



GENERAL RULES

OF

THE HONORABLE SOCIETY OF KING'S INNS

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THE HONORABLE SOCIETY OF KING'S INNS

SOCIETY

- 1 (1) The Society shall comprise the members set out in Rule 8 (1) hereof.
- (2) The main objects of the Society shall be:
- (i) the promotion and advancement of learning in the law,
 - (ii) the education and training of members of the Society in the law,
 - (iii) the protection and furtherance of the reputation and standing of the degree of Barrister-at-Law,
 - (iv) the preservation of the heritage that is comprised in the King's Inns, its buildings, library, furnishings and environs,
 - (v) to ensure the fitness of persons to practise as or to hold themselves out as barristers prior to and, subject to Part 6 of the Legal Services Regulation Act 2015, after their call to the Bar.

And for the aforesaid purposes the Society shall carry out the functions which are hereinafter conferred upon it and shall in addition maintain a library and such other facilities as are necessary or desirable for the aforesaid purposes.

With a view to the furtherance of the foregoing purposes or any one or more of them the Society shall be entitled to acquire such property as may be thought appropriate and to do such further or other things as shall be desirable and shall in addition have all the powers and functions hereinafter set forth but so that all such powers and functions shall be exercised and carried out for and in pursuance of the foregoing purposes or any one or more of them.

- 2 The property of the Society shall be held by three trustees appointed on an *ex officio* basis by the Council. The three trustees will be:
- Chief Justice
 - President of the High Court
 - Chairman of Council

COUNCIL

- 3 The Council shall be constituted in accordance with Rule 4 hereof. The management of the affairs of the Society (other than the functions reserved to the benchers) shall be vested in the Council.

MEMBERSHIP OF THE COUNCIL

- 4 The Council shall consist of:
- (1) A panel of ten judicial benchers ("Judicial Benchers' Panel") comprising the Chief Justice *ex officio*, the President of the Court of Appeal *ex officio* and the President of the High Court *ex officio* and seven other judicial benchers to be elected in the manner hereinafter provided.
 - (2) A panel of ten bar benchers ("Bar Benchers' Panel") to be elected in the manner hereinafter provided.

- (3) A panel of ten subscribing members of the Society from the Bar Council and the governing committees of such other bodies of practising barristers as the Legal Services Regulatory Authority may prescribe as professional bodies ("Professional Body Panel"), in proportion to the number of practising barristers represented by each such body. No professional body comprising practising barristers prescribed by the Authority shall have less than one member on the Professional Body Panel. In so far as possible, each professional body shall be represented on the Professional Body Panel by both senior counsel and junior counsel in an even split. Professional bodies may be represented on the Professional Body Panel by benchers. The Professional Body Panel shall be elected in the manner hereinafter provided.
- (4) A panel of ten practising barristers ("Practising Barristers' Panel") who are subscribing members of the Society (other than bar benchers or members of the Bar Council or of the governing committee of a professional body of practising barristers prescribed by the Authority) to be elected in the manner hereinafter provided.
- (5) The Attorney General *ex officio* (provided he/she is a subscribing member of the Society).
- (6) One judge of the Circuit Court to be elected in the manner hereinafter provided.
- (7) A panel of two qualified but non-practising barristers ("Non-Practising Barristers' Panel") who are subscribing members of the Society to be elected in the manner hereinafter provided.

TERMS OF OFFICE

- 5 (1) Members of the Council, other than those who are *ex officio* members or members of the Professional Body Panel, shall hold office for two years commencing on the first day of January next following their respective elections.
- (2) Members of the Professional Body Panel shall hold office from the time of their election to the Bar Council or to the governing committee of the prescribed professional body they are representing until the election of that panel in the next year.
- (3) Any member of the Judicial Benchers' Panel, Bar Benchers' Panel or Professional Body Panel who ceases to be a judicial bencher, a bar bencher, a Bar Council member or a member of the governing committee of the prescribed professional body they are representing, as the case may be, shall thereupon cease to hold office.
- (4) A judge of the Circuit Court who is a member of the Council who ceases to be such a judge shall thereupon cease to hold office.
- (5) Any member of the Professional Body Panel who ceases to be a practising barrister or to be a subscribing member of the Society shall thereupon cease to hold office.
- (6) Any member of the Barristers' Panel who ceases to be a practising barrister or to be a subscribing member of the Society or who becomes a bar bencher or a member of the Bar Council or a member of the governing committee of a prescribed professional body shall thereupon cease to hold office.
- (7) Any member of the Non-Practising Barristers' Panel who ceases to be a subscribing member of the Society shall thereupon cease to hold office.
- (8) A member of any panel who ceases to hold office shall, if qualified, be eligible for re-election.
- (9) A member of any panel (other than an *ex officio* member) may resign from membership of the Council by letter addressed to the Honorary Secretary.

CASUAL VACANCIES ON COUNCIL

- 6 Vacancies occurring otherwise than on expiry of the term of office shall be filled as hereinafter provided but so that the person appointed shall retire from the Council at the same time as the person whom he or she replaces would have done:
- (1) A vacancy on the Judicial Benchers' Panel shall be filled by co-option by the Judicial Benchers' Panel.
 - (2) A vacancy on the Bar Benchers' Panel shall be filled by co-option by the Bar Benchers' Panel.
 - (3) A vacancy on the Professional Panel shall be filled by appointment by the professional body that the person being replaced was representing.
 - (4) A vacancy on the Practising Barristers' Panel shall be filled by co-option by the Practising Barristers' Panel.
 - (5) A vacancy caused by a judge of the Circuit Court ceasing to be a member of the Council shall be filled by appointment by those judges of the Circuit Court who have been admitted to the degree of Barrister-at-Law.
 - (6) A vacancy on the Non-Practising Barristers' Panel shall be filled by co-option by the Council.

ELECTIONS

- 7 Elections shall be held in each year to fill vacancies caused by the expiry of the term of office of members of the Council as follows:
- (1) Elections to the Judicial Benchers' Panel shall be by the judicial benchers at such time during the Michaelmas Term and in such manner as the judicial benchers shall from time to time determine.
 - (2) Elections to the Professional Body Panel shall be by the members of the Bar Council or by the members of the governing committee of any other body of practising barristers as the Authority may prescribe a professional body and shall take place in each year during Michaelmas term and in such manner as the members of the Bar Council or the members of the governing committee of the prescribed professional body shall determine for their respective elections from time to time. The Director of the Bar Council and the official designated by the prescribed professional body shall communicate the outcome to the Under Treasurer.
 - (3) Elections to the Bar Benchers' Panel and the Practising Barristers' Panel shall be held in accordance with the following provisions:
 - (i) The day appointed for the annual election shall be a date in Michaelmas Term each year to be determined by the Under Treasurer in consultation with the professional bodies.
 - (ii) As soon as practicable after the day upon which the Under Treasurer has fixed a date for the holding of such elections, notice of the date of the elections to the said panels shall be posted in the Law Library and in the entrance hall to the King's Inns and in any other place or places prescribed by Council.
 - (iii) Voting shall be by secret ballot and shall be on the proportional representation system by means of the single transferable vote so that the quota for election to a panel is to be calculated as the total valid poll for such panel, divided by the number of places to be filled plus one. The Council may permit voting by post in cases where it thinks fit.
 - (iv) Nominations shall be sent in writing to the Under Treasurer, signed by the proposer and seconder (each of whom must be eligible to vote for such candidate) and countersigned by the candidate accepting such nomination.
 - (v) Nominations shall close at 5 p.m. on the day which is 14 days before the day of election (including such day).

- (vi) Any person nominated shall have the right to withdraw his name at any time during the period fixed for the receipt of nominations.
 - (vii) The names of the candidates for election with the names of the proposer and seconder shall be posted in the Law Library and in the entrance hall of the King's Inns and in any other place(s) prescribed by Council as soon as practicable after receipt by the Under Treasurer.
 - (viii) Election to the Bar Benchers' Panel shall be by practising barristers who are subscribing members of the Society.
 - (ix) Election to the Practising Barristers' Panel shall be by practising barristers who are subscribing members of the Society.
 - (x) Ballot papers shall be available in the Law Library and in the King's Inns and in any other place(s) prescribed by Council during the times appointed for balloting. In the absence of any special provisions made by the Council it shall be the duty of every person wishing to exercise his/her vote to collect his/her ballot paper.
 - (xi) The ballot shall be held in the Law Library during the five days upon which the Law Library is open for business immediately preceding the day of election between the hours of 11 a.m. and 4 p.m. and on the day of election between the hours of 11 a.m. and 3 p.m. Alternatively the person entitled to vote may place his ballot paper in a ballot box provided for the purpose at King's Inns during the business hours normal for King's Inns during the five working days prior to the day of election and up to 3 p.m. on the day of election. The Council may make provision for the casting of ballots in a place other than the Law Library or the King's Inns.
 - (xii) The returning officer (or officers) for elections to the Bar Benchers' Panel and the Practising Barristers' Panel shall be appointed from time to time by the Council.
- (4) Election of a judge of the Circuit Court who has been admitted to the degree of Barrister-at-Law shall be by the judges of the Circuit Court at such time in Michaelmas Term every two years and in such manner as they may from time to time determine.
 - (5) Elections to the Non-Practising Barristers' Panel shall be held at such time and place and in such manner as the Council may from time to time determine.
 - (6) In the case of a tie for election to any panel the successful candidate shall be determined by lot.

REGISTER OF MEMBERS

- 8(1) The members of the Society shall be such persons as are, for the time being, entered upon a register of members of the Society maintained by the Council in the following categories and who have not, in the case of barristers, been disbarred:
 - (i) benchers (including honorary benchers) who shall be appointed in accordance with Rules 27 and 28 hereof.
 - (ii) practising barristers who are members of the Law Library.
 - (iii) practising barristers who are not members of the Law Library.
 - (iv) Circuit Court and District Court judges who have been admitted to the degree of Barrister-at-Law.
 - (v) Qualified barristers (who do not come within any of the first four categories).
 - (vi) degree students who have paid tuition fees, who will be deemed to be student members of the Society.
- (2) The privileges of membership of the Society in relation to commons or to the use of the Society's Library or other premises are conditional upon being a subscribing member or a student member. The subscribing members are those members referred to in paragraphs (i) and (iv) of sub-rule (1) and those in paragraphs (ii), (iii) and (v) who have paid an individual or collective annual subscription.

- (3) The Council may cause the register of members to be published annually or at such other intervals and in such form as it may think fit.
- (4) Any person who is, for the time being, a judge of the Circuit Court but who is not a member of the Society shall be an honorary member and shall have the like rights and privileges as a member who is a Circuit Court judge save the right to receive notice of, or attend and vote at, meetings.

FINANCE AND ADMINISTRATION

9 In so far as the revenue of the Society from

- (i) students' fees (including fees payable on admission to the degree of Barrister-at-Law)
- (ii) subscriptions by subscribing members
- (iii) grants, if any, from the Government or other authority, and
- (iv) other sources of income available to the Society (other than income held upon trust for particular purposes)

is insufficient to meet the debts and liabilities (present and future) incurred in operating the Society and conducting its affairs, the deficiency shall be made good by means of a subvention to be made by the subscribers to the Law Library and other members of the Society. The amount of such subvention shall be fixed from time to time by the Council, having regard to the amount of such deficiency (whether existing or prospective) and, in the case of the Law Library subvention, shall be fixed as a percentage of the Law Library subscription payable by such subscribers or otherwise as may be determined by the Council and shall be collected by the Bar Council and paid by it to the Society.

- 10** The Standing Committee shall from time to time fix the annual subscription payable by each category of member liable to pay an annual subscription. For the avoidance of doubt, and at the discretion of the Standing Committee, a discount can be applied in respect of a category or categories of members where all or some of the members within that category or those categories arrange to pay their annual subscription collectively. So long as there shall be in force for the time being an agreement between the Standing Committee and the Bar Council as to the amount of an annual block subscription made by the Bar Council on behalf of the members of the Society coming within category (ii) of Rule 8(1), it shall not be necessary for the members of the Society who are practising barristers and who are members of the Law Library to pay any individual subscription. Any person who has not paid, or in respect of whom there has not been paid, the annual subscription so provided within the time specified by the Council shall not be regarded as a subscribing member of the Society for as long as no such payment has been made.
- 11** The Under Treasurer, Librarian, Dean, Registrar and other officers and employees of the Society shall henceforth be appointed or engaged and discharged by the Standing Committee on behalf of the Society, subject, however, to such directions as may be given by the Council.
- 12** Contracts and liabilities required to be made or incurred for the operation of the Society shall henceforth be made or incurred by the Standing Committee on behalf of the Society, subject, however, to such directions as may be given by the Council.
- 13** No part of the Society's premises shall be used for any purpose other than those of the Society without the sanction of the Council or such of its Committees or officers (whether honorary or otherwise) to whom such power to sanction may have been delegated.

MEETINGS

- 14** There shall be held in each year an annual general meeting of the subscribing members at which the accounts and annual report of the Council shall be presented and discussed.
- 15** As soon as all the panels of Council have been determined for a succeeding year, there shall be held in December in each year a meeting of the newly formed Council for the sole purpose of electing officers and committees that will be effective from 1 January to 31 December of the succeeding year.
- 16** The Council shall meet at least once a term to consider matters of policy and give directions concerning same to its committees and to approve budgets.
- 17** The Council may from time to time make and vary regulations (not being inconsistent with these Rules) in relation to:
- (1) the conduct of the affairs and business of the Society,
 - (2) the calling and conduct of, and procedure to be followed at, meetings of the Council or any of its committees,
 - (3) the calling and conduct of, and procedure to be followed at, annual general meetings or other general meetings of subscribing members,
 - (4) the mode of voting at any such meeting as aforesaid with power to specify a special majority (in excess of a simple majority) as being necessary to pass a resolution, either generally or with regard to particular matters (other than a resolution for the alteration of these Rules under Rule 47).
- 18** (1) The quorum necessary for the transaction of business by the Council shall be eight and for any of its committees may be fixed by the Council and unless so fixed shall be three.
- (2) The quorum for a general meeting of the subscribing members of the Society shall be ten.
- 19** (1) An extraordinary meeting of the Council shall be held on the request of the Chairman of the Council or on a resolution of the benchers or of the Standing Committee or on the written requisition of eight members of the Council.
- (2) Notice of any resolution to be proposed at such meetings, signed by the proposer and seconder, must be given in writing to the Under Treasurer not later than five days before the date fixed for such meeting.
- (3) Not less than three days' notice of such meeting shall be given to those entitled to attend.
- 20** The newly formed Council for a succeeding year shall meet in December in each year to appoint a Chairman, Honorary Treasurer and Honorary Secretary from among the members of the Council for the succeeding year to hold office from 1 January in that year until 31 December in that year.
- 21** The three officers of the Council shall not all be members of the same panel.

COMMITTEES OF THE COUNCIL

22 The newly formed Council for a succeeding year shall meet in December in each year to elect one or more committees to deal with the following matters:

- (1) finance, building and general purposes (“Standing Committee”),
- (2) the education of students and further education of barristers (“Education Committee”),
- (3) the Society’s Library (“Library Committee”),
- (4) Professional Practices,
- (5) Commons, recreation and social affairs (“Commons Committee”),
- (6) matters affecting non-practising barristers.

The Council may also elect at any time such other committees, whether annual or *ad hoc*, to deal with any other matters as it may from time to time deem necessary.

23 Any vacancy occurring during the year among the officers or in any committee shall be filled by election by the Council of a person to hold office until the next annual election.

24 Each committee shall act in accordance with and subject to such directions as may be given to it by the Council but otherwise will have discretion in the conduct of its affairs. Expenditure may be incurred by committees only with the prior approval of the Standing Committee. The Standing Committee shall meet to consider urgent business.

25 (1) Each Committee (excluding the Standing Committee) shall consist of not fewer than ten and not more than twelve members. Each committee shall have one elected representative from each of the panels (other than the Non-Practising Barristers’ Panel) together with four other persons elected by the Council who need not necessarily be members of the Council but must be subscribing members or students. Each committee shall in addition co-opt not less than two and not more than four members who must be subscribing members or students.

(2) The Standing Committee shall comprise the following *ex officio* members:

- Chairman of Council
- Honorary Treasurer
- Honorary Secretary of Council
- together with chairmen of*
- Education Committee
- Library Committee
- Commons Committee
- together with*
- Two persons nominated by the Professional Body Panel

Two other persons elected by Council who need not necessarily be members of Council but must be subscribing members. In addition, the Standing Committee may co-opt up to four members who must be subscribing members or students.

(3) Each Committee shall elect a chairman at the first meeting of such committee held after the end of the calendar year. Each chairman shall hold office for two years and will be eligible for re-election.

(4) Each committee may invite any other person to attend any of its meetings to speak but not to vote.

- (5) A student who is a member of a committee shall be subject to such special restrictions as to attendance or voting or otherwise as the Council shall decide.
- (6) Members who are non-practising barristers or students shall not be eligible to be members of the committee dealing with professional practices.

UNDER TREASURER

26 The Under Treasurer shall perform such duties and functions as shall be determined from time to time by the Council.

BENCHERS

- 27** (1) The existing benchers shall, subject to these Rules, continue to be benchers with their respective seniorities.
- (2) There shall be at least 75 benchers consisting of judicial benchers and at least 40 bar benchers. The number of bar benchers shall always exceed the number of judicial benchers, and elections of bar benchers shall be held accordingly.
 - (3) Subject to the provisions of Rule 1, each Judge of the Supreme Court, of the Court of Appeal and of the High Court, including any *ex officio* judge of those courts, shall, on appointment to office, become *ex officio* a judicial bencher and if already a bar bencher, shall thereupon cease to be a bar bencher but shall retain seniority by reference to the date of election as a bar bencher.
 - (4) Subject to the provisions of Rule 1, each Judge or Advocate General of the Court of Justice of the European Union (including the General Court), and European Court of Human Rights who has been nominated as suitable for such appointment by the Government, and who, at the date of appointment, had been a judicial bencher or a member of the Society eligible to be appointed a Judge of the High Court, shall, on his appointment to office, become *ex officio* a judicial bencher, and if already a bar bencher shall thereupon cease to be a bar bencher but shall retain seniority by reference to the date of his/her election as a bar bencher.
 - (5) A bar bencher appointed a judge of the Circuit Court after 1 July 1996 shall, on such appointment, become and (subject to the provision of this rule applicable to all benchers) shall remain for the duration of his office a judicial bencher. Such judge of the Circuit Court shall, upon his/her appointment, cease to be a bar bencher but shall retain seniority by reference to the date of his/her election as a bar bencher.
 - (6) Every judicial bencher shall cease to be a bencher on his/her ceasing to hold any of the offices referred to in paragraphs (3) or (4) of this rule.
 - (7) A bar bencher shall be elected by the benchers from among practising barristers and shall cease to be a bar bencher on becoming a judicial bencher or on appointment to any office disqualifying him or her from continuing to practise or on ceasing to practise as a barrister or on his or her resignation as a bar bencher but any judicial bencher may after ceasing to be a judicial bencher and resuming practice as a barrister be eligible to be elected or re-elected as the case may be as a bar bencher.
 - (8) In addition to the benchers hereinbefore mentioned, the benchers may from time to time elect persons (including persons who have previously been judicial benchers or bar benchers) to be honorary benchers.

- (9) Every honorary bencher shall be entitled to all the rights and privileges of a bencher except that of receiving notice of or attending or voting at meetings of the bench.
- (10) Every bencher on becoming a bencher shall pay an entrance fee and shall in addition pay an annual subvention or subscription in accordance with Rule 9 or 10 (as the case may be) and a contribution in accordance with Rule 42 (relating to Commons). The amount of the entrance fee shall be fixed by the Standing Committee from time to time.
- (11) An honorary bencher shall not be required to pay any entrance fee or subscription.
- (12) Any bencher who shall absent himself or herself from meetings of the bench or Commons for three successive terms shall cease to be a bencher unless some sufficient excuse shall be made for such absence to be approved of by a majority of the members present at a meeting of the bench.
- (13) The benchers shall have power by resolution to remove any bencher or honorary bencher for unprofessional or improper conduct provided that no bencher or honorary bencher shall be removed unless two-thirds of the benchers for the time being vote for such resolution. On the passing of such resolution such person shall cease to be a bencher or an honorary bencher (as the case may be).
- (14) A vacancy in the number of bar benchers shall not be filled sooner than the first day of the sittings next after the expiry of one month since the vacancy occurred.
- (15) The bench shall (unless it shall otherwise determine) meet on the first day of Hilary, Easter, Trinity and Michaelmas sittings and on such subsequent day or days in each of the said sittings as may be necessary. At each meeting of the bench the senior bencher present at the time for which the meeting is summoned shall take the chair. A special meeting of the bench may be at any time summoned at the request of three members of the bench and in such case notice to each bencher shall state the special business for the discharge of which the meeting is summoned. Five benchers shall form a quorum and all decisions shall be by simple majority of those present and voting.

BENCHERS' ELECTIONS

- 28** (1) All elections to the bench shall be by open voting.
- (2) The benchers present shall vote in the first instance for three candidates and the candidates other than the three receiving the greatest number of votes shall be eliminated. The benchers shall then vote for two of the three remaining candidates and the candidates receiving the lowest number of votes shall be eliminated. The benchers shall then vote for one of the two remaining candidates and the candidate receiving the greatest number of votes shall be declared elected. In the event of two or more candidates receiving equal numbers of votes on any poll, the successful candidate shall be determined by lot. Any bencher who fails to vote for the permitted number of candidates in any round shall have their vote in that round declared invalid.
 - (3) In taking a poll the name of the junior bencher shall be called first and so on in order until the whole roll has been called.

- (4) No benchers shall vote in any election who has not attended until after the roll of benchers has been called and a decision has been arrived at eliminating any of the candidates nominated.

FUNCTIONS OF BENCHERS

29 (1) The functions and privileges of the benchers include:

- (i) conferring the degree of Barrister-at-Law if satisfied that the candidate has attained an adequate standard of education,
 - (ii) presiding at Commons,
 - (iii) the disbarment for disciplinary reasons, or at his or her request, of a barrister,
 - (iv) the certification of a barrister seeking voluntary disbarment as being of 'good standing' for the purpose of transfer to the solicitors' profession, which said certification shall be made following inquiry with the Director of the Bar Council or such other person as may be appropriate as to the standing of any such barrister in accordance with the following procedure – a barrister seeking voluntary disbarment shall contact the Director of the Bar Council or such other person as may be appropriate and request that a certificate of 'good standing' be sent to two benchers nominated by the barrister on payment of any administrative fee by the barrister as may be fixed by the Bar Council or such other body as may be appropriate. The two benchers so nominated shall, if they consider it appropriate, then sign the certificate and return it to the barrister for submission to the Law Society of Ireland.
 - (v) dealing with complaints of professional misconduct or other disciplinary matters in the manner set out in these Rules,
 - (vi) the use of the benchers' rooms.
- (2) The services of the officers and employees of the Society shall be available to the benchers to enable them to carry out their functions.
- (3) The benchers shall appoint a General Purposes Committee at the first meeting of the bench in the new law year and such other committees as they may think fit and may delegate to any such committee such of their functions as they may think fit.

DISCIPLINARY PROVISIONS

30 (1) Subject to the provisions of Part 6 of the Legal Services Regulation Act 2015, the following disciplinary provisions apply to all barristers.

- (2) It is the duty of barristers to comply with the provisions of the Professional Code of the Society ("the Code") as promulgated or amended from time to time by the Council.
- (3) Any of the functions of the Society under the Code, or in disciplinary proceedings relating to the Code, (other than the functions reserved to the benchers) may be exercised by the Standing Committee or some other committee appointed by it.
- (4) Failure to comply with the provisions of the Code may constitute professional misconduct or a breach of professional standards rendering a barrister liable to disciplinary proceedings.

DISCIPLINARY COMMITTEE

- 31** (1) The benchers shall establish a committee, to be known as the Disciplinary Committee, that shall, subject to Part 6 of the Legal Services Regulation Act 2015, inquire into complaints regarding barristers.
- (2) The Disciplinary Committee shall be composed of three judicial benchers appointed by the benchers, any of whom may be replaced by the benchers from time to time for any reason.
- (3) The benchers shall appoint a member to the Disciplinary Committee to sit in place of any member who is unable to act by reason of any incapacity, conflict of interest or any other reason.
- (4) The members of the Disciplinary Committee shall elect a Chairman from among their number.
- (5) The Under Treasurer of the Society shall be the Secretary to the Disciplinary Committee. The Secretary shall be responsible for all administrative tasks assigned by the Chairman of the Disciplinary Committee including making any necessary administrative arrangements for the summoning of witnesses, the production of documents, and generally for the proper determination of the case. The Secretary and/or the Disciplinary Committee may be assisted in their functions by staff of the Society.
- (6) It is the duty of barristers to co-operate with any disciplinary proceedings under these provisions in a timely manner, whether by way of the furnishing of comment or information when required to do so, and it is the duty of barristers to attend before the Disciplinary Committee when required to do so.

COMPLAINTS

- 32** (1) Any complaint made to the Society concerning a practising barrister by, or on behalf of, a client of that barrister which relates to any of the matters specified in section 51, subsections (1) and (2) of the Legal Services Regulation Act 2015 shall be referred by the Society to the Authority.
- (2) Where a complaint in respect of a practising barrister is received by the Society from a source other than a client of that barrister and the complaint relates to any of the matters specified in section 51, subsections (1) and (2) of the Legal Services Regulation Act 2015, the Society may refer the said complaint to the Authority.
- (3) The Society may make a complaint of its own motion to the Authority in respect of a practising barrister alleging a breach by that barrister of one or more of the

matters specified in section 51, subsections (1) and (2) of the Legal Services Regulation Act 2015.

- (4) Where a complaint is made against a barrister alleging the breach of any provision(s) of the Code, including any complaint raised by the Society of its own motion, and the said complaint is not referred by the Society to the Authority, the said complaint will be dealt with in accordance with the disciplinary provisions contained herein (“a Code complaint”).
- (5) The Disciplinary Committee shall have jurisdiction to hear and determine Code complaints against barristers notwithstanding the barrister ceasing to be a member of the Society, howsoever arising.

PRESENTATION OF COMPLAINTS

- 33** The Society shall appoint an appropriate person(s) to prefer and present a Code complaint before the Disciplinary Committee.

PROCEDURE BEFORE THE DISCIPLINARY COMMITTEE

- 34** (1) The Disciplinary Committee shall be entitled to determine the procedures to be adopted by it. Such procedures shall be designed to ensure a fair hearing of the allegation(s) and shall be in accordance with the rules of constitutional and natural justice.
- (2) A barrister shall be entitled to be legally represented before the Disciplinary Committee.
- (3) A copy of the Code complaint shall be sent to the barrister against whom it is made as soon as practicable by ordinary pre-paid post or electronically. Documents sent to any party under these provisions shall be deemed to be received no later than the second working day after posting. Documents may be served in any manner as the Disciplinary Committee may direct.
- (4) A barrister shall have a period of fourteen working days from the date of receipt of the Code complaint to reply to it.
- (5) The Disciplinary Committee shall decide in each case whether to hold an oral hearing in respect of the Code complaint or any part thereof and may receive evidence given orally or otherwise including by means of a live video link, a video recording, a sound recording or any other mode of transmission.
- (6) The Disciplinary Committee shall at any time be entitled to seek such information or assistance, orally or in writing, as it sees fit, from a complainant, the barrister the subject of the disciplinary proceedings, instructing or attending solicitors, any

potential witness or from any other person whom the Disciplinary Committee considers may be capable of affording such information or assistance.

- (7) The Disciplinary Committee may request the attendance of any person to give evidence before it, irrespective of whether such person is produced as a witness by either party. The Disciplinary Committee may also request any person, whether witness or otherwise, to make available any documents or other evidence which it may wish to consider irrespective of whether either party requests the production of such documents or evidence. Where the person to whom a request under this rule is made is a barrister, it shall be a matter of professional obligation upon such barrister to attend any hearing of the Disciplinary Committee, to give such evidence as the Disciplinary Committee may direct and to make available such documents or other evidence as the Disciplinary Committee may direct, subject only to such barrister's obligation of confidentiality to a client.
- (8) The proceedings before the Disciplinary Committee shall be heard in private. Provided however that the barrister may apply to have the proceedings heard in public and on such application the proceedings shall be heard in public. Once an application has been made and determined it shall not thereafter be revoked or withdrawn save in exceptional circumstances.
- (9) The Disciplinary Committee shall have the power to extend or abridge any time limits prescribed by these Rules or for taking of any step before it.
- (10) The Disciplinary Committee shall be entitled to adjourn the consideration of a Code complaint from time to time.
- (11) Decisions of the Disciplinary Committee shall be by a simple majority of the members and no dissenting opinions shall be disclosed.
- (12) In the event that, in the course of inquiry into a Code complaint, another Code complaint is pending or to be brought against the barrister concerned, the Disciplinary Committee shall have the power to direct that the additional Code complaint be brought before it where it is appropriate and fair to do so.
- (13) The Society or the barrister may call witnesses and give and provide evidence.
- (14) Any witness providing information or evidence to the Disciplinary Committee may be examined by or on behalf of the barrister or the Society, and cross-examined and re-examined thereafter. Evidence may be called in defence and reply.
- (15) The Disciplinary Committee may postpone consideration of the Code complaint, whether to permit further investigations, or during the currency of any related criminal proceedings, or for any other reason as it sees fit.

- (16) The Disciplinary Committee shall be entitled to consider a Code complaint notwithstanding that the barrister fails to make any representations in accordance with these provisions or fails to participate in any oral hearing in respect of such Code complaint.

REPORT OF THE DISCIPLINARY COMMITTEE

35 (1) The Disciplinary Committee may:

- (a) Dismiss a Code complaint;
- (b) Where a Code complaint is dismissed against a barrister but the barrister's conduct is nevertheless such as to give cause for concern, the Disciplinary Committee may either before or after the dismissal of the Code complaint do any or all of the following:
 - (i) Direct the barrister to apologise in writing to identified person(s);
 - (ii) Advise the barrister as to his or her future conduct either in writing or by directing the barrister to attend on the Chairman of the Disciplinary Committee, or on some other person nominated by the Disciplinary Committee, to receive such advice;
 - (iii) If the Committee considers that the circumstances of the Code complaint are relevant to the barrister's position as a pupil master, it may notify any relevant professional body of its concern in such manner as it sees fit;
 - (iv) If appropriate, obtain an undertaking of the barrister not to repeat the conduct the subject of the Code complain;

(c) Uphold a Code complaint.

(2) Where the Disciplinary Committee has dismissed a Code complaint the Disciplinary Committee shall not publish the decision other than to the parties and the complainant, unless the barrister the subject of the Code complaint so requests.

(3) Where the Disciplinary Committee upholds a Code complaint of professional misconduct in whole or in part and recommends a disciplinary measure in the form of disbarment and/or suspension it shall, on completing its inquiry into the Code complaint submit to the Benchers a report in writing on its findings.

(4) The report submitted to the benchers shall (a) specify:

- (i) The nature of the Code complaint preferred;
- (ii) The Disciplinary Committee's findings as to whether any allegation is proved;

- (iii) A summary of the evidence presented to the Disciplinary Committee;
- (iv) The disciplinary measures deemed appropriate;

and (b) may include such other matters relating to the barrister the subject of the Code complaint as the Disciplinary Committee considers appropriate.

- (5) Every report or decision of the Disciplinary Committee in regard to a Code complaint shall be in writing and shall be signed by at least one member of the Disciplinary Committee.

DISCIPLINARY MEASURES

36 (1) The Disciplinary Committee shall be entitled to impose any single one or combination of the following disciplinary measures in a case in which it has upheld a Code complaint:

- (i) Admonish or censure the barrister;
- (ii) Require repayment of specified fees by the barrister or order the barrister to forego the payment of specified fees;
- (iii) Impose a fine to be paid to the Society within a specified time;
- (iv) Order the barrister to apologise in writing to identified person(s);
- (v) Order the barrister to complete continuing professional development of such nature and duration as the Disciplinary Committee shall direct and to provide satisfactory proof of compliance with this order to the Disciplinary Committee;
- (vi) Give advice to the barrister as to his or her future conduct;
- (vii) Order the barrister to attend on a nominated person to be given advice as to his or her future conduct;
- (viii) Order that the barrister not act as a pupil master.

(2) The Disciplinary Committee shall be entitled to specify in a report to the benchers any single one or combination of the following disciplinary measures in a case in which it has upheld a Code complaint:

- (i) Suspend the barrister from exercising any right or privilege, including rights of audience, granted to the barrister either for a specified period or until a particular measure has been carried out;
- (ii) Order that the barrister be disbarred, which said order may be in the following or like form:

"That be removed from the Register of Members and be expelled from the Honorable Society of King's Inns and thereby be prohibited from practice as a barrister and from enjoyment of all rights and privileges granted to him/her by virtue of being a barrister and be prohibited from holding himself/herself out as being a barrister and that be hereby disbarred."

- (3) Where the Disciplinary Committee specifies measures under Rule 36(2) in a report to the benchers, it may also specify any other measure under Rule 36(1) in the report.
- (4) In a case in which the Disciplinary Committee imposes a measure to be taken by the barrister, the Disciplinary Committee shall be entitled to specify the time within which the said measure is to take place or be completed, in default of which suspension, disbarment or other measure may be specified in a report to the benchers.
- (5) The Disciplinary Committee shall give an adequate opportunity to the barrister, the Society and the complainant (if any) to make representations to it as to any measure to be imposed or specified before reaching a decision and as to the publication of any such measure.
- (6) Such representations shall be in writing and shall be furnished to the Disciplinary Committee within such time as may be set by the Disciplinary Committee.
- (7) A copy of any representations made by any of the parties mentioned in Rule 36(6) shall be sent as soon as possible to the other parties by the Secretary to the Disciplinary Committee.
- (8) The Disciplinary Committee shall be entitled to exercise its discretion as to whether an oral hearing should be held in regard to the question of the appropriate measure(s) to be imposed or specified.
- (9) In determining the appropriate measures to be imposed or specified, the Disciplinary Committee shall be entitled to take into consideration any matters that it considers relevant, including the barrister's previous conduct (including any disciplinary findings made against him or her as a student or as a barrister or any disciplinary findings made against him or her by any other professional body).

JURISDICTION OF BENCHERS

- 37** (1) A barrister to whom a report of the Disciplinary Committee to the benchers relates may, within 21 days of receiving the report, apply for the holding of a special meeting of the benchers for cancellation of the decision of the Disciplinary Committee.

- (2) The benchers at the special meeting may either:
 - (i) Cancel the decision; or
 - (ii) Confirm the decision in whole or in part.
- (3) Where confirmation is made, the benchers may impose any single one or combination of the disciplinary measures provided herein, whether specified by the Disciplinary Committee in its report to the benchers or not.
- (4) The benchers may receive representations and submissions by the barrister, the Society or a complainant (if any) in accordance with directions given by the benchers at their discretion.
- (5) The benchers shall receive all such representations and submissions in writing and in exceptional circumstances may make arrangements for the barrister to be heard at the special meeting. Where a barrister is to be so heard, the benchers may appoint a person to present the report of the Disciplinary Committee at the special meeting.
- (6) Notice shall be sent to each bencher stating the special business for the discharge of which the meeting is summoned.
- (7) Twelve benchers shall form a quorum and all decisions shall be by two thirds majority of those present and voting.
- (8) Members of the Disciplinary Committee providing the report shall not be present and shall not vote at the special meeting considering the report.
- (9) The benchers shall be entitled to determine the procedures to be adopted by it. Such procedures shall be designed to ensure a fair hearing of the application to cancel the decision and shall be in accordance with the rules of constitutional and natural justice. Save as is otherwise provided for or where the context otherwise makes it inappropriate, the benchers shall have the same powers as conferred on the Disciplinary Committee.
- (10) The benchers may lay down conditions for the lifting of a suspension as they see fit.
- (11) Where a barrister does not, within 21 days of the decision of the Disciplinary Committee, apply to the benchers for cancellation of the decision, the benchers on receiving the report of the Disciplinary Committee, unless they see good reason to the contrary, shall confirm the report and any disciplinary measures specified therein by way of resolution.

(12) For the avoidance of doubt, the benchers shall have jurisdiction to confirm the decision of the Disciplinary Committee of the Disciplinary Committee notwithstanding that the barrister ceases to be a member of the Society, Society howsoever arising.

(13) Where an order is made by a court that the Legal Service Regulatory Authority strike the name of a person off the roll of practising barristers, that person shall be thereby removed from the Register of Members and be expelled from the Honorable Society of King's Inns and thereby be prohibited from practice as a barrister and from enjoyment of all rights and privileges granted to him/her by virtue of being a barrister and be prohibited from holding himself/herself out as being a barrister and shall thereupon stand disbarred.

REGISTRATION AND PUBLICATION

38 (1) All disciplinary measures imposed on a barrister shall be recorded by the Society on the Register of Members.

(2) Disbarment may be recorded by striking through the name and details of the barrister and by recording "Disbarred" on the Register of Members.

(3) All adverse disciplinary findings where a barrister is disbarred or suspended shall be published in a transparent and searchable manner on a website maintained by the Society and/or any other suitable publication and/or location as the benchers see fit.

(4) Where a Code complaint is upheld by the benchers, in whole or in part, as soon as practicable thereafter a notice may be sent to the Chief Justice, the President of the Court of Appeal, the President of the High Court, the President of the Circuit Court and the President of the District Court, the Attorney General, the Chairman of the Bar Council, the President of the Law Society of Ireland, and any other appropriate person or body notifying them of the Code complaint, the decision, and any sanction or measure imposed.

(5) Where the Code complaint is upheld but the barrister is not disbarred or suspended, a notice of the decision of the Disciplinary Committee or of the benchers, as the case may be, and any sanction or disciplinary measure imposed, may be notified or published in accordance with Rule 38(3), as the Disciplinary Committee or the benchers, as the case may be, directs.

REGISTERED LAWYERS

- 39** (1) “Registered lawyer” means a lawyer in respect of whom a registration certificate is in force issued by the Bar Council in accordance with regulation 6(3)(b) of the European Communities (Lawyers' Establishment) Regulations 2003.
- (2) Registered lawyers are subject to these Rules in respect of professional activities pursued by them in the State, and for this purpose references to a barrister herein are to be construed as including references to a registered lawyer, save where the context otherwise requires.
- (3) Where a Code complaint comes before the Disciplinary Committee in respect of a registered lawyer, the Secretary to the Disciplinary Committee shall:
- (a) Inform the professional body of which the registered lawyer is a member in his home member state and furnish it with all relevant details;
 - (b) Offer that professional body the opportunity to make representations to the Disciplinary Committee.
 - (c) Inform that professional body as soon as practicable of the outcome of the proceedings and of any sanction imposed and the reasons for it.

EDUCATION

- 40** (1) The Council may, from time to time, make rules concerning any matter relating to education. Subject to the terms of this rule, such rules may delegate powers to anybody specified or established therein.
- (2) (i) There shall be a right of appeal from such decisions of the Education Committee concerning the education of students, and the further education of barristers, as maybe specified in such rules to the Education Appeals Board.
- (ii) The Education Appeals Board shall be appointed or nominated annually (or in the case of a member ceasing to hold office as soon as may be practicable thereafter) as follows:
- (a) A judge of the Supreme Court to be appointed by the Chief Justice. This person shall be the chairperson of the Education Appeals Board,
 - (b) A judge of the High Court to be appointed by the President of the High Court,
 - (c) A subscribing member of the Society who shall be a practising barrister and who shall be nominated by the Practising Barristers' Panel,
 - (d) A subscribing member of the Society to be elected from time to time by the Council, and

- (e) The senior non-practising barrister who is a member of the Council.
- (iii) The Education Appeals Board may act by a majority of its members and notwithstanding a vacancy in its membership or the absence of not more than two of its members.
- (iv) The Education Appeals Board shall regulate its own procedures save that the hearing shall be by way of oral hearing at the election of the appellant.
- (v) There shall be no right of appeal, or other review, from any decision of the Education Appeals Board to the Council, or to the benchers, or otherwise.

LANGUAGE POLICY

41 The Society shall make available to barristers and students an optional advanced advocacy and legal drafting course through the medium of Irish.

COMMONS

- 42** (1) The existing practices in relation to Commons shall continue to apply but may be altered or added to by the Council from time to time. The Council may make such provision for the invitation of guests by subscribing members as it may deem appropriate.
- (2) The Standing Committee, upon recommendation from the Commons Committee, may fix and determine the amount and manner of the contribution to be payable by benchers to cover the cost of dining by benchers and their guests.
 - (3) The General Purposes Committee of the benchers may on behalf of the benchers invite guests at the expense of the Society subject to such limitations as may be fixed from time to time by the Council.
 - (4) The amount payable by a subscribing member for dining shall be determined by the Standing Committee upon recommendation from the Commons Committee.
 - (5) The price to be charged to students for Commons shall be determined by the Standing Committee.

INCOME AND PROPERTY

43 The income and property of the Society shall be applied solely towards the promotion of its main objects as set forth in the Rules of the Society. No portion of the Society's income and property shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Society. No trustee or officer appointed to any office of the Society shall be paid by salary or fees or receive any remuneration or any other benefit in money or money's worth from the Society. However, nothing shall prevent any payment in good faith by the Society of:

- (1) reasonable and proper remuneration to any member or servant of the Society (not being a trustee or officer) for any services rendered to the Society,
- (2) interest at a rate not exceeding 1% above the Euro Interbank Offered Rate per annum on money lent by trustees, officers or other members of the Society to the Society,
- (3) reasonable and proper rent for premises demised and let by a member of the Society (including any trustee or officer) to the Society,
- (4) reasonable and proper out-of-pocket expenses incurred by any trustee, officer or member of the Society in connection with their attending to any matter affecting the Society,
- (5) fees, remuneration or other benefit in money or money's worth to any company of which a trustee or officer may be a member holding not more than one hundredth part of the issued capital of such company

- (6) Nothing shall prevent any payment by the Society to a person pursuant to an agreement entered into in compliance with Section 89 of the Charities Act, 2009 (as for the time being amended, extended or replaced.)

WINDING UP

- 44** If upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the Society. Instead, such property shall be given or transferred to some other charitable institution or institutions having main objects similar to the main objects of the Society. The institution or institutions to which the property is to be given or transferred shall prohibit the distribution of its or their income and property among their members to an extent at least as great as is imposed on the Society under or by virtue of Rule 43 hereof. Members of the Society shall select the relevant institution or institutions at or before the time of dissolution, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object with the agreement of the Charities Regulator. Final accounts will be prepared and submitted that will include a section that identifies and values any assets transferred along with the details of the recipients and the terms of the transfer.

NOTICES

- 45** Any notice required to be given in pursuance of these Rules shall be sufficient if posted in the entrance hall of King's Inns and in the Law Library unless the Council shall otherwise direct.

GENERAL

- 46** (1) Save where the context otherwise requires, in these Rules the masculine shall include the feminine, the singular shall include the plural, and the word "year" shall mean calendar year.
- (2) The Council may act notwithstanding any vacancy in its membership and notwithstanding that the full number of its members has not been elected or appointed.
- (3) All acts done by the 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.
- (4) No proceedings of any meetings, either of members or of the Council or of any of its committees, 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.
- (5) No election of any members of the Council shall be invalidated by reason of any defect or invalidity in voting papers or by reason of any error however occasioned in the counting of votes cast.

AMENDMENT OF RULES

- 47**(1) These rules may be altered from time to time by a resolution of a meeting of the subscribing members passed by not less than three-fourths of the votes cast at such meeting and agreed to by a resolution of the Council, but no alteration shall otherwise be made.
- (2) Notice of the resolution shall be given to subscribing members at least ten days before the meeting.
- (3) No addition, alteration or amendment shall be made to or in the provisions of these rules for the time being in force unless the same shall have been previously approved in writing by the Charities Regulator. The Society shall ensure that the

Charities Regulator is furnished with a copy of the General Rules in force from time to time.

KEEPING OF ACCOUNTS

48 Annual audited accounts shall be kept and made available to the Revenue Commissioners on request.

DELEGATION

49 In so far as the adoption of these Rules gives effect to the possession or exercise by the Council or any of its constituent panels or committees of any of the statutory or customary rights, powers, functions, duties or responsibilities heretofore possessed or exercised by the Society or by the benchers, such effect shall be deemed for all purposes to be by way of delegation and not by way of transfer.