

CONSTITUTION OF THE GENERAL COUNCIL OF THE BAR OF IRELAND

Adopted by a General Meeting of the Bar of Ireland on Monday 25th July 2016, by way of amendment of the previous Constitution for the Bar of Ireland adopted by a General Meeting of the Bar and of subscribers to the Law Library on the 20th day of February 1914 as amended from time to time.

1.

A The General Council of the Bar of Ireland (hereinafter referred to as "the Council") shall be the accredited representative of the members of the Law Library, hereinafter referred to as 'member(s)', and its duty shall be to consider and report upon and make representations as it shall consider necessary in all matters affecting the profession and particularly the conduct and arrangement of the business of the profession, professional practice, relations within the Bar, relations between the Bar and Bench, right of audience, the claims of the Bar in relation to the maintenance and disposal of offices, legislation, or alterations in the system of administration and all the matters in which the Bar is professionally concerned, with power to take such steps and do such acts as it shall consider necessary for the purpose of controlling and regulating the professional conduct of the members and securing and protecting their interests with relation to any of the aforementioned matters.

Without prejudice to the foregoing, the Council shall:-

- (a) have absolute control and management of the Law Library and any rooms attached thereto and of the officials and staff employed in connection therewith,
- (b) have control over any other premises from which a member may practice, other than the residence of such member of the Bar,
- (c) exercise disciplinary powers over all members PROVIDED ONLY that no regulations shall seek to interfere with practice at the Bar or membership of the Law Library save for good reason connected with proper professional practice or the failure of such persons to meet their commitments to the Council, and
- (d) shall have, for any of the purposes aforesaid, the power to manage all funds in the control of the Council and to borrow moneys whether upon security or otherwise.

B

In this Constitution the following phrases shall bear the following meanings:

"Member of the Law Library" hereinafter referred to as member(s) shall mean a practising barrister, as defined under the Legal Services Regulation Act, 2015 and who subscribes to the provisions of the Code of Conduct for the Bar of Ireland

“The Election Meeting” shall mean the meeting referred to at Article 24(a) hereof.

"Days" shall mean a day on which the Courts are sitting in Term as defined by the Rules of the Superior Courts.

Any word importing the masculine gender shall import the feminine gender and any word importing the singular shall import the plural, unless the contrary intention appears.

PRACTICE IN THE LAW LIBRARY

2. The Council shall maintain a register of all members and that register shall be maintained under the control of the Council by the Library Committee
3. The following persons shall be deemed to be members of the Law Library for the purposes of this Constitution:-
 - (a) All persons admitted to membership of the Law Library in accordance with regulations for the time being in force.
4. A person shall cease to be a member of the Law Library upon the happening of any of the following events:-
 - (a) By conveying in writing to the Library Committee of the Council a resignation from membership.
 - (b) Upon taking up any full-time public or private appointment or employment which renders such person unable to comply with the provisions of the Code of Conduct of the Bar of Ireland then in force as to general availability to accept instructions.
 - (c) Upon being disbarred by the Benchers of the Honorable Society of King's Inns;
 - (d) Upon being excluded from the Law Library pursuant to a binding decision of the Barristers Professional Conduct Tribunal or the Barristers' Professional Conduct Appeals Board , and
 - (e) Upon failure to meet commitments to the Library in accordance with regulations of the Library Committee.
5. The Council may from time to time make regulations providing for the terms and conditions upon which lawyers may become registered for the purposes of this Constitution in accordance with the European Communities (Lawyers' Establishment) Regulations 2003 S.I. No. 732 of 2003. Such regulations shall provide for the basis upon which such registration may continue from time to time and the issuing of registration certificates envisaged by R. 6(3) (b) of S.I. No. 732 of 2003. Such regulations shall further provide for the circumstances in which a person so registered may be removed from the register. Without prejudice to the generality of the foregoing the said regulations may provide for the payment by such persons to the

Council of a subscription which shall be fixed by the Council having regard to the cost of funding those activities of the Council not connected with the maintenance of the Law Library.

6. Former members of the Law Library may re-join the Library subject to such terms and conditions as may be prescribed by the Library Committee.
7. Subject as aforesaid the terms and conditions upon which persons may be admitted to membership of the Law Library, may continue their membership thereof, and may cease to be members, shall be in accordance with regulations prescribed from time to time by the Library Committee. Any such regulations shall be laid by the Chairman for the time being of the Library Committee before the Council at the meeting of the Council next following their adoption by the Library Committee and the Council may, confirm, amend or reject any such regulations.

PROPERTY OF THE COUNCIL

8. All of the property of the Council shall be vested in trustees to be from time to time appointed by the Council and shall be under the control of the Council who shall have full power to take all necessary proceedings for the protection or recovery of all such property and shall have full control and administration of the funds of the Library and all other property whether at the Law Library or otherwise.

BUSINESS OF THE MEMBERS

9. Save as hereinafter provided the business of the Bar shall be entrusted to the Council elected in accordance with the terms of this Constitution.
10. The Council shall be subject to the terms of any resolution passed at a General Meeting of the members in accordance with the terms of this Constitution.

ANNUAL GENERAL MEETING

11. The Council shall, once in each year, at such time as the Council shall deem appropriate, convene an Annual General Meeting of the members to which shall be presented a report of the proceedings of the Council for the preceding year together with a copy of the balance sheet of the Council and a financial report from the Treasurer of the Council. Not less than ten days notice of such Annual General Meeting shall be given. In the case of a member of the Law Library such notice may be given by the posting of notice of the said meeting in the Law Library and in electronic form. Further resolutions for the consideration of such Annual General Meeting shall be handed to the Director with the names of the proposer and seconder attached not less than eight days before such meeting, and the Director shall, upon receiving any resolution or notice of motion, forthwith post same in the Library and circulated in electronic form. Any further business which the Council wishes to place

upon the agenda of such meeting shall be included in the original notice referred to above. The conduct of any business at the Annual General Meeting other than the consideration and adoption of the report of the proceedings of the council and the financial report from the Treasurer of the Council shall be in the same manner and subject to the same regulations and conditions as the conduct of business at a General Meeting of the members as hereinafter provided.

GENERAL MEETINGS

12. A General Meeting may be summoned by:-
 - (a) The Council;
 - (b) A requisition signed by not less than 50 members of the Law Library.
13. Not less than ten days notice of the holding of such General Meeting shall be given. Notice of such meeting, and of any resolution or notice of motion, shall be given in accordance with Article 11 hereof. In all cases a notice setting out all business properly received for consideration at such General Meeting shall be posted in the Library and circulated in electronic form not less than seven days before the date for which such General Meeting shall have been called. Where a meeting is requisitioned by members of the Law Library such requisition shall include in its terms the business for which such meeting shall have been requisitioned. The date for such General Meeting shall be fixed by the Chairman of the Council not more than 15 and not less than 10 days after receipt by the Director of such requisition. The Council may, of its own motion, propose any resolution or notice of motion for such General Meeting.
14. The quorum of a General Meeting shall be 50 members present and voting. The Chairman of the meeting shall be such person as may be nominated by the Chairman of the Council and the identity of such Chairman shall be included upon the notice of such meeting.
15. All motions, properly before the meeting, and all amendments received not less than 48 hours before the commencement of the meeting, but not otherwise, shall be decided upon by secret ballot of those members present and voting.

The above requirements for the holding of a secret ballot shall not apply in the following circumstances:-

- (a) Where the motion is one proposing the adoption of the Honorary Treasurer's Report.
- (b) Where the motion is procedural in nature,
- (c) Amendments, otherwise allowable but received within 48 hours of the commencement of the meeting,
- (d) Where the proposer so indicates and where after such indication there is, by show of hands, unopposed approval for the same.

In the circumstances mentioned above, the motion or amendment, as the case may be, shall be decided by a show of hands with a declaration by the Chairman of the meeting as to the result being conclusive evidence of the fact without proof of the number or proportion of votes recorded in favor of or against the resolution or amendment as the case may be.

A poll, in respect of any resolution, can be demanded by the Chairman of the Council or by at least 50 members, personally present, and so indicating by a show of hands.

A poll must be demanded not later than immediately following the declared result of the secret ballot or show of hands as the case may be.

The entitlement to call for a poll shall not apply where not less than 50% of all members vote on the same side of any matter.

16. If a poll is demanded in the manner aforesaid the same shall be taken at such time or times and place as the Chairman of the Council directs and the result of the poll shall be deemed to be resolution of the meeting at which the poll is demanded. Such poll must be taken within 14 days of the General Meeting at which the resolution was proposed, or such further period as the meeting may provide. The Council shall make regulations for the conduct of polls in accordance with the terms of this Constitution.
17. On a poll votes shall be given personally and every member shall have one vote whether present at the meeting or not.
18. In the case of equality of votes whether on a show of hands or on a poll the Chairman of the meeting shall have a second or casting vote.
19. The Council shall provide by regulation standing orders for the conduct of all General Meetings (whether annual or otherwise).

THE GENERAL COUNCIL OF THE BAR OF IRELAND

20.
 - (a) The Council of the Bar of Ireland shall consist of not more than 25 members elected or appointed in accordance with the terms hereof.
 - (b) Any casual vacancy arising on the Council may be filled by co-opting on foot of a special resolution provided that the person co-opted shall be qualified to hold the position of the person replaced.
 - (c) The Council shall meet at least once in each Law Term and shall conclude its business in relation to the financial affairs of the Council before the end of June in each year.

ANNUAL ELECTIONS

21. There shall be held in each year in the months of June and July an election (hereinafter referred to as the "annual election") for the election of 10 members to

serve for a term of two years commencing on the 1st of August next following the date of the annual election. The annual election shall be conducted in two five seat constituencies in accordance with the proportional representation system of election. In the first constituency only members who are senior counsel shall be entitled to stand for election. In the second constituency only members who are junior counsel shall be entitled to stand for election.

22. In the event of the number of members nominated as candidates in a constituency exceeding the number of seats available, a poll shall be conducted to fill such seats.
23. The counting of votes at every Council election shall be by means of the senatorial system of counting and shall be conducted in accordance with the rules set out in the second schedule to the Seanad Electoral (Panel Members) Act, 1947 excluding rules 8 (3) and (4) and 9 (2). The electorate in each constituency shall be all members of the Law Library.
24. For the purposes of the conduct of the annual election the Council shall, on or before the 15th of June in each year, fix the manner in which elections will be conducted. The Council may also, from time to time, make bye-laws in respect of the entitlement of members to exercise a postal vote and as to the manner in which such barristers as may be so entitled may exercise that right. The Returning Officer for all elections held under this Constitution shall be the Director of the Council of The Bar of Ireland.

As soon as practicable after the close of nominations, and before the opening of polling, for each of the two constituencies in the annual election, the Returning Officer shall compile and publish, a list of candidates setting out their names and giving brief biographical details together with a photograph. Any notice given of the annual elections shall include such list, details and photographs.

ELECTION MEETING

25.
 - (a) A meeting shall be held in each year subsequent to the declaration of the result of the elections hereinbefore referred to but before the 31st of July in the same year.
 - (b) The following persons shall be entitled to attend at and vote at the election meeting: -
 - (ii) All persons elected at the annual election held the preceding July who remain members of the Council
 - (iii) Any person co-opted in accordance with these rules to replace a person elected in accordance with Subsection (i) above who remains a member of the Council. A person co-opted to replace such a co-opted member shall be entitled to attend provided he remains a member of the Council.
 - (iv) All persons elected at the annual election held that July.

- (v) The Attorney General, should he be a member of the Council, may attend such meeting.

26. The election meeting shall take place in two parts. The dates for the holding of both parts of the election meeting shall be fixed by the Council not later than the 30th of June in each year. The second part of the election meeting shall take place not less than two days after the first part.

27. (A) The business of the election meeting at the first part shall be the declaration of the election of a Chairman of the Council of The Bar of Ireland.

- (i) A candidate for the office of Chairman shall be nominated in writing and proposed and seconded by members entitled to vote at the Election Meeting, not less than two nor more than five days after the declaration of the results of Council elections.
- (ii) In the event of only one candidate being nominated for chairmanship, the Returning Officer shall declare that candidate elected.
- (iii) In the event of two or more candidates being nominated, an election by postal ballot (which expression shall include the use of couriers) shall be held not less than two nor more than five days after the close of nominations.

(iv) Counting of votes shall be in accordance with Article 23.”

(B) The business of the election meeting at the second part shall be

(a) The election of the following Officers and Chairmen of permanent committees

- (i) A Vice-Chairman of the Council;
- (ii) A Treasurer of the Council who will also be Chairman of the Finance Committee
- (iii) A Chairman of the Library Committee;
- (iv) A Chairman of the Professional Practices Committee;
- (v) A Chairman of the Public Affairs Committee;
- (vi) A Chairman of the Education & Training Committee

A candidate for any of the above offices or chairmanship shall be nominated in writing, and proposed and seconded by members entitled to vote at the Election Meeting, not less than two nor more than five days after the declaration of the result of the election of Chairman of the Council.

- (i) In the event of only one candidate being nominated, the Returning Officer shall declare that candidate elected.
- (ii) In the event of two or more candidates being nominated, an election by postal ballot (which expression shall include the use of couriers) shall be held not less than three nor more than five days after the close of nominations.
- (iii) Counting of votes shall be in accordance with Article 23.

- (b) The co-option-option of further members of the Council to serve for a period of one year from the 1st of August following their co-option in accordance with the terms of Article 27(B)(c) hereof.
- (c) The election meeting shall have power to co-opt not more than four members for the term herein before referred to. At least half of the members so co-opted shall be junior counsel. In selection of members to be so co-opted the election meeting shall have due regard to ensuring that the following groups are adequately represented upon the Council due to take up office on the 1st of August following, that is to say:-
- (i) Members of the Law Library of less than seven years standing;
 - (ii) Circuit going junior counsel from the following regions:-
 - a) A region consisting of the Cork and South Western circuits;
 - b) A region consisting of the Northern, Western and Midland circuits;
 - c) A region consisting of the Eastern and South Eastern circuits.
- (d) The nomination of members of the Council to each of the Permanent Committees.

ATTORNEY GENERAL

- 28.** Upon the appointment of a new Attorney General by the Government the Council shall have power to elect such Attorney General to be an honorary, non-voting, member of the Council. Such election shall be by means of a special resolution of the Council. Upon the election of an Attorney General to the Council in the manner aforesaid such person shall remain a member of the Council until ceasing to be Attorney General.

PERMANENT AND OTHER COMMITTEES

- 29.** The business of the Council shall be conducted by six permanent committees and such other committees as the Council may, from time to time, establish. The Council shall be entitled to reassign from time to time existing responsibilities between the permanent committees and to allocate additional functions to such committees.
- 30.** The permanent committees of the Council shall be:-
- (a) The Standing Committee
 - (b) The Library Committee
 - (c) The Finance Committee
 - (d) The Professional Practices Committee
 - (e) The Public Affairs Committee
 - (f) The Education & Training Committee

- 31.** The Standing Committee shall consist of each of the Officers and Chairmen of permanent committees referred at Article 30 above and such other members of the Council as the Chairman may appoint. The business of the Standing Committee shall be to consider, and if necessary determine, all such matters within the competence of the Council as may be of an extremely urgent nature and require such determination between meetings of the Council.
- 32.** The Library Committee shall consist of the Chairman of the Library Committee, the Treasurer of the Council or an alternate, and such other members of the Council to be nominated from time to time by the Council. The functions of the Library Committee shall be to deal with all matters relating to admission to the Law Library, membership thereof, general services to members including matters relating to the acquisition and maintenance of the materials, whether in book or electronic form, necessary within the Library and Research Centre for the profession to deliver its services to clients and support of clubs and societies. The Secretary to the Committee shall be such member of the Council administration as may from time to time be nominated by the Council.
- 33.** The Finance Committee shall consist of the Chairman of the Finance Committee, who will also be Treasurer of the Council, the Chairman of the Library Committee or an alternate and such other members of the Council (one of whom should be the previous Treasurer, if available), to be nominated from time to time by the Council. The Finance Committee shall have the function of dealing with all matters relating the finances of the Council and its associate companies for the maintenance and development of the Law Library and other properties of the Council and the development of information technology in the Law Library. The Secretary to the Committee shall be such member of the Council administration as may from time to time be nominated by the Council.
- 34.** The Professional Practices Committee shall consist of the Chairman of the Professional Practices Committee and such other members of the Council as nominated by the Council from time to time. The functions of the Professional Practices Committee shall be to monitor all matters concerning proper professional practice of members of the Law Library. In particular, and without prejudice to the generality of the above, the Professional Practices Committee may investigate and, if thought fit, prefer and present a complaint against any member without the necessity of having the matter referred to it by any third party. Such complaint shall be made to the Barristers' Professional Conduct Tribunal in respect of such matters within its jurisdiction in accordance with the provisions of the Legal Services Regulation Act 2015. The Secretary to the Committee shall be such member of the Council administration as may from time to time be nominated by the Council.
- 35.** The Public Affairs Committee shall consist of the Chairman of the Public Affairs Committee, the Vice-Chairman of the Council and such other members of the Council as nominated by the Council from time to time. The Public Affairs Committee shall have the function of promoting members of the Law Library,

establish and maintain appropriate links with all regional and specialist Bar Associations, overseeing a programme of policy and research to further the aims of the profession and fostering relations and communications between the Council and all outside bodies with which the Council has contact. The Secretary to the Committee shall be such member of the Council administration as may from time to time be nominated by the Bar Council.

36. The Education & Training Committee shall consist of the Chairman of the Education & Training Committee, the Vice-Chairman of the Council and such other members of the Council as nominated by the Council from time to time. The functions of the Education & Training Committee shall be to develop and oversee education and training for members, , including the induction programme for new members, the new practitioners' programme, the Master/Devil relationship, mentoring programmes and the TY Programme. . The Secretary to the Committee shall be such member of the Council administration as may from time to time be nominated by the Council.
37. In addition to the membership set out at Clauses 32 to 36, the Council may nominate such members of the Law Library not being members of the Council, to be members of such permanent committees as might benefit from such additional members. All persons nominated to a permanent committee shall cease to be such a member as of the 31st July in each year unless they shall have been re-nominated to such permanent committee at the election meeting held in July of that year.
38. A Terms of Reference to determine the purpose, membership and order of business for each Permanent Committee shall be approved by the Council and may be amended by the Council from time to time following consultation with the Chairman of the Committee.
39. It shall be the duty of the Secretary of each Permanent Committee to prepare a written report concerning the business of that Committee for each meeting of the Council.
40. Any additional Committee (hereinafter referred as "a non-permanent committee") which the Council is desirous of establishing shall be established by means of a special resolution of the Council. Such a resolution shall provide for the terms of reference of that committee together with a method for determining its composition.

OFFICERS

41. The Chairman of the Council elected in accordance with the terms of this Constitution shall serve for a term of one year. Upon the expiry of the said year a Chairman shall be entitled to be re-elected for a further period of one year. A Chairman who serves for part only of a year shall be entitled to serve consecutively in addition to such partial period two full years as Chairman.
42. The Chairman for the time being of the Council shall have the following powers:-

- (a) To preside over all meetings of the Council, the Chairman shall and be an ex-officio member of all permanent committees;
- (b) To issue statements on behalf of the Council or to authorise other persons to issue statements on behalf of the Council subject only to the requirement that same be not inconsistent with any decisions of the Council;
- (c) To represent the Council at any function or occasion which he deems it appropriate or to nominate a member of the Council to so represent and act as Deputy.

43. The Vice-Chairman of the Council shall serve for a term of one year in accordance with the provisions of this constitution. Upon the expiry of the said year the Vice-Chairman shall not be entitled to be reelected to serve for any period falling within one year of his retirement.

In the absence or incapacity of the Chairman the Vice-Chairman shall be entitled to exercise all the powers of the Chairman.

44. The Treasurer of the Council shall be elected to serve for a term of one year in accordance with the terms of the Constitution. Upon retirement the Treasurer shall be entitled to be re-elected.

45. All of the financial transactions carried out by the Council shall be under the control of the Treasurer as shall the books of the Council.

46. All of the records (other than financial records) of the Council shall be under the control of the Chairman of the Library Committee.

47. Any of the aforementioned Office holders of the Council shall hold office until the determination of their period in office unless they shall first vacate their office by reason of a resignation in writing addressed to the Chairman for the time being of the Council (or in the case of a resignation by the Chairman to the Director). The office of any of the Officers of the Council shall be deemed to have been vacated upon receipt of a resignation as aforesaid or upon the death of the Officer concerned. Upon the vacation of office of an Officer as aforesaid a meeting of the Council shall be held not less than 5 and not more than 10 days thereafter at which the first item of business shall be the election of a replacement to fill that office for the remainder of the term of the person so vacating.

STANDING ORDERS

48. The business of the Council shall be conducted in accordance with standing orders which may be adopted from time to time by the Council. Such standing orders may be amended by the Council by special resolution. In addition, any or all of the standing orders of the Council may be varied by a resolution passed by a majority of 60% of those present and voting at any meeting provided that the number of votes

cast in favour of such resolution is not less than 8.

49. A special resolution must be proposed and seconded in writing and appear on the Agenda of a meeting of which at least four days' notice in writing shall have been given.

AMENDMENTS

50. This Constitution shall not be altered or amended except by a resolution of a General Meeting specially summoned for that purpose and of which notice in accordance with clause 11 shall have been given. A majority of two-thirds of those voting shall be required for any alteration or amendment.
51. The Disciplinary Code for the Bar of Ireland, which shall form part of this Constitution, and shall not be altered or amended save in the same manner by which this Constitution may be altered or amended.

DISCIPLINE

52. All members of the Law Library shall be subject to the terms and conditions of the Code of Conduct for the Bar of Ireland for the time being in force.

25 July 2016