

# RULES OF MEMBERSHIP OF THE LAW LIBRARY

## The Library Committee

1 The Library Committee is a permanent committee of the General Council of the Bar of Ireland, and is responsible for the management, operation and control of the Law Library, its staff, non-electronic equipment, furniture, facilities and premises. With the approval of the Finance Committee, it is responsible for the terms and conditions of employment of staff members and the purchase, sale, and other means of acquisition or disposal of all non-electronic equipment, furniture, facilities and all Bar Council properties.

2 The Library Committee is responsible for the admission, exclusion and reinstatement of the members of the Law Library and is responsible for the collection and supervision of the payment of all subscriptions, entrance fees, or other sums to be paid by members, to the Bar Council and its associated companies.

3 No furniture, non-electronic equipment, facility or premises, under the control of the Library Committee, may be used for any collection, sale of items or lottery, for or on behalf of, any person or organisation (whether charitable or not), nor may be used for the placing, posting or display of notices of any kind, save with the written permission of the Library Committee, obtained in advance.

4 No area of the Law Library or any of the common areas of the other Law Library properties shall be used for the purposes of smoking.

5 The Library Committee shall have power to summon its own meetings and to arrange its own procedure.

## Admission to the Law Library

6 The following persons shall be eligible to apply for membership of the Law Library, subject to such terms and conditions as may, from time to time, be prescribed by the Library Committee:-

- (i) Any person who has been called to the Bar of Ireland;
- (ii) A final year student in King's Inns;
- (iii) A person in practice as a member of a Bar of the European Community, or such other Bar as may from time to time have reciprocal recognition arrangements with the Honorable Society of King's Inns, who has applied for call to the Bar of Ireland and who is willing to act regularly in the Courts of Ireland;

(v) Subject to the matters contained in Rule 16, a Solicitor or former Solicitor, who has applied for call to the Bar of Ireland.

(vi) Any person qualified to practice on a permanent basis within this jurisdiction pursuant to the provision of the European Communities (Lawyer's Establishment) Regulations 2003

7 An application for membership of the Law Library shall be in writing in the form prescribed from time to time by the Library Committee containing complete and accurate information as required.

8 It shall be a condition precedent to membership of the Law Library that an applicant shall undertake: -

- (i) To abide by the Constitution, Code of Conduct, Rules, and Regulations prescribed by the General Council of Bar of Ireland;
- (ii) To abide by such terms, conditions, time limits or other requirements as may be set by the Library Committee;
- (iii) (a) In the case of a person joining the Law Library immediately after Call to the Bar, to pupil for a period of one year with a Dublin based junior counsel who is registered as a pupil master; or  
(b) In any other case, to pupil for such period and/or pass such examination and/or attend such course of education, as may be set by the Library Committee;
- (iv) To pay such entrance fee, annual subscription, or other such payment as may be determined by the Library Committee.

(v) To produce evidence of membership of the Law Library professional indemnity insurance scheme or of a policy of professional indemnity insurance acceptable to the Library Committee, where the standard minimum requirement of cover is €1,500,000 (any one claim).

(vi) To supply to the Bar Council full contact details, including actual place of dwelling, telephone number, external email address and a current passport-size photograph, and to notify the Bar Council of any alteration in the contact details provided or appearance. Correspondence sent to a member of the Law Library from the Bar Council shall be deemed to have been received by that member if it is sent to both the members postal and email addresses held on file by the Bar Council.

(vii) To appear on the Barristers' Database on the Bar Councils website, and to supply the Bar Council for

this purpose with a contact telephone number and an email address. For the avoidance of doubt, members may elect for their @lawlibrary.ie email address to appear on the Barristers' Database.

9 (a) Every applicant for membership of the Law Library, as a condition precedent to being admitted to membership, shall subject to the terms hereof, pay an entrance fee as may be determined from time to time by the Library Committee, in addition to the annual subscription for the year in which membership is sought. It is the duty of intending applicants to communicate with the Director of the Bar Council, in advance of the payment date, to obtain information on current fees. The Library Committee shall be entitled to call for such evidence as it may determine by way of proof of any matter stated in an application for admission to the Law Library, and following such admission, to call for such evidence as it may determine by way of proof of good standing and compliance with the membership requirements of the Law Library. The Library Committee shall be empowered to revoke membership of the Law Library should it appear to the Committee at any time that a member shall have ceased full time practice at the Bar of Ireland.

(b) A Certificate of Good Standing is issued to an addressee\* only and indicates:

- i) Confirmation of registration with the LSRA on the Roll of Practising Barristers
- ii) Confirmation from the Professional Practices Committee and/or the Barristers' Professional Conduct Tribunal of no finding of professional misconduct;
- iii) Confirmation from the Legal Services Regulatory Authority (LSRA) of no finding of professional misconduct;
- iv) Confirmation of professional indemnity insurance cover;
- v) Confirmation from the Kings Inns of date of Call to the Bar
- vi) Confirmation of no outstanding debts to the Bar of Ireland or associated companies
- vii) Where a member with arrears has in place and is complying with an approved arrangement for the discharge of the said arrears (including payment of any administration fee), a Certificate of Good Standing may be issued. The Bar Council reserves the right to revoke any Certificate of Good standing in the event that an

approved arrangement for the discharge of arrears is not complied with.

(c) The application for a Certificate of Good Standing shall be accompanied by an administration fee as may be determined from time to time by the Library Committee.

(d) Qualified Certificates can be permitted in the following circumstances:

- i) Where any professional misconduct proceedings are pending before the Professional Practices Committee or the Barristers' Professional Conduct Tribunal or proceedings with the Legal Services Regulatory Authority (LSRA), a qualified Certificate of Good Standing which notes this fact may be issued.

(e) The Bar Council reserves the right to revoke any qualified Certificate of Good standing in the event that a finding of misconduct is made.

(f) The Library Committee, may in its discretion, and on a case by case basis, issue a Certificate of Good Standing notwithstanding a previous finding of professional misconduct against a member.

\*The "addressee" is *"the requesting organisation"*

10 (a) Members who have left the Law Library, are not entitled to a Certificate of Good Standing, however in circumstances where they ceased membership in Good Standing, a letter may be issued to confirm that there is no record of disciplinary issues for the period of Membership.

(b) A Letter of Good Standing is issued to an addressee only and indicates:

- i) Confirmation from the Professional Practices Committee and/or the Barristers' Professional Conduct Tribunal of no finding of professional misconduct for the period of membership;
- ii) Confirmation from the Kings Inns of date of Call to the Bar
- iii) Confirmation of no outstanding debts to the Bar of Ireland or associated companies
- iv) Where a member with arrears has in place and is complying with an approved arrangement for the discharge of the said

arrears (including payment of any administration fee), a Letter of Good Standing may be issued. The Bar Council reserves the right to revoke any Letter of Good standing in the event that an approved arrangement for the discharge of arrears is not complied with.

- (c) The application for a Letter of Good Standing shall be accompanied by an administration fee as may be determined from time to time by the Library Committee.
- (d) The Library Committee, may in its discretion, and on a case by case basis, issue a Letter of Good Standing notwithstanding a previous finding of professional misconduct against a member.

**11** On joining the Law Library, every member shall sign the Roll of Membership, undertaking to abide by the Constitution, Rules, Regulations and Requirements of the General Council of the Bar of Ireland, and of the Library Committee.

**12.** Every member shall consent as a condition of membership of the Law Library that the Council of The Bar of Ireland may process personal data within the meaning of the Data Protection Act ,2018 and provide copies of that data to both the Legal Services Regulatory Authority and the Kings Inns, from time to time either of its own motion or at the request of the Legal Services Regulatory Authority or Kings Inns.

**13** The following must be done not later than 10 days before the date of admission to the Law Library:

- i. A portion of the overall entrance fee and annual subscription must be paid, currently designated at €500
- ii. The balance of the entrance fee and annual subscription may be cleared over the law year as detailed in Rule 21 of the Rules of Membership and arrangements should be in place to commence at the beginning of the law year.
- iii. Evidence of an acceptable policy of professional indemnity insurance must be produced,
- iv. Evidence that the applicant has registered with the Legal Services Regulatory Authority as a practising barrister has been provided,
- v. A Master (whose name is on the Master List) must be secured and the name of such Master notified to the Library Committee, and
- vi. Attend at a pre-admission interview referred to in Rule 16.

Subject to Rule 14, the Library Committee may, if satisfied that exceptional circumstances apply, permit an applicant to comply with any of the requirements above outside of the time period stipulated above on such terms as appear appropriate to the Library Committee.

Where the Library Committee permits the late payment of the appropriate entrance fee and/or subscription fee any

such payment must be made by bank draft, credit card or EFT only. A late fee charge may also be imposed at the discretion of the Library Committee.

Subject to Rule 14, no Person shall be admitted to membership of the Law Library unless and until such sums outlined above have been paid in full, such policy is produced, evidence that the person has registered with the Legal Services Regulatory Authority as a practising barrister has been provided, a Master (whose name is on the Master List) has been confirmed to the Library Committee and the pre-admission interview has been completed.

**14** Except for former members of the Law Library re-entering, admission to membership of the Law Library shall take effect on **the first day of the Michaelmas Term** and for those not admitted on the first day of the Michaelmas Term **at a date after the Michaelmas Call but before the 1<sup>st</sup> December in each year, as determined by the Library Committee.**

For the avoidance of doubt, pupils are not permitted to begin their pupillage with their pupil-masters until the date that their admission to membership of the Law Library takes effect.

**15 (i)** Applicants wishing to take up membership of the Law Library on either of the admission dates shall make their application to the Library Committee in accordance with Rule 7.

(ii) Such applications for admission to the Law Library shall be made to the Library Committee no later than **30<sup>th</sup> June** of each year. The application shall be accompanied by such application fee as may be determined from time to time by the Library Committee and an additional fee, which can only be waived in exceptional circumstances, will apply to late applications. Late applications will only be accepted up to **31st August**.

**16** Every applicant for membership of the Law Library shall attend a pre-admission interview meeting with a member of the Library Committee appointed to conduct such meetings.

**17** The Library Committee may in its absolute discretion refuse admission to any applicant who, in its opinion, is unsuitable for membership of the Law Library and shall, within fourteen days of such refusal, communicate a statement of reason of refusal, to the applicant. Any applicant so refused may appeal against the decision to the General Council of the Bar of Ireland, within a period of fourteen days from the date of notification of the said refusal.

**18** Where an applicant has been a solicitor, or has been engaged in any occupation which, in the opinion of the Library Committee, involved giving Legal Advice, or which may give rise to a perception of conflict with the obligations of a barrister in

accordance with the code of conduct, then that applicant must satisfy the Library Committee that the applicant has ceased or will have ceased such practice or occupation prior to the date of admission to the Law Library.

Where an applicant has been a member of An Garda Síochána, then that applicant must satisfy the Library Committee that the applicant has ceased or will have ceased such employment or occupation prior to the date of admission to the Law Library. A career break from An Garda Síochána does not equate to the member having ceased employment.

**19** The Library Committee shall have the power to allow members of another Bar to access occasional use of the facilities the Law Library under “External Association”.

The Library Committee shall be enabled to prescribe the terms and conditions for the application procedure and terms and conditions of the usage.

Such Association may only be granted to persons in full time practice as member of a Bar in another jurisdiction. The Library Committee shall be entitled to call for such evidence as it may determine by way of proof of such full time external practice and for evidence of good standing and compliance with the membership requirements of the foreign Bar in question.

External Association shall entitle the applicant to use of the facilities of the Law Library to such extent as may be determined from time to time at the discretion of the Library Committee and which must be notified to the Committee in writing with 14-day notice stating case and approximate case duration.

The Library Committee shall be empowered to revoke such association should it appear to the Committee at any time that an external associate shall have ceased full time practice or membership of the relevant foreign bar or should it appear that an external associate is conducting full time practice in this jurisdiction from the premises of the Law Library.

External Association does not confer services afforded to full members and External Associates are not regulated by The Bar of Ireland.

## Subscriptions

**20** All members of the Law Library shall share equally in the rights, privileges, duties and obligations of membership, but the Library Committee may from time to time decide that the different levels of subscription are appropriate to different categories of Member. Members are categorised as Dublin members if their address, either business or domestic, is within 150 kilometres of the Four Courts, Dublin 7. Should a

member wish to apply for a country membership subscription they must submit an application with proof of address to the administration department, confirming that their address, either business or domestic, is 150 kilometres from the Four Courts, Dublin.

The Library Committee shall have the power to adjust a membership subscription of the Law Library in exceptional circumstances where a member is required to retain full membership of the Law Library but is not in practice in our jurisdiction – for example members practising at The Hague. The Library Committee shall be enabled to prescribe the terms and conditions for the application procedure and terms and conditions of such membership.

If on appointment the Attorney General is a practising barrister, he or she will remain a practising barrister for the period of such appointment (unless the Library Committee is otherwise informed by the Attorney General). However, a reduced membership subscription will be applied in the case of the Attorney General.

**21 Annual Subscriptions** shall be paid by cheque, debit card, credit card or direct debit in one of the following ways:

- (a) in advance or
- (b) by a signed direct debit mandate for 10 monthly payments provided prior to 15 October, or
- (c) by a signed direct debit mandate for 4 quarterly payments provided prior to 15 October, or
- (d) by 4 equal cheques post-dated by the 15 October; 15 January; 15 April; 15 July and provided prior to 15 October.

**21 (a)** Any measures adopted by the General Council of The Bar of Ireland to support members, arising from the COVID-19 Crisis, in relation to subscriptions,

- (i) shall apply to all current members, save any member who notifies The Bar of Ireland in the prescribed manner that he or she wishes to opt out of these measures.
- (ii) shall be available only to members who are members on the date the credit is approved and who continue in membership for the remainder of that legal year
- (iii) If a member ceases membership during that legal year, any credit applied will be reversed in full.

**22** Sums due to the Bar Council or its associated Companies shall carry interest at the overdraft rate applicable to bank current accounts used by The Bar Council and its associated companies.

**23** Any member who has a balance unpaid and outstanding in respect of subscriptions, rent or other services due to the Bar Council or its associated Companies at the end of any Term may have withdrawn all Library and outgoing communications services and together with any parking facility in the Four Courts or King's Inns in all subsequent Terms until all outstanding amounts are discharged.

**24** Any member who has a balance unpaid and outstanding in respect of Subscriptions or other Services due to the Bar Council or its associated Companies at the end of any two consecutive Terms

- (a) may, in addition to Rule 22 above, lose any assigned desk, locker, storage location or other facility and incoming communication services. These will be re-assigned with effect from the beginning of the Term following to a member in good standing and in order of seniority
- (b) may rank in order of seniority for the re-allocation of facilities only after all outstanding amounts have been discharged.

**25** Members of the Law Library who have attained the age of 65 years and upwards and who have already paid not less than

- (a) 20 consecutive annual subscriptions to the Library in the 20 years immediately prior to the attaining the age of 65 years or
- (b) 25 annual subscriptions in any 25 years prior to attaining the age of 65 years shall be placed on a diminishing scale of subscription.

**26** Members who have exceeded the age of 68 years shall continue to pay the subscription appropriate to such member until attaining 50 years membership, whereupon Honorary Life Membership shall be awarded, and no membership subscription shall be payable by such member.

**27** It is the duty of the members of the Law Library to ensure that any entrance fee, subscription or other payment due to the Bar Council and associated Companies is paid by the due date and liability to make such payment is not conditional upon any demand or request being made to the member by the Director or any official of the Council of the Bar of Ireland. The collection of Law Library Services Ltd. accounts due for payment will be collected by direct debit from all members.

### **Membership Order of Precedence**

**28** For the purpose of entitlement to Library facilities, allocation thereof is based on order of precedence according to length of membership of the Law Library (excluding years of non-membership) and subsequently on the year of call to the Bar and order of merit.

### **Exclusion**

**29** Members of the Law Library may be excluded by the Library Committee either permanently or for a temporary period, on such date as the Library Committee may determine, following **approval by the Bar Council** in any of the following circumstances: -

- (i) Where a member has not paid or has not made arrangements to the satisfaction of the Bar Council or its associated Companies for the payment of, any entrance fee, subscription, or other payment due by the member to the Bar Council and its associated companies.
- (ii) Where a member has failed to produce an acceptable policy of professional indemnity insurance.
- (iii) Where a member has failed to comply with CPD or any other breach of the Code of Conduct. In the case where exclusion is for CPD non-compliance, within 1 month the member can reinstate membership by certifying they are in compliance, paying any administrative fees applied and showing proof of PII without the requirement for formal re-admittance through Library Committee. After 1-month, normal re-entry process will apply.
- (iv) Where a member has not been issued with a practising certificate.
- (v) where a member in practice in another jurisdiction has not provided a copy of their practising certificate from their home jurisdiction as is the requirement in Rule 40 of the Rules.

Exclusion from the Library will result in a member being omitted from the Law Directory, removed from the website, may not be issued with a practising certificate, and may forfeit any assigned desk, storage location or other facility which will be re-assigned to a member in good standing and in order of seniority unless all outstanding liabilities have been discharged. An administration fee to be fixed by the Library Committee will be applied to any members re-entering after being excluded unless exceptional circumstances apply.

**30** Where the Barristers' Professional Conduct Tribunal or the Barristers' Professional Conduct Appeals Board orders suspension of membership, the Library Committee will implement that decision.

**31** Any seat or car parking space allocated to such member shall be reallocated, and no service provided by the Library Committee to or for the membership, shall be provided to an excluded member.

**32** A member who has been excluded shall not vote in any Election or General Meeting or Poll of Law Library members, nor be entitled to occupy any seat or

car parking space, and such period shall not be deemed to be 'Practice at the Bar' for any purpose.

### **Personal Leave (Illness/Carer/Bereavement)**

**33** All members shall be entitled to personal leave for a period not exceeding 12 months in total, for reasons of illness, care of a family member experiencing illness (Medical Certificate may be required) or in cases of bereavement. A member shall be deemed to be in practice at the Bar during any period of personal leave and must retain the necessary professional indemnity insurance and remain on the Register of Practising Barristers with the LSRA for which the normal levy will apply.

Members shall continue to enjoy the right to vote in any election or general meeting or poll. The designation of any period of leave as personal leave shall be a function of the Library Committee on the application of any member. Members seeking to avail of any period of personal leave shall complete the necessary application form and or notify the Director, in writing, at the earliest opportunity of their intention to avail of such leave. An appropriate subscription shall be paid by such member as may be set by the Library Committee from time to time. Retrospective personal leave may only be approved in exceptional cases at the discretion of the Library Committee.

The Library Committee retains the right to extend personal leave beyond 12 months in extenuating circumstances. Services will be reduced and profile removal from the website will be required in such cases. The LSRA Levy will remain applicable throughout personal leave.

### **Parental leave (Maternity, Adoptive and Paternity Leave)**

**34** All members shall be entitled to parental leave (defined as maternity, adoptive and paternity leave) for up to nine months prior to and one year after the birth of their child or adoption by them of a child. Such period shall not exceed 12 months in total. A reduced subscription shall be paid by such member as may be set by the Library Committee from time to time.

Members on maternity and adoptive leave can return to work at a reduced subscription rate within 12 months of the date of their first taking leave. Where the member opts to return to full practice within 12 months (e.g. after 3 or 6 months, or after any number of months within the 12-month period of maternity leave) they are entitled to a 50% reduction to the Law Library subscription fee for the balance of time remaining within that 12-month period.

Parental leave is not deemed to be a break in practice, but the member is considered to be on leave and therefore should not be in practice for the duration of parental leave, save for circumstances whereby the

member can seek the permission of the Library Committee to attend to certain work during that period. Members must retain the necessary professional indemnity insurance and remain on the Register of Practising Barristers with the LSRA for which the normal levy will apply.

Members on parental leave shall continue to enjoy the right to vote in any election or general meeting or poll.

In cases of maternity or adoption, if a member does not wish to avail of maternity or adoptive leave, they can opt for a "maternity rate" whereby the member is entitled to a 50% reduction in the Law Library subscription fee for a maximum period of 12 months. The member is deemed to be in full practice and therefore there is no restriction on the member's ability to practice during this period.

The designation of any period of leave as parental, and the approval of the maternity rate for any member, shall be a function of the Library Committee on the application of any member. Members seeking to avail of any period of parental leave or to avail of the reduced maternity rate shall complete the necessary application form and in writing, at the earliest opportunity of their intention to avail of such leave or seek such maternity rate

### **Reinstatement**

**35** A member who has ceased practice or has been excluded may apply to the Library Committee for reinstatement.

**36** The Library Committee shall have power to reinstate a member on such terms as in its absolute discretion it thinks fit.

### **Ceasing Practice**

**37** A member may cease practice by:-

- (i) Resigning from the Law Library, by notifying the Director in writing;
- (ii) notifying the Director in writing if they become incapacitated so as to be unable to act regularly in the Courts of Ireland and
- (iii) Accepting appointment as a Judge, Office holder or taking up an occupation or employment inconsistent with practice at the Bar of Ireland.

**38** A person who has ceased practice shall not vote in an Election, General Meeting or Poll, nor be entitled to occupy any seat or car parking space, and such period shall not be deemed to be 'Practice at the Bar' for any purpose.

**39** In the event of a member being reinstated, that member shall not be entitled to resume any seat or car parking space, in the Law Library previously allocated, and that member shall rank only for allocation of seats and car parking spaces from the date of reinstatement.

## **Practising Certificates**

**40** Practising certificates can be requested by current members who have not suspended their practice, in accordance with such criteria as from time to time may be determined by the Library Committee.

Members in practice from other jurisdictions are required to provide a copy of their practising certificate from their home jurisdiction with their application for membership. Thereafter, it is a requirement to provide a copy of a valid, home jurisdiction practising certificate, each year when the new certificate issues, in order to verify their status in their home jurisdiction.

A Practising Certificate is held on file for each member and can be issued at member request to cover the legal year valid until 30th Sept.

In order to provide for changes in membership status during the year, every certificate shall include the following statement:

*\*This Certificate is valid only for current members of the Law Library. Up to date membership status can be confirmed on The Bar of Ireland website [www.lawlibrary.ie](http://www.lawlibrary.ie) under 'Find a Barrister' search function.*

## **Other**

**41** Barristers shall at all times treat all members of staff of the Bar Council with civility and respect. Any offensive or obscene behaviour including threats, harassment, sexual harassment, bullying or abuse (whether written, physical or verbal) shall be considered a breach of the Code of Conduct.

## **Mode of Dress and Appearance**

**42.** When appearing in court during term, Members shall wear tabs/bands (with winged collars as appropriate) or bibs save where there exists a reasonable excuse and/or where the wearing of such court dress is customarily excused (such as in childcare proceedings or in the Children's Court). When in court or in the Law Library during term, Members shall wear dark business attire of the type heretofore worn.

## **Rules of Membership of the Law Library last amended Oct 2021**