

# **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**

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# CONTENTS

## **PART I INTRODUCTION**

1. The Honorable Society of King's Inns

## **PART II THE SOCIETY'S DIPLOMA IN LEGAL STUDIES**

2. Educational Qualifications for admission to Diploma Course
3. The Society's Diploma in Legal Studies

## **PART III THE BARRISTER-AT-LAW DEGREE COURSE**

4. Definitions
5. Accreditation Board
6. Entrance Examination
7. Eligibility to sit the Annual Entrance Examination
8. Disqualifications
9. Marks and Standards
10. Exemptions
11. Eligibility to resit the Annual Entrance Examination
12. Allocation of Places in the Barrister-at-Law Degree Course
13. Annual Entrance Examination Fee
14. Examination Board
15. Completion of the Barrister-at-Law degree course
16. Commons
17. Admission to the Degree of Barrister-at-Law
18. Precedence for Honours at Call to the Bar
19. Prizes

## **PART IV RULES APPLICABLE TO SPECIALLY QUALIFIED APPLICANTS**

20. Northern Ireland Barristers
21. English Barristers
22. Barristers of Reciprocating Countries
23. Solicitors
24. Qualified Lawyers from other EU Member States

**PART V      SPECIALIST DIPLOMAS**

25.    Specialist Diplomas

**PART VI     FELLOWSHIPS, BURSARIES AND SCHOLARSHIPS**

26.    The Gaffney Scholarship  
       The Denham Fellowship (in conjunction with the Bar of Ireland)  
       The McCarthy Bursary

**PART VII**

27.    Discipline  
28.    Plagiarism

**PART VII    MISCELLANEOUS**

29.    Relaxation of Rules  
30.    Variation of Rules  
31.    Forms of Memorials  
32.    Admission of the Society's Courses of Education  
33.    Amendment of Rules  
34.    Gender

# **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.

The Society also provides specialist courses of education and training leading to the award of Diploma and Advanced Diploma.

## 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 a degree from a third level institution (as defined in Rule 4(b) other than an approved degree (as defined in Rule 4(c), or
  - (ii) be at least twenty three 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.
  - (iii) Any other information provided by the applicant which demonstrates the capacity to undertake a course of this level.
- (b) Every person who seeks a place in the diploma course must lodge the appropriate application form not later than the 31 May 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 31 May and shall be treated as conditional upon such educational qualifications being acquired not later than the 1 July in the year in which he seeks a place. Applications are also accepted on payment of a late fee up to 1 July 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 equivalent standard as that of the approved degrees in law for the purposes of eligibility to sit the entrance examination.

(b) 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

Land Law (including Law of Succession)

Law of Contracts

Law of Torts

Family Law

#### **Part 2**

Human Rights Law

Administrative Law

Company Law

Equity and the Law of Trusts

Law of the European Union

Law of Evidence

Jurisprudence

(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 & Tutorials in accordance with regulations made from time to time by the Education Committee.

(d) Each student must submit coursework for each subject on the dates & times determined by the Education Committee.

(e) 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.

(f) 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.

- (g) Supplemental examinations may be held before the beginning of Michaelmas term but only those students 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.
- (h) 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.
- (i) To be awarded a pass in Part 1 or Part 2, a student must receive marks of at least 40% in each component of the assessment (coursework and examination) for each subject.
- i. A student who fails one component of the assessment (either the examination or the coursework) must re-sit only the failed component of the assessment provided he/she has attained 40% or more in the element passed.
  - ii. A student may compensate whereby he/she has failed one component of the assessment in one subject only provided that the fail mark is 36% or over and that the aggregate mark for that subject is 40% or over. A student who fails more than one assessment may not compensate.
  - iii. A student who obtains an overall pass in a subject (i.e. both coursework and examination) will be exempted from further examination in that subject.
  - iv. A student will not be awarded a mark of more than 40% in a re-sit.
- (j) **All assessments, examinations and resits must be completed sequentially save in exceptional circumstances and in any event within five years of the commencement date of the course.**
- (k) 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.
- (l) 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.



(m) 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 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) 'third level institution' means
  - (i) an Irish university with degree awarding powers as listed in the Universities Act, 1997; or
  - (ii) Dublin Institute of Technology; or
  - (iii) an Irish third level educational institution which is either an institution recognised by HETAC pursuant to The Qualifications (Education and Training) Act 1999, section 24, or an institution which provides degrees and/or post-graduate diplomas validated by HETAC; or recognised by QQI pursuant to the Qualifications and Quality Assurance (Education and Training) Act 2012; or
  - (iv) a university or third level institution in another jurisdiction with degree awarding powers as recognised by the relevant body in that jurisdiction.
- (c) 'approved degree' means
  - (i) a degree, conferred by a third level institution, in the law of Ireland or in the law of Northern Ireland approved by the Society conferred on a student who has been examined in and who has passed each of the core subjects;
  - (ii) a degree conferred by a third level institution, in which the law of Ireland or of Northern Ireland is a principal or dominant element approved by the Society conferred on a student who has been examined in and who has passed each of the core subjects.
  - (iii) in the case only of a student who before 1 August 2003 commenced a course of study leading to the award of a degree that was at that time an approved degree within the meaning of these rules as then in force, the degree awarded to such person following such course of study, provided:
    - (1) the person has been examined in and passed each of the core subjects, or
    - (2) has been examined in and passed each of the core subjects with the exception of Jurisprudence and either has passed or will pass the Society's Diploma examination in Jurisprudence.

- (iv) in the case only of a student who before 1 August 2006 commenced a course of study leading to the award of a degree that was at that time an approved degree within the meaning of these Rules as then in force, the degree awarded to such person following such course of study, provided:
- (1) the person has been examined in and passed each of the core subjects, or
  - (2) has been examined in and passed each of the core subjects with the exception of Company Law and/or Administrative Law and either has passed or will pass the Society's Diploma examination in such of these subjects which they have not already been examined in and passed.
- (d) 'A post graduate diploma in law' shall mean a diploma, degree or other award which is conferred by a third level 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.
- (e) "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 each of the core subjects.
- (f) A list of approved degrees and approved post-graduate diplomas shall be published by the Council from time to time.
- (g) 'core subjects' means Land Law (including Law of Succession), Company Law, Equity and the Law of Trusts, Law of the European Union, Jurisprudence, Administrative Law.
- (h) 'the Council' means the Council of the Society.

## 5. Accreditation Board

- (a) There shall be nominated in January of each year an Accreditation Board (as set out below)
- to consider applications from third level institutions for recognition of a particular degree as an approved degree 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 Dean,
  - (iv) The Registrar,
  - (v) A person of academic standing nominated by the Chairman of the Council of King's Inns.

The Accreditation Board shall elect its own chairman.

- (c) Any application for recognition as an approved degree 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 third level 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 August or September.

It shall comprise the following subjects:

Law of Contract  
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.

#### **6A Mode of delivery of barrister-at-law degree.**

- (a) The Barrister-at-Law degree will be delivered in two modes:
  - (i) one-year full time course to be offered and provided on an annual basis, and
  - (ii) two-year modular course to be offered on at least a biennial basis provided it is considered viable to do so in a particular year.
  
- (b) The modular course shall be considered to be viable in a particular year if there are at least 32 successful candidates who accept places and register on it. The Society may at its discretion provide the modular course if there are fewer than 32 successful candidates.
  
- (c) In the event that the modular course is not provided in a particular year because it is not considered viable to do so, the modular course will be offered the following year and will be provided that following year so long as it is considered viable to do so.

#### **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, or
  - (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 May in the year in which he seeks to undertake the examination. An applicant who is in the process of acquiring the necessary educational qualifications may apply on a provisional basis not later than the 31 May and the application shall be treated as conditional upon such qualifications being acquired not later than the 1 July in the year in which he seeks to undertake the examination. Applications are also accepted on payment of a late fee up to 1 July in the year which he seeks to undertake the examination. 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.
  
- (d) All candidates will be required to indicate when applying for the entrance examination whether they wish to attend the one-year full-time course or the two-year modular course.
  
- (e) Eligible candidates who wish to undertake the modular course shall be permitted to sit the entrance examination whether or not the modular course is being offered that

year. If successful they shall be permitted to defer (subject to the provisions in rule 12 below).

#### **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 50% 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 provided that the failure in that one subject does not fall below 45% and the candidate has an aggregate mark of 50% or more.
- (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.

#### **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 two further attempts only 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 for the full-time course 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 candidates for the full-time course 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 on the full time course in the year in which they pass the examination shall be offered a place on the modular course if it is being provided in that year.
- (c) All candidates for the modular course who pass the entrance examination will be offered a place on the modular degree course in the year in which they pass the examination unless:
  - (i) the modular course is not being offered that year
  - (ii) the modular course is being offered that year but is not being run due to it not being considered viable.
- (d) Where the modular course is not run in a particular year candidates for that course who pass the entrance examination will be offered the choice of:
  - (i) attending the full-time course that year; or
  - (ii) deferring their place on the modular course for a year (whilst the modular course will be offered there will be no guarantee that it will be provided in the following year).
- (e) Where a candidate has deferred his place on the modular course pursuant to subsection (d)(ii) above and where the modular course is not provided the following year the candidate will again be offered the choice of:
  - (i) attending the full-time course that year; or
  - (ii) deferring his place on the modular course for one further year (whilst the modular course will be offered there will be no guarantee that it will be run in the following year), subject to the provision that no candidate will be permitted to defer for more than two years in total. If the modular course is still not available after two years the candidate must either undertake the full-time course or refuse their offer of a place.
- (f) 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.

- (g) 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, other than pursuant to subsections (d)(ii) or (e)(ii) of this rule, 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, academic or employment opportunity which, in the opinion of the Examination Board, would significantly contribute to the candidate's future practice at the Bar.
- (h) 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.
- (i) 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. Entrance Exam 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 Registrar, *ex officio*,
  - (vi) the Dean, *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 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. Completion of the Barrister-at-Law degree course**

Before being admitted to the degree of Barrister-at-Law a student must successfully complete the Society's Barrister-at-Law 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.

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

### **16. Commons**

- (a) Students on the full-time Barrister-at-Law degree course are required to dine in the hall on 10 occasions during the academic year. Details are available from the Under Treasurer.
- (b) Students on the modular Barrister-at-Law degree course are required to dine in the hall on five occasions during the first academic year of the course and five occasions during the second academic year of the course. Details are available from the Under Treasurer.

### **17. 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 will

comply with the General Rules of the Society and any applicable professional codes in force from time to time.

Any person seeking to be called to the Bar must meet the requirements of the Legal Practitioners (Irish Language) Act 2008, unless exempt, and must undertake, in full, the course provided by King's Inns in order to fulfil the requirements of that Act.

#### **18. 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.

#### **19. Prizes**

##### **(a) *The Arthur Browne Prize***

The Arthur Brown Prize is awarded to the student who takes first place in the entrance examination.

##### **(b) *The John Brooke Scholarship***

The John Brooke Scholarship is awarded to the student who obtains the highest aggregate marks in the examinations conducted by the Society including marks awarded for assessments through the year. The scholarship shall be payable only to a student who proceeds to practise at the Bar. A student who qualifies for the scholarship must take his call to the Bar within six months of publication of the results of the annual examinations but the benchers may, for special reasons, permit him/her to postpone his/her practice for not more than 18 months from such call.

##### **(c) *The Society's Exhibition***

The Society's Exhibition is awarded to the student who obtains the second highest aggregate marks in the examinations conducted by the Society including marks awarded for assessments throughout the year. The conditions for the award of the Exhibition shall be the same as those for the award of the John Brooke Scholarship.

##### **(d) *The James Murnaghan Memorial Prize***

The James Murnaghan Memorial Prize is awarded to the student who obtains the third highest aggregate marks in the examinations conducted by the Society including marks awarded for assessments throughout the year. The conditions for the award of the Prize shall be the same as for those for the award of the John Brooke Scholarship.

With the exception of the Arthur Browne Memorial Prize (awarded to the student who takes first place in the entrance examination), prizes are only awarded during the admission ceremony to the degree of barrister-at-law in Trinity term even if a first attempt student in the supplemental examinations obtains a higher mark than the recipient of a prize in the annual examinations.

## **PART IV**

### **RULES APPLICABLE TO SPECIALLY QUALIFIED APPLICANTS**

#### **20. 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.
  - (4) Keep two terms commons (3 dinners each term) after call during the first two years of practice

#### **21. 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.

## **22. 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.

### 23. Solicitors

- (a) A solicitor on application made by him in writing to the Society who in the period expiring at any time within six calendar months prior to the date of receipt of application has been in continuous practice in the State for three years or more and has held a practising certificate from the Law Society of Ireland for the entire of that period (or is exempted by statute from any requirement to hold such certificate) 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) hereof.
- (b). Every such applicant shall
- (1) following acceptance by the Society of such application satisfactorily complete the next available course of study (if any) as may be provided by the Society and as may be determined from time to time by the Education Committee
  - (2) cause himself to be removed from the Roll of Solicitors and cease to practice as a solicitor prior to admission to the degree of Barrister-at-Law.
  - (3) lodge at the Under Treasurer's office at least 10 days prior to admission to the degree:
    - (i) a letter from the Law Society of Ireland certifying his removal from the Roll of Solicitors;
    - (ii) where applicable, letters from the Solicitors Regulation Authority and Law Society of any other Jurisdiction in which the person has practiced as a solicitor certifying his removal from the Roll of solicitors
    - (iii) a statutory declaration that he has ceased to have any financial interest in any solicitor's business or practice;
    - (iv) 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;
    - (v) 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
- (vi) an undertaking in writing to keep two terms of commons in accordance with paragraph (b)(5) of this Rule,
- (4) at least 10 days prior to admission to the degree pay the degree fee as set out in the Schedule of Fees, and
  - (5) keep two terms of commons (3 dinners each term) after call during the first two years of practice at the Bar of Ireland.
- (c) Notwithstanding paragraph (b)(1) an applicant will be entitled (on payment of the appropriate fee in respect of such course) to take such course of study, if any, as may be determined by the Education Committee pursuant to paragraph (b)(1) of this Rule once he has been in practice as a solicitor in the State and has held a practising certificate (unless exempted by statute from any requirement to hold such certificate) for a period of not less than two years immediately preceding the commencement of the said course of study. On satisfactory completion of the said course of study the solicitor shall be deemed to have complied with the requirement of paragraph (b)(1) of this Rule provided such course of study is completed within twelve calendar months of application being made under Rule (a) above.
- (d) If an applicant fails:
- (i) to undertake and complete satisfactorily the next available course of study in accordance with paragraph (b)(1) of this Rule; or
  - (ii) to cause himself to be admitted to the Society and called to the Bar of Ireland at the first available opportunity following satisfactory completion of the said course

the application made by the applicant shall be deemed to be withdrawn.

#### **24. 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 Directive 2005/36 of the European Parliament and Council on the recognition of professional qualifications(OJ L 255 p. 22)(‘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, attestation of competence issued by a competent authority in the home Member State 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 where such bankruptcy or similar order remains undischarged or in force; 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 as set from time to time by the Council.
- (d) Any document or certificate presented by the migrant pursuant to sub-paragraph (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 **from time to time** by the Education Committee and shall comprise written papers and **an** 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 Laws of Torts, Contract and Property (including Equity and Trusts);
    - (3) A paper on Evidence and Civil Practice and Procedure of the Superior Courts and the Circuit and District Courts; and
    - (4) A paper on Criminal Law and Criminal Practice and Procedure of the Superior Courts and 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 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. Every migrant shall keep two terms commons (3 dinners each term) after call during the first two years of practice at the Bar of Ireland.
- (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 as set from time to time by the Council.

- (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**

### **SPECIALIST DIPLOMAS**

25 (a) The Society may establish specialist courses of training and education leading to the award by the Society of a Diploma or Advanced Diploma.

(b) Regulations concerning admission to and the successful completion of each such course shall be made and promulgated by the Dean, with the prior approval of the Education Committee, and may be amended from time to time in like manner. In relation to all other matters the rules in Parts VI, VII and VIII shall apply.

## **PART VI**

### **FELLOWSHIPS, BURSARIES AND SCHOLARSHIPS**

26. The Society offers the following fellowships, bursaries and scholarships:
- The Gaffney Scholarship;
  - The Denham Fellowship (in conjunction with the Bar of Ireland);
  - The McCarthy Bursary.

The eligibility requirements for these awards shall be set by the Society, and, in the case of the Denham Fellowship, by the Society and the Bar of Ireland.

The Society reserves the power to establish such further of other fellowships, bursaries and scholarships as may be established by the Society subject to the requisite finance being available to the Society as determined by the Standing Committee

## **PART VII**

### **DISCIPLINE**

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

Conduct considered by the Registrar to be a minor breach of discipline shall be dealt with by the Registrar 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 Registrar 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 Registrar 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) Plagiarism**

Plagiarism is an offence against discipline which will be dealt with under Rule 28

#### **(4) 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.

**(5) 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.

**(6) 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.

**(7) 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.

**(8) 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, or the Dean in the case of an allegation of plagiarism, 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.

**(9) 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.

**(10) 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.

## 28. PLAGIARISM

### Definition

- (a) Plagiarism is the act of passing off the work of another as one's own. This may include, but is not limited to, the following:
- i. using material from a source such as a book, article or website, whether verbatim or in paraphrase, without appropriate acknowledgement and citation;
  - ii. copying another student's work, with or without the knowledge or consent of that other student;
  - iii. using material purchased from or provided by another person or agency;
  - iv. representing collaborative work as one's own;
  - v. knowingly permitting another student to copy one's own work.
- (b) Save in the case of v above, plagiarism occurs whether the act is intentional or unintentional. All work submitted by students, including course work and assessments, is received by the King's Inns on the understanding that it is the students' own work and written in their own words, save where explicitly referenced using accepted norms of citation.

### Major and minor offences

- (c) Major and minor offences are defined as follows for the purpose of this Rule:
- i. A 'minor offence' occurs where the student in question has not previously been found guilty of plagiarism and where the act is unintentional.
  - ii. A 'major offence' occurs where the student in question has previously been found guilty of plagiarism or where the act is intentional.
- (d) A record shall be kept by the Registrar of all findings of plagiarism, whether major or minor, which may be consulted for the purpose of determining whether an incident of plagiarism is a first or subsequent offence.

### Penalties

- (e) In the case of a minor offence, one or more of the following penalties may be imposed on the student concerned:
- i. a written warning furnished by the Registrar;
  - ii. offering the student an opportunity to repeat the course work or assessment in question as a first attempt, with or without a limitation on the maximum grade that may be awarded;
  - iii. offering the student an opportunity to repeat the course work or assessment in question as a second attempt, with the maximum grade that may be awarded capped at the pass mark;
  - iv. the imposition of a reduced mark on the work submitted, including a mark that constitutes a failing mark.

- (f) In the case of a major offence, one or more of the following penalties may be imposed on the student concerned:
- i. a written warning furnished by the Registrar;
  - ii. offering the student an opportunity to repeat the course work or assessment in question as a first attempt, with or without a limitation on the maximum grade that may be awarded;
  - iii. offering the student an opportunity to repeat the course work or assessment in question as a second attempt, with the maximum grade that may be awarded capped at the pass mark;
  - iv. the imposition of a reduced mark on the work submitted, including a mark that constitutes a failing mark.
  - v. failing the course work or assessment in question;
  - vi. temporary or permanent exclusion from the course of study being undertaken;
  - vii. suspension or permanent expulsion from the Honorable Society of King's Inns;
  - viii. notification to the Bar Council and/or any other appropriate professional body.

#### Procedure where plagiarism is suspected

- (g) These procedures shall apply wherever a member of teaching staff, a course-coordinator, an examiner, an external examiner, the Registrar or the Dean suspects that work submitted by a student, whether course work or an assessment, constitutes or includes plagiarism.
- (h) The person who suspects that plagiarism has occurred shall forthwith notify the Registrar. That person shall submit to the Registrar a short report, in writing, including a copy of the suspected plagiarism and setting out the basis on which it is suspected that plagiarism has occurred.
- (i) Where the Registrar considers that the suspected plagiarism, if proven, might constitute a minor offence, the following procedure shall apply:
- i. The Registrar shall notify the student concerned of the suspected plagiarism and shall furnish the student with a copy of the report referred to at sub-rule (h) above.
  - ii. The Registrar shall have the power to consult with the Course Coordinator and with teaching staff.
  - iii. The Registrar shall interview the student concerned, allowing the student an opportunity to respond to the allegation that plagiarism has occurred.
  - iv. If, having interviewed the student concerned, the Registrar is satisfied that a minor offence has occurred, he may impose any of the penalties specified at sub-rule (e) above and shall provide to the student concerned advice on avoiding plagiarism.
  - v. If, having interviewed the student concerned, the Registrar considers that the student may have committed a major offence, the procedure set out at sub-rule (j) below shall apply.



- vi. If, having interviewed the student concerned, the Registrar is satisfied that plagiarism did not occur, he shall take no further action.
  - vii. The Registrar shall notify the student concerned in writing of his findings and of any penalty to be imposed.
  - viii. The student concerned shall be entitled to appeal a decision of the Registrar under this sub-rule to a Disciplinary Committee, convened pursuant to Rule 27(6) of these Rules. The finding of the Disciplinary Committee on such an appeal shall be final.
- (j) Where the Registrar considers that the suspected plagiarism, if proven, might constitute a major offence, the following procedure shall apply:
- i. The Registrar shall notify the Dean of the suspected plagiarism and shall furnish to the Dean the report referred to at sub-rule (h) above.
  - ii. The Registrar shall notify the student concerned of the suspected plagiarism and shall furnish the student with a copy of the report referred to at sub-rule (h) above.
  - iii. The Registrar shall have the power to consult with the Course Coordinator and with teaching staff.
  - iv. The Registrar shall interview the student concerned, allowing the student an opportunity to respond to the allegation that plagiarism has occurred.
  - v. If, having interviewed the student concerned, the Registrar remains of the view that the suspected plagiarism, if proven, would constitute a major offence, the suspected plagiarism shall be treated as an alleged offence against discipline pursuant to Rule 27 of these Rules, save that under Rule 27.4(a), the Dean rather than the Under Treasurer shall investigate the allegation and the penalties applicable shall be those specified at sub-rule (f) above rather than those specified in Rule 27(9).
  - vi. In the event that the student concerned is found guilty of a major offence, any of the penalties specified at sub-rule (f) above may be imposed.
  - vii. In the event that the student concerned is found guilty of a minor offence, any of the penalties specified at sub-rule (e) above may be imposed and the Registrar shall provide to the student concerned advice on avoiding plagiarism.
  - viii. In the event that the student concerned is found not-guilty of an offence under this Rule, no further action shall be taken.
  - ix. The Registrar shall notify the student concerned in writing of the outcome of the disciplinary procedure and of any penalty to be imposed.
  - x. The student concerned shall be entitled to appeal a decision of the Disciplinary Committee under this sub-rule to a Disciplinary Appeals Committee, convened pursuant to Rule 27(7) of these Rules. The finding of the Disciplinary Appeals Committee on such an appeal shall be final.

## **PART VIII**

### **MISCELLANEOUS**

#### **29. 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  
excuse any breach of or non-compliance with any such requirement or provision.

#### **30. 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.

#### **31. 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.

#### **32. 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.

#### **33. 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.

#### **34. Gender**

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