)

(b) Every such applicant shall

- (1) produce a certificate of his call to the Bar of England and Wales and a certificate from the Attorney General of England and Wales stating that he is a fit and proper person to be called to the Bar of Ireland,
- (2) produce certificates from the chairman of the Bar Council and his head of chambers (or former pupil master) or a practising barrister of 10 years standing who knows the applicant stating that he has been practising for at least four years immediately preceding his application,
- (3) give an undertaking to accept work in the Courts of Ireland if instructed by a solicitor in that jurisdiction,
- (4) give an undertaking to take out or extend his existing insurance to cover him for work undertaken in this jurisdiction for an amount and on terms equivalent to those required for an Irish barrister,
- (5) give an undertaking that he intends to continue in practice as a barrister in England and Wales or Ireland,
- (6) lodge at the Under Treasurer's office a completed memorial for admission as a barrister (the certificate part of the memorial must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal part must be signed by a bencher of the Society),
- (7) keep commons, unless excused from doing so by special permission of the benchers of the Society, and
- (8) pay the appropriate fee for admission to the degree of barrister-at-Law.

### **23. Barristers of Reciprocating Countries**

(a) In this rule 'reciprocating country' means any country, state or province where separate rolls are kept of members of the legal profession of such country, state or province who practise as solicitors and barristers respectively and which in the opinion of the Society affords corresponding advantages to members of the Bar of Ireland. 'Member of the Bar' means a person having the general right of audience before the superior courts.

(b) A member of the Bar of a reciprocating country who has been in practice for at least three years immediately preceding his application may, at the discretion of the benchers of the Society, be admitted to the Society and the degree of Barrister-at-Law without submitting to any examination and without keeping terms provided he complies with the requirements set out in paragraph (c).

(c) Every such applicant shall

- (1) produce a certificate of his admission to practise as a member of the Bar and a certificate from the attorney general or senior law officer of the reciprocating country stating that he is a fit and proper person to be called to the Bar of Ireland and a certificate from the proper officer

- stating that he has been practising as a member of the Bar for at least three years immediately preceding his application,
- (2) lodge at the Under Treasurer's office a completed memorial for admission as a barrister (the certificate part of the memorial must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal part must be signed by a Bencher of the Society), and
  - (3) pay the appropriate fee for admission to the degree of Barrister-at-Law.
- (d) If the law of the reciprocating country is not based on common law and a member of the Bar of Ireland before becoming eligible to practise at the Bar of such country is required to pass an examination in the local law, this rule shall apply subject to the qualification that such applicant may, before call to the Bar of Ireland, be required to pass an examination in such subjects as may be prescribed from time to time by the Education Committee.

#### 24. **Solicitors**

- (a) A solicitor who has been in practice in the State for three years at least immediately preceding his application and who during the three years immediately preceding his application, has been in practice in the State and held a practising certificate (or exempted by statute from holding same) may, at the discretion of the benchers of the Society, be admitted into the Society and called to the Bar without undertaking the Society's course of education and without keeping terms provided he complies with the requirements set out in paragraph (b).
- (b) Every such applicant shall
  - (1) pass such examinations (if any) as may be determined from time to time by the Education Committee,
  - (2) cease to act or practise as a solicitor and have his name removed on his petition from the Roll of Solicitors three months at least before being admitted into the Society as a Barrister-at-Law,
  - (3) lodge at the Under Treasurer's office a statutory declaration that he has ceased to be financially interested in any solicitor's business,
  - (4) produce a certificate from the President of the Law Society of Ireland stating that he is a fit and proper person to be called to the Bar,
  - (5) lodge at the Under Treasurer's office a completed declaration for admission to the Society and to the degree of Barrister-at-Law (the certificate which is included in the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal therein must be signed by a bencher of the Society), and
  - (6) pay the degree fee as set out in the schedule of fees.

- (c) Every such applicant may be allowed, at the discretion of the Education Committee, to take the examination of the Society before he ceases to be a solicitor. A Solicitor will be eligible to take such examinations, if any, as may be determined by the Education Committee pursuant to Rule 24(b)(1) above once he or she has been in practice in the State and held a practicing certificate (unless exempted by statute from holding same) for a period of not less than two years.

## **25. Qualified Lawyers from other EU Member States**

- (a) A person who is entitled to seek to practise the profession of barrister in Ireland pursuant to EC Directive 89/48/EEC ('the directive') and the regulations implementing same in Ireland (hereinafter called 'the migrant') may apply to be admitted to the Society and to the degree of Barrister-at-Law in accordance with this rule. Only holders of the degree may be called to the Bar of Ireland by the Chief Justice and admitted to practise in the Courts of Ireland as members of the Bar of Ireland.
- (b) The Council of King's Inns ('The Council') is the designated and the competent authority for the profession of Barrister in Ireland for the purpose of applying the Directive and shall make all necessary decisions on an application under this rule.
- (c) A migrant shall apply to be admitted to the Society and the degree of Barrister-at-Law in such form as may be specified by the Council. Such application shall include or be accompanied by
- (i) particulars of the diploma or other evidence of training and qualifications relied upon by the migrant as entitling him to practise as a barrister in Ireland under the terms of the Directive ,
  - (ii) the original or a duly authenticated copy of every such diploma, certificate or other document relied upon by the migrant,
  - (iii) such evidence as is relied upon by the migrant to establish:
    - (1) that he is of good character and repute; and
    - (2) that he has not been declared or adjudged bankrupt or had a similar order made against him or in relation to his estate; and
    - (3) that he has not on the ground of professional misconduct or the commission of a criminal offence been prohibited from practising in any member state in which he formerly qualified or practised and is not currently suspended from so practising,
  - (iv) such representations or evidence as the migrant may wish to make in support of any application that he be wholly or partially exempted from passing an aptitude test in accordance with paragraph (f) of this rule,
  - (v) any other representations or material upon which the migrant may wish to rely in support of his application, and
  - (vi) the migrant's application fee set out in the schedule of fees.

- (d) Any document or certificate presented by the migrant pursuant to subparagraph (iii) of paragraph (c) above must be presented no more than three months after its date of issue.
- (e) The Council shall consider the migrant's application as soon as is reasonably practical and shall issue to the migrant a reasoned decision thereon not later than four months after all documents relied upon by the migrant have been lodged. Such decision may be:
  - (i) that the migrant be admitted to the Society and degree of Barrister-at-Law by the benchers without being required to pass any part of the aptitude test,
  - (ii) that the migrant be admitted to the Society and degree of Barrister-at-Law by the benchers subject to the migrant passing the whole or any part of the aptitude test, or
  - (iii) that the migrant's application be refused.

In reaching the foregoing decision the Council shall consider the diploma or other qualification of each migrant relied upon in his application and may only require the migrant to pass those parts of the aptitude test which cover matters which differ substantially from those covered by his diploma or other qualification.

- (f) The migrant may be required to pass all or part of an aptitude test. The following shall apply in relation to the aptitude test:
  - (i) the aptitude test shall be in such form as may be decided by the Education Committee and shall comprise three written papers and one oral assessment,
  - (ii) the written papers shall include:
    - (1) A paper on the Irish Legal System and Irish Constitutional Law,
    - (2) A paper on the Law of Torts and Contract and, at the election of the migrant, either the Law of Property (including Equity and Trusts) or Criminal Law.
    - (3) A paper on Evidence, Practice and Procedure of the Superior Courts and, at the election of the migrant, either Civil Practice and Procedure of the Circuit and District Courts or Criminal Practice and Procedure of the Circuit and District Courts.
  - (iii) the oral assessment shall evaluate the migrant's preparation and oral presentation of a case and his knowledge of the rules of ethics and code of conduct for barristers,
  - (iv) the written part of the aptitude test will be held twice a year upon such dates as may be determined by the Education Committee,
  - (v) a migrant shall not be eligible to take the oral assessment until such time as he shall have successfully passed such written parts thereof of the aptitude test as he is required to take,

- (vi) a migrant who is required to pass the aptitude test must take all parts of the test (or all parts which he is required to pass) at the same occasion on which the test is held,
  - (vii) a migrant who is required to pass the aptitude test must take the test (or the relevant parts of the test) within two years after the date of the issue of the decision referred to in paragraph (e) above.
- (g) Every migrant shall keep not less than two terms commons. The Council may permit a migrant to give an undertaking to comply with all or part of this obligation after call to the Bar or may exempt the migrant from all or part of this obligation.
- (h) A migrant who has received a decision from the Council in terms of paragraph (e) (i) or (ii) above shall (upon successfully passing all or part of the aptitude test where applicable) and subject to compliance with paragraph (g) above be admitted to the Society and to the degree of Barrister-at-Law by the benchers upon lodging at the Under Treasurers office:
- (i) a completed declaration for admission to the Society and to the degree of Barrister-at-Law (the certificate part of the declaration must be signed by a practising barrister who has been practising at the Bar of Ireland for ten years at least and the proposal part must be signed by a bencher of the Society),
  - (ii) if permitted by the Council pursuant to paragraph (g) above to keep terms after call to the Bar, a written undertaking to do so, and
  - (iii) the degree fee set out in the schedule of fees.
- (i) Upon being admitted to the Society and the degree of Barrister-at-Law a migrant is entitled to be called to the Bar of Ireland by the Chief Justice and admitted to practise in the courts of Ireland as a member of the Bar of Ireland.

## **PART V**

### **REMISSION OF FEES**

#### **26. Remission of Fees**

The Education Committee may remit fees payable to the Society by a limited number of students not exceeding five in each class (whether admission, tuition, examination, or call fees or cost of dining at commons) in cases of exceptional hardship. Applications in writing should be made to the Director of Education at least one month before the commencement of each year of the student's course. An interview may be required.

## **PART VI**

### **DISCIPLINE**

#### **27. (1) Minor Breaches**

Conduct considered by the Director of Education to be a minor breach of discipline shall be dealt with by the Director of Education without the need for a formal enquiry. A penalty of:

- (a) admonition and/or
- (b) exclusion of the offender from not more than three classes may be imposed by the Director of Education without a right of appeal.

#### **(2) Offences against discipline**

The following are offences against discipline:

- (a) cheating, or attempting to cheat in an examination,
- (b) refusing or deliberately failing to comply with or observe a direction of the Under-Treasurer, the Director of Education or other duly authorised officer of the Honorable Society of King's Inns,
- (c) conduct which is prejudicial to the interests, welfare or standing of the Honorable Society of King's Inns or of any of its members.

#### **(3) Procedure**

The following rules shall apply where there is an allegation of an offence against discipline:

- (a) the Under Treasurer shall investigate any complaint made alleging an offence against discipline,
- (b) where the Under Treasurer is of the opinion that an offence against discipline has occurred, he shall take statements from relevant witnesses and shall prepare a Book of Evidence which shall be delivered to an alleged offender at least three weeks before any hearing,
- (c) the Book of Evidence shall contain:
  - (i) a clear statement of any offence charged,
  - (ii) a copy of any document considered relevant,
  - (iii) a notice of the rights and duties of an alleged offender.

#### **(4) Rights and Duties**

The rights and duties of an alleged offender are:

- (a) the right to be legally represented,
- (b) the right to cross-examine witnesses,
- (c) the right to be heard in evidence and to call witnesses,
- (d) the right to appeal against any decision,
- (e) the duty to attend any hearing.

#### **(5) Disciplinary Committee**

- (a) The Education Committee shall establish a Disciplinary Committee consisting of the chairman and two members for the time being of the Education Committee.
- (b) The chairman may delegate the duty to sit upon the Disciplinary Committee to any other member for the time being of the Education Committee.
- (c) Each member of the Disciplinary Committee shall hold office until resignation or until removal from office by the Education Committee.
- (d) The Chair of the Disciplinary Committee shall be taken by the Chairman of the Education Committee or, in case of a delegation as provided above, by the longest serving member of the Education Committee present.

#### **(6) Disciplinary Appeals Committee**

- (a) The Council of King's Inns shall establish a Disciplinary Appeals Committee consisting of the chairman and two members for the time being of the Council of King's Inns'.
- (b) The Chairman may delegate the duty to sit upon the Disciplinary Appeals Committee to any other member for the time being of the Council of King's Inns.
- (c) Each member of the Disciplinary Appeals Committee shall hold office until resignation or until removal from office by the Council of King's Inns.
- (d) The Chair of the Disciplinary Appeals Committee shall be taken by the chairman of the Council of King's Inns or, in case of a delegation as provided above, by the longest serving member of the Council of King's Inns present.

**(7) Procedure**

The Disciplinary Committee, and the Disciplinary Appeals Committee shall:

- (a) have absolute discretion to sit at such times and at such venue as it may choose,
- (b) regulate its own procedure in accordance with the principles of natural justice,
- (c) have power to grant adjournments,
- (d) have power to summon an alleged offender;
- (e) have power to proceed in the absence of an alleged offender who fails to attend when summoned,
- (f) have power to hear the Under-Treasurer, the alleged offender or their legal representatives,
- (g) deliver only one judgement upon the issues it has to try,
- (h) have absolute discretion to publish or withhold publication of its judgement.

**(8) Penalties**

The penalties for an offence against discipline are:

- (a) admonition, and/or
- (b) monetary fine, and/or
- (c) suspension from the Honorable Society of King's Inns for a period not exceeding five years, or
- (d) permanent expulsion from the Honorable Society of King's Inns.

**(9) Confidentiality**

The Disciplinary Committee and the Disciplinary Appeals Committee shall conduct their hearings in private and, subject to paragraph (7) (h) herein, all documents and proceedings shall be confidential between the parties.

## **PART VII**

### **MISCELLANEOUS**

#### **28. Relaxation of Rules**

In addition to any powers exercisable by the Benchers or the Council of King's Inns under these rules, the Education Committee may in any particular case, either unconditionally or subject to conditions

- (a) modify or relax or dispense with any requirement or provision of these rules,  
or
- (b) excuse any breach of or non-compliance with any such requirement or provision.

#### **29. Variation of Rules**

All students shall be bound by such alterations and variations (whether of a fundamental character or not) as may from time to time be made in these rules.

#### **30. Forms of Memorials**

All memorials referred to in these rules shall be in such form as the Education Committee may from time to time prescribe.

#### **31. Admission to the Society's Courses of Education**

The numbers to be admitted to the Society's courses leading to the award of the Diploma in Legal Studies and the degree of Barrister-at-Law shall be determined from time to time by the Council of King's Inns and admission to the said courses shall at all times be a matter for the discretion of the Education Committee subject to such directions as may be given in relation thereto by the Council of King's Inns from time to time.

#### **32. Amendment of Rules**

These rules may be amended from time to time by resolution of the Council of King's Inns at a meeting of which not less than seven days notice is given and the notice of any such meeting shall give details of any changes proposed in the rules. Notice of any amendments to the rules shall be published by displaying a notice in a prominent position in the Hall of the King's Inns and by incorporating a note of any changes in copies of the rules to be issued after such change has been agreed upon by the Council.

33. **Gender**

References in these rules to the male gender are equally applicable to the female gender.

## **SCHEDULE OF APPROVED DEGREES**

Each of the following university degrees is an approved degree:

- (1) LL.B., University of Dublin
- (2) LL.B. (French), University of Dublin
- (3) LL.B. (German), University of Dublin
- (4) B.C.L. University College Dublin; and National University of Ireland, Dublin
- (5) B.C.L. (International), University College Dublin; and National University of Ireland, Dublin
- (6) B.C.L. (European and Legal Studies), University College Dublin; and National University of Ireland, Dublin
- (7) B.C.L. (Law with French Law), University College Dublin and National University of Ireland, Dublin
- (8) B.C.L. (Law with Politics), University College Dublin and National University of Ireland, Dublin
- (9) B.C.L. (Law with Philosophy), University College Dublin and National University of Ireland, Dublin
- (10) B.C.L. (Law with History), University College Dublin and National University of Ireland, Dublin
- (11) B.B.L.S., University College Dublin; and National University of Ireland, Dublin
- (12) B.B.L.S. (European), University College Dublin; and National University of Ireland, Dublin
- (13) B.B.L.S. (International), University College Dublin; and National University of Ireland, Dublin
- (14) B.C.L., University College Cork; and National University of Ireland, Cork
- (15) B.C.L. (Law and Irish), University College Cork; and National University of Ireland, Cork
- (16) B.C.L. (French), University College Cork; and National University of Ireland, Cork
- (17) B.C.L. (German), University College Cork; and National University of Ireland, Cork
- (18) B.C.L. (International), University College Cork; and National University of Ireland, Cork
- (19) LL.B., National University of Ireland, Galway

- (20) B.C.L., National University of Ireland, Galway
- (21) LL.B. (Law and European Studies), University of Limerick
- (22) B.A. (Law and Accounting), University of Limerick
- (23) LL.B. Graduate Entry, University of Limerick
- (24) LL.B. Evening Degree, University of Limerick
- (25) The Single Honours LL.B., The Queen's University of Belfast  
Subject to the applicant passing the subject Irish Constitutional Law and Land Law (including the Law of Succession) in the Society's diploma course
- (26) LL.B. (Law with Politics), The Queen's University of Belfast  
Subject to the applicant passing Irish Constitutional Law and Land Law (including the Law of Succession) in the Society's diploma course
- (27) LL.B. (Law with Languages), The Queen's University of Belfast  
Subject to the applicant passing Irish Constitutional Law and Land Law (including the Law of Succession) in the Society's diploma course
- (28) LL.B. (Law with Accounting), The Queen's University of Belfast  
Subject to the applicant passing Irish Constitutional Law and Land Law (including the Law of Succession) in the Society's diploma course
- (29) The LL.B. (Hons) degree in Irish Law from The Nottingham Trent University (conferred in 2004 and thereafter) delivered by Griffith College Dublin
- (30) The BA (Hons) degree in Business and Law from The Nottingham Trent University (conferred in 2004 and thereafter) delivered by Griffith College Dublin
- (31) The LL. (Hons) degree from The University of Wales (conferred in 2006) and thereafter) delivered by Portobello College.