

**CONSTITUTION OF THE GENERAL COUNCIL
OF THE BAR IN GIBRALTAR**

PART I

INTRODUCTION

DEFINITIONS

1. In this Constitution of the General Council of the Bar, unless the context otherwise requires:

1.1 "The Bar Council" shall mean the General Council of the Bar of Gibraltar as constituted by the Constitution.

1.2 "The Chairman", and "Vice-Chairman", shall mean the Chairman, and Vice-Chairman, of the Bar Council elected pursuant to the provisions of the Bar Council Constitution.

1.3 "The Treasurer" shall mean the Treasurer of the Bar Council elected pursuant to the provisions of the Bar Council Constitution.

1.4 "The Officers" shall mean the Chairman, the Vice-Chairman and the Treasurer of the Bar Council.

1.5 "A Lawyer" shall mean a person who has been duly approved, admitted and enrolled as a barrister or a solicitor under Section 28 or Section 29 of the Supreme Court Ordinance and who is normally available to accept legal professional business at permanent chambers or

offices situate in Gibraltar or is in full or part-time employment in Gibraltar in a capacity that reasonably requires qualifications as a barrister or solicitor and the exercise of learning in the law.

1.6 "The Bar" shall mean all Lawyers.

1.7 "Subscriber" shall mean any Lawyer whose subscriptions to the Bar Council are paid up to date in their full amount or who has for the time being, been specifically exempted by the Finance & General Purpose Committee from any requirement to pay a subscription to the Bar Council.

1.8 "The Finance and General Purposes Committee" shall mean the standing committee of the Bar Council described in Section 2.8.2 of the Constitution.

1.9 "The Law Reform and Remuneration Committee" shall mean the standing committee of the Bar Council described in Section 2.8.2 of the Constitution.

1.10 "The Professional Conduct Committee" shall mean the standing committee of the Bar Council described in Section 2.8.2 of the Constitution.

1.11 "The Relevant Date" shall mean the 1st January in each calendar year or such earlier or later date (not being later than the 1st March in that calendar year) as the Bar Council may determine.

1.12 "The First Relevant Date" shall mean the 1st January 1997.

1.13 "The Second Relevant Date" shall mean the 1st January 1998.

1.14 "A Year" shall mean the period starting on the Relevant Date in each year and ending on the day before the next Relevant Date.

1.15 "The Secretary" shall mean the person for the time being appointed to such position pursuant to the provisions of Section 2.13 of the Bar Council Constitution.

1.16 "Non-Disciplinary Extraordinary Resolution" shall mean a resolution excluding resolutions to change the Code of Conduct of Legal Practitioners, or relating to any other disciplinary issue passed by a majority of not less than three-fourths of all Subscribers at a General Meeting of which notice specifying the intention to propose the resolution as a Non-Disciplinary Extraordinary Resolution.

1.17 The masculine shall include the feminine gender.

1.18 The plural shall include the singular and vice versa.

PART II

CONSTITUTION OF THE GENERAL COUNCIL OF THE BAR OF GIBRALTAR

FUNCTIONS AND POWERS OF THE BAR COUNCIL

2.1 The Bar Council is established to discharge the following functions:-

2.1.1 To be the governing body of the Bar.

2.1.2 To consider, lay down and implement general policy with

regard to all matters affecting the Bar.

2.1.3 To maintain the standards, honour and independence of the Bar, and to promote, preserve and improve the services and functions of the Bar.

2.1.4 To make special provision for matters arising out of the peculiar nature of the Bar as a fused profession and to regulate professional business normally conducted by solicitors and exercise functions similar to those of the Law Society, so far as these are applicable to Gibraltar.

2.1.5 To represent and act for the Bar generally as well as in its relations with others and also in matters affecting the administration of justice.

2.1.6 To consider all recommendations and other matters referred to the Bar Council by any authority, member of the Bar or of the public.

2.1.7 For the purposes aforesaid the Bar Council shall have all appropriate powers and jurisdiction, including (without prejudice to the generality of the foregoing) power to raise funds for its general purposes.

COMPOSITION OF THE BAR COUNCIL

2.2 The Bar Council shall consist of 14 Members and be made up as follows:

2.2.1 the Attorney-General who shall be an ex-officio member.

2.2.2 Three Officers comprising:

- (i) The Chairman
- (ii) The Vice-Chairman
- (iii) The Treasurer

The Chairman and the Vice-Chairman shall be Lawyers, who on the day on which they are to take their place as members of the Bar Council, are of more than fifteen years standing. The Chairman shall be elected as set out in Clause 2.6 of this Constitution. The Vice-Chairman and Treasurer shall be appointed by the Bar Council from among its elected members.

2.2.3 The elected members of the Bar Council comprising a total of thirteen will be made up as follows:-

- (i) four Lawyers, who on the day on which they are to take their place as members of the Bar Council, are of more than fifteen years standing who have been nominated for election in accordance with Clause 2.3.1 and duly elected by secret ballot of Subscribers at an Annual or Extraordinary General Meeting of Subscribers;
- (ii) five Lawyers, not being Lawyers, who are of more than fifteen years standing, who on the day on which they are to take their place as members of the Bar Council, are of more than seven years standing, who have been nominated for election in accordance with Clause 2.3.1 and duly elected by secret ballot of the Subscribers at an Annual General Meeting of the Subscribers;
- (iii) four Lawyers who on the day on which they are to take their place as members of the Bar Council, are of less

than seven years standing, who have been nominated for election in accordance with Clause 2.3.1 and duly elected by secret ballot of the Subscribers at an Annual General Meeting of Subscribers.

2.2.4 Such Lawyers not being more than 2 as may have been co-opted for a specific purpose or generally who shall serve until the next Relevant Date.

2.3 ELECTION OF MEMBERS AND DURATION OF MEMBERSHIP

2.3.1 The following shall be the procedure for election to the Bar Council:

(i) Nomination forms proposed by one subscriber and seconded by another proposing a lawyer for election to the Bar Council shall be delivered to the Treasurer ~~one month prior to the next relevant date~~ **14 days prior to the date fixed for calling the Annual General Meeting.**¹ The maximum number of Subscribers being partners, associates, consultants, members or employees of the same firm eligible for nomination shall be three.

(ii) The Secretary will thereafter convene the Annual General Meeting ("the Meeting") of Subscribers by giving subscribers ~~14 days~~ **one month's**² notice of the Meeting.

(iii) The Meeting will elect the members of the Bar Council by secret ballot of Subscribers each Subscriber

¹ Amended by Extraordinary Resolution of the Council dated 27/1/10.

² -Ditto-

having the same number of votes as equate with the number of vacancies in the Bar Council at the time of the election.

(iv) Those members of the Bar Council elected by the Meeting shall be members of the Bar Council from the next relevant date until they are due to retire pursuant to the provisions of Section 2.3.2 of this Constitution.

2.3.2 The following shall be the procedure for the retirement of members of the Bar Council:-

(i) At the First Relevant Date and at every subsequent alternate Relevant Date seven of the members of the Bar Council for the time being shall retire from office.

(ii) At the Second Relevant Date and at every subsequent alternate Relevant Date six of the members of the Bar Council for the time being shall retire from office.

(iii) The members of the Bar Council to retire at every Relevant Date shall be those who have been longest in office since their last election but as between Subscribers who became members of the Bar Council on the same date those to retire shall (unless they otherwise agree among themselves) be determined by lot.

(iv) a retiring member of the Bar Council shall be eligible for re-election.

2.3.3 Further provisions concerning the election of members of the Bar Council are set out in Part III of this Constitution.

2.3.4 A person co-opted to membership of the Bar Council shall retire immediately before the Relevant Date following his co-option, but shall then be eligible for election, or co-option (as the case may be) to the Bar Council.

2.4 CESSATION OF MEMBERSHIP

2.4.1 A person shall cease to be a member of the Bar Council forthwith if:

2.4.1.1 he ceases to be a Subscriber

2.4.1.2 he ceases to be a Lawyer

2.4.1.3 by notice in writing to the Secretary he resigns his membership of the Bar Council

2.4.1.4 not being the Attorney-General (i) he absents himself from 3 consecutive meetings of the Bar Council or of any committee or sub-committee of the Bar Council of which he is a member or absents himself in any year from one-half in number of the meetings of the Bar Council or of any standing committee of the Bar Council of which he is a member and (ii) the Finance and General Purposes Committee resolves that he cease to be a member of the Bar Council.

2.4.2 If under Section 2.4.1 of this Constitution a person ceases to be a member of the Bar Council, the Bar Council Members may appoint in his place some other person similarly qualified, who shall retire from the Bar Council on the date when the person

whose place he has taken would have retired.

2.5 ALTERNATES

2.5 Any member of the Bar Council may appoint another member of the Bar Council of a similar right or qualification as his own, as an alternate to act and vote in his place at any meeting of the Bar Council. Such appointments shall be in writing and shall be produced at the commencement of the meeting at which they are to be used. Notwithstanding the provisions of this Section a member who attends a meeting only through his alternate will be deemed to have absented himself from that meeting for the purposes of Section 2.4.1.4.

2.6 OFFICERS

2.6.1 The following shall be the procedure for election of the Chairman:-

(i) Nomination forms proposed by one Subscriber and seconded by another Subscriber and accompanied by a statement by the person proposed of his willingness to accept office if elected proposing a Lawyer, who on the day on which he will take his place as a member of the Bar Council, is of more than fifteen years standing, for election as Chairman of the Bar Council shall be delivered to the Treasurer one month prior to the next Relevant Date.

(ii) The Meeting will elect the Chairman by secret ballot of Subscribers from amongst those Lawyers of more than fifteen years standing nominated in accordance with Clause 2.6.1(i) who have been elected as members of the Bar Council in accordance with Clause 2.3.1 of this

Constitution.

2.6.2 The Vice-Chairman and Treasurer shall be elected by the Bar Council at its First Meeting held immediately after the 1st January in each year. Candidates for election as Vice-Chairman and Treasurer must be proposed and seconded by persons who are members of the Bar Council at the time of election. Proposals for the election to these offices must be by notice in writing signed by both a proposer and a seconder and accompanied by a statement by the person proposed of his willingness to accept office if elected.

2.6.3 The Chairman and the Vice-Chairman and Treasurer shall retire on the 31st December next following the date of their election or appointment (as the case may be).

2.6.4 The Chairman and the Vice-Chairman and Treasurer shall at the time of election each be and throughout their term of office each remain a member of the Bar Council and shall cease to hold office if he shall cease to be a Lawyer or shall cease to be a member of the Bar Council.

2.6.5 The Chairman and the Vice-Chairman and Treasurer shall be eligible for re-election for a second and third term but thereafter shall retire from the office which he has held for three successive terms for a year before becoming eligible for re-election to the same office. Nothing herein contained will preclude an officer from election to an office other than that held for three immediately preceding successive terms.

2.6.6 The Bar Council may elect some eligible person to fill a casual vacancy caused by an Officer ceasing to be eligible to hold

office or for any other reason. Any person elected to a casual vacancy shall hold office until the next Relevant Date.

2.7 PROCEEDINGS OF THE BAR COUNCIL

2.7.1 Save and subject as elsewhere expressly provided in this Constitution, the Bar Council may hold meetings and adjourn and otherwise regulate its meetings as it thinks fit.

2.7.2 Meeting of and ballots of the Bar Council shall be conducted in accordance with the provisions set out in Part III hereof.

2.7.3 The Bar Council shall cause proper minutes to be kept of the proceedings of all meetings of the Bar Council and all business transacted at such meetings, and any such minutes of any meeting, if purporting to be signed by the chairman of such meeting or by the chairman of the next succeeding meeting, shall be sufficient evidence without further proof of the facts therein stated.

2.7.4 The continuing members of the Bar Council may act notwithstanding any vacancy in their body; provided always that in case the members of the Bar Council shall at any time be reduced in number to less than 5 they may act as a Bar Council for the purpose of filling up vacancies in their body up to that number but not for any other purpose.

2.7.5 All acts done by the Bar Council shall notwithstanding that it is afterwards discovered that there was some defect in the election or appointment of any of its members be as valid as if every person had been duly appointed.

2.8 COMMITTEES OF THE BAR COUNCIL

2.8.1 The Bar Council may delegate any of its functions and powers to any committee, and at any time revoke any such delegation.

2.8.2 Without prejudice to the generality of Section 2.8.1 there shall be three committees of the Bar Council which shall be called the Finance and General Purposes Committee, the Professional Standards and Conduct Committee and the Law Reform and Remuneration Committee each of which shall have, among others, the powers and functions conferred in or under the Constitution.

2.8.3 The Bar Council may, at any time, resolve to exercise some or all of the powers and functions of the Standing Committees referred to in Section 2.8.2 in place of such Committees or any of them and it may at any time delegate the exercise of any of such powers and functions to some other committee or committees of the Bar Council.

2.9 STANDING ORDERS

Save and except as elsewhere expressly provided in these Regulations the composition functions and powers of the committees and sub-committees of the Bar Council (including the power to establish sub-committees and the power to co-opt and to appoint alternates), and the appointment of the officers and conduct of the proceedings of such committees and sub-committees shall be in accordance with such standing orders as the Bar Council shall from time to time determine.

2.10 ANNUAL GENERAL MEETING OF SUBSCRIBERS TO THE BAR COUNCIL

2.10.1 An Annual General Meeting of the Subscribers to the Bar Council shall be held once in every year on such date and at such time and place as the Bar Council shall determine. At the Annual General Meeting the Bar Council shall present its annual report and accounts. Every Subscriber shall be entitled to attend the Annual General Meeting.

2.10.2 The Annual General Meeting of Subscribers and ballots of the Subscribers shall be conducted in accordance with the provisions set out in Part IV hereto.

2.11 EXTRAORDINARY GENERAL MEETINGS AND BALLOTS OF THE BAR

2.11.1 Upon a request made to the Secretary in writing by not less than 10 Subscribers and stating the objects for which the meeting is required, the Bar Council shall as soon as reasonably practicable convene a meeting of Subscribers for the discussion of the objects for which the meeting is required and such other matters as the Bar Council may think fit.

2.11.2 The Bar Council may convene such meetings or conduct such ballots of the Bar or any section thereof as it may think fit.

2.11.3 A meeting convened pursuant to this Constitution shall be called an Extraordinary General Meeting.

2.11.4 If the Bar Council pursuant to Section 2.11.1 or Section 2.11.2 of this Constitution calls an Extraordinary General Meeting

or holds a ballot of the Bar or any section of the Bar, the provisions set out in Part IV shall apply.

2.11.5 Any powers of the Bar Council to ballot the Bar or a section of the Bar may also, subject to any directions of the Bar Council, be exercised by the Finance and General Purposes Committee.

2.12 RESOLUTIONS OF ANNUAL AND EXTRAORDINARY GENERAL MEETINGS

The Bar Council and its Officers shall be bound to give effect to any Non-Disciplinary Extraordinary Resolution but otherwise shall have regard to but shall not be bound to give effect to any other resolution of any Annual or Extraordinary General Meeting (and whether passed on a show of hands or upon a ballot) and it shall not be competent for any Annual or Extraordinary General Meeting to exercise, or to attempt to exercise, any function or power which by this Constitution is exercisable by the Bar Council or by any person committee or sub-committee to which in accordance with these Regulations, the exercise of such function or power has for the time being been delegated.

2.13 THE SECRETARY AND OTHER ADMINISTRATIVE STAFF OF THE BAR COUNCIL

2.13.1 The Bar Council shall appoint a Secretary or other principal administrative officer and such other administrative officers for such periods and on such terms as to remuneration and otherwise as it thinks fit. Such administrative officers shall discharge all such duties as the Bar Council shall assign to them respectively. The services of such administrative officers shall be freely available to the Bar Council and its committees and sub-committees.

2.13.2 Anything required to be done and any discretions required to be exercised by, and any notice required to be given to the Secretary may be done or exercised by, or given to, any deputy for the Secretary authorised by the Finance and General Purposes Committee to act in the latter's place (either prospectively or retrospectively and either generally or for a particular purpose).

2.14 INVESTMENT AND BORROWING

Moneys not required for current purposes may be placed on deposit or invested in the purchase of or upon the security of such shares, stocks, funds, securities, lands, buildings, chattels or other investments or property of whatsoever nature and wheresoever situate and whether involving liabilities or producing income or not or upon personal credit with or without security in all respects as if the persons exercising the powers of investment hereby conferred were absolute owners beneficially entitled and so that any investments shall be held in the name of a body corporate from time to time selected by the Bar Council as nominee for that purpose.

2.14.1 The Bar Council shall have power at any time and from time to time to borrow and secure any moneys borrowed, provided always that the aggregate amount of any borrowing for the time being outstanding shall not then exceed one half of the market value of the investments then held by the Bar Council.

2.14.2 The powers of investment and borrowing conferred by Regulations 15 and 16 may be exercised on behalf of the Bar Council by the Finance and General Purposes Committee.

2.15 **FINANCE**

The Secretary may authorise any bank account of the Bar Council to be overdrawn up to such limit as is fixed by the Finance and General Purposes Committee from time to time.

2.16 **ACCOUNTS AND BOOKS OF ACCOUNT**

2.16.1 The Bar Council shall cause proper books of account to be kept at its offices (if any) or at any such other place or places as the Bar Council shall think fit. The books of account shall always be open to the inspection of the members of the Bar Council.

2.16.2 The Bar Council shall each year prepare accounts which shall be duly audited and shall annually present such accounts to the Subscribers in General Meeting.

2.17 **NOTICES**

2.17.1 A notice, ballot paper or other document required by the Constitution to be given to any person may be given to him:

2.17.1.1 by delivering it to him personally; or

2.17.1.2 by leaving it or sending it by telefax or telex or through the post addressed to him at his professional address.

2.17.2 Any document duly left telefaxed or telexed shall be deemed to have been received by the person to whom it is

addressed and so duly given to him on the day of its despatch and if posted, shall be deemed to have been received by and so duly given to, such person on the third day after the day on which the envelope or package containing it is put into the post.

2.17.3 No proceedings of any general meeting of the Bar Council or the Subscribers shall be invalidated notwithstanding that it be afterwards discovered that notice was not duly given to any person or persons entitled thereto or that any person not entitled to such notice was present at or voted at such meeting.

2.17.4 Any notice, written request or other document which by this Constitution is to be served on or given to the Bar Council or the Secretary shall be sufficiently served or given by being addressed to the Bar Council or Secretary (as the case may be) and deposited at the offices of the Bar Council (if any) or otherwise the Chambers or Office of the Secretary.

2.18 ALTERATION OF THIS CONSTITUTION

2.18.1 This Constitution may be altered by Extraordinary Resolution of the Bar Council.

2.18.2 The terms of any alteration to this Constitution shall be notified to all Subscribers by notice signed by or on behalf of the Secretary given in accordance with Section 2.17 hereof within 14 days of the passing of the Extraordinary Resolution.

2.19 COMMENCEMENT AND TRANSITIONAL PROVISION

This Constitution shall take effect on and from the 1st January 1989.

PART III

Meetings and Ballots of the Bar Council

3.1 At least one meeting shall be held in or immediately before each Sitting of the Supreme Court.

3.2 On the request of the Chairman or of not less than 3 members of the Bar Council the Secretary shall at any time summon a meeting of the Bar Council. Four clear days' notice at least of each such meeting shall be given unless the Chairman in any case of emergency shall otherwise direct.

3.3 Notice of any matters to be placed on the agenda for a meeting of the Bar Council shall be sent to the Secretary, with the name of the sender. The Chairman shall not be bound to include any matter on the agenda of any meeting unless notice thereof pursuant to this paragraph shall have been received by the Secretary at least eight clear days before the date of the meeting.

3.4 Unless those present at the meeting otherwise resolve, no business except that appearing on the agenda shall be brought before a meeting of the Bar Council.

3.5 Five members of the Bar Council shall constitute a quorum.

3.6 The Chairman shall preside at all meetings of the Bar Council at which he shall be present, but if there be no Chairman, or if he be absent, then the Vice-Chairman shall so preside, but if there be no Vice-Chairman, or if he be absent, then the members present shall choose one of their number to be Chairman of that meeting.

3.7 The Bar Council may at any time invite any person to attend in an advisory capacity at any meeting or meetings of the Bar Council.

3.8 Subject as hereinafter provided questions arising at any meeting shall be decided by a majority of votes of those present and voting. Each member of the Bar Council shall have one vote but in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

3.9 If the question be put as an Extraordinary Resolution the requisite number shall be (a) two-thirds of those members of the Bar Council who are present and vote at a meeting of the Bar Council of which not less than four clear days' notice specifying the intention to propose the resolution as an Extraordinary Resolution has been duly given; or (b) if voting is by ballot, two-thirds of those members of the Bar Council who vote in the ballot on the question.

3.10 If a ballot is demanded by at least one-quarter of those present and voting or by 5 of them (whichever number be the less) the question shall be determined upon a ballot which shall be held (subject as hereinafter provided) in such manner as the Bar Council may determine so as best to ensure that every member shall have the opportunity of voting.

3.11 Unless the Bar Council otherwise directs, a ballot of members of the Bar Council shall be taken in accordance with the following provisions:

3.11.1 Within seven days after the date of the meeting at which the ballot is demanded the Secretary shall send to each member of the Bar Council a ballot paper setting out the resolution in respect of

which the ballot has been demanded. The ballot paper shall contain instructions as to voting and shall be in such form generally as, subject to any directions of the Bar Council, the Secretary considers appropriate.

3.11.2 Each member of the Bar Council wishing to vote in the ballot shall complete his ballot paper and return it to the office of the Bar Council so as to be received there not more than fourteen days after the date of the meeting at which the ballot was demanded and any ballot paper not so received shall not be counted in determining the result of the ballot.

3.11.3 On a ballot, the chairman of the meeting at which the ballot was demanded shall not have a casting vote, and, in the event of a tie, the resolution balloted (if it is on a question to be decided by a majority of those voting) shall not be carried.

3.11.4 The accidental omission to send a ballot paper to any person, or the failure of any person to receive a ballot paper, shall not invalidate the ballot.

3.11.5 The result of any ballot shall be made known to the members of the Bar Council in such manner as the Chairman shall direct.

PART IV

Annual General Meetings and Ballots of Subscribers

4.1 Not less than fourteen days' notice of an Annual General Meeting shall be given by giving notice individually to every person who is entitled to attend. Such notices shall specify the place, the day and the

hour of the meeting, and the general nature of any matter which is to be brought forward for discussion. The accidental omission to give such notice in manner provided to any person entitled to same shall not invalidate the proceedings of any meeting.

4.2 Any Subscriber shall be at liberty to bring forward any resolution (not disallowable under Section 4.7 of this Part) for discussion and decision to any Annual General Meeting provided that prior notice of his intention to do so shall have been given in writing to the Secretary not less than 14 clear days before the day of the meeting and provided that the resolution is seconded by another Subscriber. The Secretary shall thereupon give notice of all such resolutions in the manner prescribed under Paragraph 1 of this Part not less than 7 clear days before the day of the meeting. Notwithstanding any failure to comply with all or any of these requirements the chairman of the meeting may at his discretion allow a resolution to be brought forward for discussion and decision upon such terms as he considers reasonable.

4.3 No business shall be transacted at an Annual General Meeting unless a quorum is present at the time when the meeting proceeds to business and, save as hereinafter otherwise provided, 20 Subscribers personally present shall constitute a quorum.

4.4 If within a quarter of an hour from the time appointed for an Annual General Meeting a quorum be not present the meeting shall stand adjourned to the same day in the next week at the same time and place or at some other time and place as the chairman of the meeting shall appoint; and if at such adjourned meeting a quorum be not present within a quarter of an hour from the time appointed for the meeting, those persons who are present shall constitute a quorum.

4.5 The chairman of any Annual General Meeting may, if a quorum

was present at the time when the meeting proceeded to business, adjourn the meeting with its consent to another time or another place, but -

4.5.1 no business shall be transacted at any adjourned meeting other than business which might have been transacted at the meeting from which the adjournment took place;

4.5.2 if the meeting is adjourned for 21 days or more, not less than 14 clear days' notice of the adjourned meeting shall be given in any manner and form sufficient for the original meeting; and

4.5.3 if the meeting is adjourned for less than 21 days, it shall not be necessary to give any notice of the adjourned meeting.

4.6 The Chairman or such other person as he nominees, or in the absence of the Chairman and any such nominated alternate, the Vice-Chairman shall preside as Chairman at every Annual General Meeting. If at any Annual General Meeting neither the chairman (or, as the case may be, his nominated alternate) nor the Vice-Chairman is present within ten minutes after the time appointed for holding the same, the persons present shall choose some member of the Bar Council, or if no such member be present and willing to take the chair, some person present to preside.

4.7 The chairman of an Annual General Meeting may, at any time during the meeting, by refusing to accept, to allow discussion of, or to put to the meeting, reject:-

4.7.1 any resolution contrary to or inconsistent with this Constitution;

4.7.2 any amendment to a resolution which has not been

seconded by another.

4.8 A Subscriber who has given notice of a resolution pursuant to Section 4.2 of this Part may, without the consent of the meeting, withdraw the resolution at any time before speaking to it. Thereafter he may withdraw it only with the leave of the chairman of the meeting which shall not be given if any Subscriber present objects, and before giving such leave the chairman of the meeting shall ask the meeting if there is any such objection.

4.9 No Subscriber shall be permitted without the consent of the chairman of the meeting to speak more than once or for more than five minutes on the same matter.

4.10 At any Annual General Meeting any resolution put to the vote of the meeting shall be decided on a show of hands by a majority of those who, being entitled to attend, are present in person at the meeting, unless a ballot of the Subscribers is upon declaration of the result of the show of hands required by the chairman of the meeting or by 10 persons present and entitled to vote on the resolution, but:

4.10.1 if the resolution affects only a section of Subscribers, only members of the section shall be entitled to vote and the references to a ballot in this Schedule shall be read as referring to a ballot of that section;

4.10.2 for the purposes of Section 4.10.1 of this Paragraph, a resolution shall be regarded as affecting a section only of Subscribers if (and only if):

4.10.2.1 the Bar Council so resolves - or

4.10.2.2 the Bar Council having earlier neither so resolved nor resolved to the contrary, the chairman of the meeting at which the resolution is to be put so determines, except that if at the meeting, before a vote is taken on the resolution, the Bar Council's determination is demanded orally or in writing by at least one-half of those present in person or by 10 of them (whichever the less) the determination of the chairman of the meeting shall be of no effect in respect of that resolution (unless it is upheld by the Bar Council) and the chairman of the meeting may then provisionally take such votes as he may think fit or may adjourn the meeting (or proceed to other business and then adjourn the meeting) so as to enable a vote to be taken on the resolution after the Bar Council's determination;

4.10.3 a ballot shall not be capable of being required by persons entitled to vote at the meeting other than the chairman of the meeting if the chairman of the meeting declares that the subject matter of the resolution has recently been the subject of a ballot.

4.11 No ballot shall ever be required on the election of a chairman of an Annual General Meeting or on any question of adjournment of any such meeting.

4.12 No resolution shall be passed if there are less than 10 members entitled to vote present when the vote is taken.

4.13 In the event of an equality of votes on a show of hands, the chairman of the Annual General Meeting shall be entitled to a second or casting vote, but on a ballot there shall be no casting vote and in the event of a tie, the resolution balloted shall not be carried.

4.14 Unless the Bar Council otherwise directs, a ballot on a resolution put at an Annual General Meeting of Subscribers shall be taken in accordance with the following provisions:

4.14.1 Within 10 days after the date on which the resolution was put to the meeting the Secretary shall send to each Subscriber to be balloted a ballot paper setting out the resolution in respect of which the Ballot has been demanded. The ballot paper shall contain instructions as to voting and be in such form generally as, subject to any directions of the Bar Council, the Secretary considers appropriate.

4.14.2 Each Subscriber entitled and wishing to vote in the ballot shall complete his ballot paper and return it to the office of the Bar Council so as to be received there not more than thirty-five days after the date on which the resolution was put to the meeting, and any ballot paper not so received shall not be counted in determining the result of the ballot.

4.14.3 The accidental omission to send a ballot paper to any person, or the failure of any person to receive a ballot paper, shall not invalidate the ballot.

4.14.4 The result of any ballot shall be deemed to be the resolution of the Annual General Meeting at which the ballot was demanded, and shall be made known to the Subscribers in such manner as the Chairman shall direct.

GENERAL COUNCIL OF THE BAR
STANDING ORDER

FOR

COMMITTEES AND SUB-COMMITTEES

OF THE

BAR COUNCIL

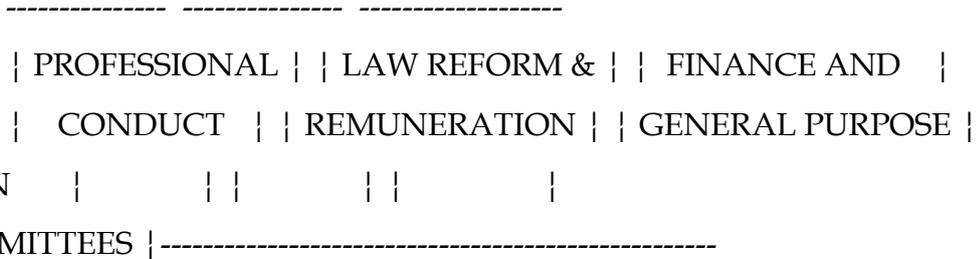
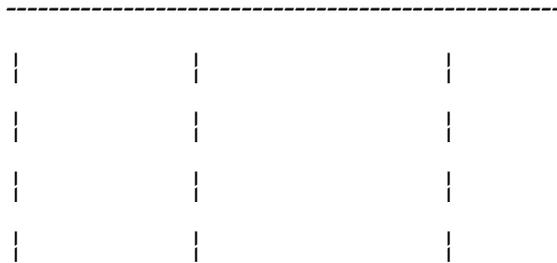
(Issued under the Authority of Regulation 10 of the Bar Council Constitution)

Updated Jan 88

1ST JANUARY 1989

COMMITTEE STRUCTURE

BAR COUNCIL



STANDING ORDER

COMMITTEES

1. There shall be the following Main Committees which shall be standing committees of, and shall report to, the Bar Council:-

- (a) The Law Reform and Remuneration Committee;
- (b) Professional Conduct Committee;
- (c) Finance & General Purposes Committee.

2. All other Committees shall report to one of the Main Committees.

MAIN COMMITTEES

Law Reform and Remuneration Committee

3. The membership of the Law Reform and Remuneration Committee shall be:-

- (a) One Queen's Counsel;
- (b) Not more than 2 other members of the Bar Council; and
- (c) Not more than 2 additional members who must be barristers but need not be members of the Bar Council.

4. The terms of reference of the Law Reform and Remuneration Committee shall be:-

- (a) To develop and consider proposals for law reform and to submit views to the Government and others where appropriate.
- (b) To maintain and develop the work of the Bar at home and

abroad.

(c) To consider and make representations and give guidelines on:-

- (i) the remuneration of the Bar and related matters including fee collection;
- (ii) services to the Bar;
- (iii) the organisation and conditions of work at the Bar;
- (iv) matters of particular concern to young barristers.

The Committee will govern its own procedure and liaise with the Bar Council and any other Committee thereof as might be appropriate.

Professional Conduct Committee

5. The membership of the Professional Conduct Committee shall be:-

- (a) Three Queen's Counsel who are not members of any other Committee;
- (b) Three barristers of not less than five years standing of which at least two must be members of the Bar Council;

6. The terms of reference of the Professional Conduct Committee shall be:-

- (a) The standards of professional practice and conduct of barristers;
- (b) Maintenance of a Code of Professional Conduct for barristers bearing especially in mind the nature of the profession as a fused profession and providing for the conduct of solicitors' work in accordance with the standards of the Law Society except in so far as

the fused nature of the profession requires modification thereof;

(c) Professional etiquette of the Bar;

(d) Determining standard of entry to the Bar;

(e) The Bar's responsibility to serve the public interest;

(f) Considering, investigating and advising or reporting upon representations and complaints relative to barristers and giving rulings by way of guidance to barristers;

(g) Preferring when appropriate, a charge of professional misconduct or breach of proper professional standards against a barrister, and presenting such a charge before a Disciplinary Tribunal.

Finance & General Purposes Committee

7. The membership of the Finance & General Purposes Committee shall be:-

(a) a Chairman who shall be the person elected as Treasurer to the Bar Council;

(b) Two Queen's Counsel who are not members of any other Committee;

(c) 4 other members of the Bar Council.

8. The terms of reference of the Finance & General Purposes Committee shall be:-

(a) Such matters as are allotted to it under the Constitution of the Bar Council;

- (b) The annual budget; borrowing and lending; insurance; investments; accounts; financial control;
- (c) The administration of trust funds;
- (d) Procedural matters and the organisation of the Bar Council's business as a whole;
- (e) Matters of common interest to all or several committees;
- (f) Liaison with relevant international associations and professional bodies outside England and Wales including matters concerning the EEC;
- (g) Public relations and public information functions in relation to the Bar Council and the profession;
- (h) Matters not allocated to any other committee;
- (i) Staff policy; rates of pay and conditions of service; appointment and direction of staff;
- (j) The provision and management facilities for the Bar.

PROCEEDINGS OF COMMITTEES

Term of office

9. The chairmen of the three Main committees, as defined in these Standing Orders shall be appointed by the Bar Council from among the Queen's Counsel who are members thereof. All persons holding the

position of chairman of any committee or sub-committee shall hold the appointment, unless he resigns, notwithstanding that he may cease to be qualified, until his successor is appointed. Chairmen if still qualified, shall be eligible for re-appointment to their respective offices.

Limit to chairmanship

10. No person may be a chairman of more than one Main Committee at any time.

Additional members

11. Committees of the Bar Council may appoint additional members in accordance with their Terms of Reference as set out in these Standing Orders. Where arrangements for appointing additional members are not specified, there shall be a general power of committees and sub-committees to appoint additional members at their discretion, providing the number of additional members shall not exceed two unless the Bar Council agree otherwise.

Quorum

12. No business shall be transacted at any meeting of any committee, sub-committee or subsidiary body unless one-third of the members are present. The minimum quorum is three members.

Minutes

13. Minutes of the proceedings of a meeting of a committee, sub-committee or subsidiary body shall be drawn up and shall be signed at the next meeting by the person presiding thereat, or as soon as possible after the final meeting, and if signed in this way shall be sufficient evidence

without further proof of the facts therein stated.

Agenda papers

14. At least three clear days before a meeting the agenda paper for the meeting shall be sent to the members, and no other business, unless the chairman judges it urgent, shall be brought before the meeting.

General

15. Committees may act in matters within their terms of reference, within their budget as approved by the Bar Council, and shall promote such policies as may be laid down by the Bar Council. The Committees shall make periodic reports to the Bar Council. Sub-committees shall make periodic reports to the Standing committee by which they are appointed.

16. Matters requiring a vote in committees shall be decided by a simple majority. The persons presiding at a meeting of a committee, sub-committee or subsidiary body shall have a second or casting vote.

17. Between meetings the chairman of a committee, sub-committee or subsidiary body may take action on their behalf on matters which are of a routine character or will not admit of delay, and may act similarly on minor or specially urgent matters. In addition, a chairman may deal with such other matters within a committee's terms of reference and the approved budget as the committee may from time to time determine. All such action is to be recorded, and reported to the next committee meeting.

18. The chairman of each committee or, in his absence, the vice-chairman of the committee shall take the chair at every meeting of such committee. In the absence of the chairman and the vice-chairman the members actually present shall proceed to elect a chairman from among their members.

19. Any committee may appoint a sub-committee or other subsidiary body in order to delegate to it a part of its terms of reference. The appointing committee shall state the membership and terms of reference for any sub-committee or subsidiary body.

20. All acts done in good faith by any committee shall, notwithstanding that there was some defect in the appointment of any of its members, or any error in its composition, be as valid as if there was no such defect or error.

21. Subject as herein before expressly provided each committee shall meet and regulate its business in such manner as its members shall think fit.