

RULES
THE INSTITUTE OF BARRISTERS' CLERKS

INTERPRETATION

1. In these Rules, unless the context otherwise requires:

The "Management Committee" and the "Executive Committee" shall mean the Committee consulted by these Rules.

The "Chairman" shall mean the Chairman of The Institute elected pursuant to the provisions of these Rules.

The "Vice Chairman" shall mean the Vice Chairman of The Institute elected pursuant to the provisions of these Rules.

The "Treasurer" shall mean the Treasurer of The Institute elected pursuant to the provisions of these Rules.

The "Vice Treasurer" shall mean the Vice Treasurer of The Institute elected pursuant to the provisions of these Rules.

The "Secretary" shall mean one or other or both the Chancery or Common Law Secretaries of The Institute elected pursuant to the provisions of these Rules.

The "Education Secretary" shall mean the Education Secretary of The Institute elected pursuant to the provisions of these Rules.

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(1979)

The "Officers" shall mean the Chairman, the Vice Chairman, the Treasurer, the Vice Treasurer, the Common Law Secretary, the Chancery Secretary, the Education Secretary. Words importing the masculine gender shall also import the feminine.

Words importing the singular member only shall include the plural and vice versa.

Reference to "Member" or "Members" in these Rules shall mean all Members other than Honorary Members of The Institute unless otherwise stated.

NAME

2. The name of "The Institute" shall be The Institute of Barristers' Clerks.

OBJECTS

3.(i) The Principal Objects of The Institute shall be the advancement and spreading of the knowledge required for the proper performance by members of The Institute of their duties as Barristers Clerks and the maintenance and improvement of standards amongst Barristers Clerks.

(ii) In furtherance only of the Principal Objects and as ancillary thereto but not otherwise The Institute shall have the further following secondary objects:

(a) The guidance of its Members through mutual understanding, discussion and practical experience on matters of professional interest.

(b) The promotion of the education of its members whether general or legal, and the provision of assistance in enabling them to become proficient in the profession, and if they desire, and are eligible, to become a Qualified Member of The Institute.

- (c) The provision of further education courses relevant to the management of Barristers' practices.
- (d) The maintenance of standards through its own code of conduct and that of the Bar.
- (e) The furtherance of good relations amongst its Members; between its Members and the Bar and members of other professions.
- (f) The guidance of Barristers, through its Members by mutual understanding and discussion and in the light of practical experience; to enable them to develop their personal talents to the utmost and to relieve them of administrative matters thereby releasing them to concentrate solely upon the interests of the client.
- (g) For the furtherance of all or any such Objects, The Institute may prepare, compile, edit, print, publish, issue, acquire, collect and circulate by loan, sale or otherwise books, papers, periodicals and other literature of all kinds treating of or bearing upon the laws or legal procedure of England or jurisprudence generally and other matters of professional interest.

MEMBERSHIP

4A Membership of The Institute shall be confined to:

- (i) Clerks to Barristers;
- (ii) Honorary Members who shall be or have been Judges' or Barristers' Clerks and clerks to other members of the Judiciary and holders of similar office who have been Barristers' Clerks;
- (iii) Practice Managers, Chambers Administrators or other such persons carrying out their duties in Chambers that the Management Committee thinks fit

4B(i) Applications for Membership should be made on an Institute of Barristers' Clerks application form and sent to the Common Law Secretary who will refer the application to the Management Committee.

- (ii) Applications for Qualified Membership should be made to the Education Sub-Committee and must be supported by a Proposer and Secunder who are fully paid up Qualified Members of the Institute of Barristers' Clerks.

The criteria for application for Qualified Membership is:

- (a) Associate Members who have completed five years in a set of Chambers and who have attained four GCE 'O' level passes or four GCSE passes at grades A to C, two of which should be English Language and Mathematics and who have taken and passed The Institute of Barristers' Clerks B/TEC Course.
- (b) Associate Members who hold higher qualifications than B/TEC (e.g. Degree, MBA) or have professional qualifications (e.g. solicitor, accountant) and who have completed three years in a set of Chambers.

The Education Sub-Committee will verify the qualification(s) and will if satisfied under the rules, award qualification. In the event of any doubt or dispute the matter may be referred to the Management Committee.

The Management Committee shall have power to accept or reject any Membership Application without giving any reason thereto.

4C. The following categories of Membership of The Institute shall apply, namely:

- (i) *Qualified Members*, which category shall be limited to:
 - a) Existing qualified Members at the date of the coming into force of these Rules;
 - (b) Associate Members who have attained the Qualifications as set by The Institute set out in rules 4B (a) and (b).
 - (c) An Associate Member, who has not obtained a B/Tec qualification or higher, having been an Associate Member and Clerk for 10 years or more may apply to the Management Committee for qualified status.

Such application must be supported by Letter from a Proposer and Seconder who are both qualified members of the Institute.

In considering such application evidence must be produced that the applicant has aspired to improve their proficiency as a member of the Institute by attending;

 - (a) a number of Management Courses, organised by the Institute, Bar Council or other recognised organisation.
 - (b) a number of recognised suitable seminars, or has completed a recognised NVQ such as MIC.
- (ii) *Associate Members*, which category shall be limited to:
 - (a) Barristers' Clerks who do not qualify as Qualified Members or are existing Associate Members of The Institute at the date of the coming into force of these Rules;
 - (b) Ancillary staff comprising those employed in Barristers' Chambers who do not perform the recognised professional managerial functions of a Barrister's Clerk.
- (iii) *Honorary Members*, which category shall be limited to Members who on retirement or on appointment as a Judge's Clerk or to a similar office shall elect to become an Honorary Member without subscription or voting rights.

SUBSCRIPTIONS

5. The Annual Subscription shall be payable by Banker's Order on 28th January each year. Subscriptions shall be determined at the Annual General Meeting.

- (a) The AGM shall determine the joining fee for Senior and Junior Clerks to cover subscriptions to the next renewal date.
- (b) Where a Member ceased to be employed as a Barrister's Clerk but in the opinion of the Management Committee is genuinely seeking re-employment as such, his Membership shall not lapse but be permitted to continue for such period as the Management Committee may determine.
- (c) Any member in the category of Senior Clerk of ten years standing suffering from financial hardship may apply to the Management Committee for a reduction/suspension of their annual subscription.

Those under Rule 4A (iii) will have been categorised for the above purposes.

FAILURE TO PAY SUBSCRIPTIONS

6. If any Member shall fail to pay the Annual Subscription appropriate to his class of Membership by 28th January after it shall become due (save as in 5(b) above), notice shall be sent to him at his registered address. Any Member failing to pay such subscription within 21 days thereafter may be reported to the Disciplinary Sub-Committee at any time thereafter, who, at its discretion, may recommend to the Management Committee the suspension or expulsion of such Member, or such other action as it may think fit. Any Member so excluded may at the discretion of the Management Committee, be reinstated to Membership on payment of all arrears of subscription, covering the period for which he was excluded.

REGISTRATION OF MEMBERS

7. A Register of Members shall be kept. The Register shall include the names and addresses of the Heads of Chambers of such Members.

MANAGEMENT

8. The Management of The Institute shall be entrusted to a Management Committee consisting of the Chairman, Vice Chairman, Treasurer, Vice Treasurer, Common Law Secretary, Chancery Secretary, Education Secretary and 16 other Members. All Officers of The Institute shall be Qualified Members. Such 16 other Members shall be composed of the following categories:

- (a) Five of such Members shall be London Senior Clerks who are Qualified Members in recognised Common Law, Criminal Law and Family Division Chambers;
- (b) Three of such Members shall be London Senior Clerks who are Qualified Members in recognised Chancery or Specialist Chambers;
- (c) Five shall be Provincial Senior Clerks who are Qualified Members;
- (d) Three shall be London Junior Clerks who are Qualified or Associate Members of whom two shall be Clerks from recognised Common Law, Criminal Law and Family Division Chambers and one shall be a Chancery Clerk.

SUB-COMMITTEES

- 9A At the first meeting of the Management Committee after the Annual General Meeting the Chairman will formulate the composition of the following Sub-Committees:

- (a) General Purposes;
- (b) Education;
- (c) Chambers;
- (d) Etiquette and Discipline;
- (e) Remuneration Sub-Committee.

The Orders of Reference and Delegation of Duties to these Sub-Committees are annexed to these Rules as Appendix "A".

The Chairman will appoint the Chairman of these Sub-Committees.

The Officers will be ex officio Members of all Sub-Committees.

EXECUTIVE COMMITTEE

9B The Executive Committee shall comprise the "Officers" and the five chairmen of the Sub-Committees. The Chairman may convene a meeting of the Executive Committee at any time and shall report such meetings to the next meeting of the Management Committee. Five Members to form a quorum.

ELECTION OF OFFICERS AND MANAGEMENT COMMITTEE

- 10.(i) The Chairman, Vice Chairman, Treasurer, Vice Treasurer, Common Law Secretary, Chancery Secretary, Education Secretary, Auditors and one quarter of the Management Committee shall retire annually and shall be eligible for re-election at the Annual General Meeting of each year. Save that the holder of the Office of Chairman shall be limited to three consecutive years in Office and thereafter shall not be eligible for re-election.
- (ii) The one quarter to retire shall be those Members who, since the date of election or re-election, have served longest on the Management Committee, so that all members shall be called upon to retire at least once every four years.
- (iii) Irrespective of rule 10 (ii) Junior Clerk Members of the Management Committee shall be called upon to retire at the end of the year in which they are appointed as Senior Clerk.
- (iv) Every Member wishing to become an Officer or Committee Member of The Institute shall be proposed and notice of such proposal, together with the consent of the candidate to act, if elected, shall be sent to the Chancery Secretary not less than fourteen days before the Annual General Meeting at which the election of Officers and Management Committee will take place.
- (v) At least seven days prior to the Annual General Meeting every Member shall be sent a ballot paper setting out the names of candidates nominated for the offices of Chairman, Vice Chairman, Treasurer, Vice Treasurer, Common Law Secretary, Chancery Secretary, Education Secretary and Auditors and of nominations to fill such vacancies as occur on the Management Committee under Rule 10 (ii) hereof together with particulars of Resolutions appearing on the Agenda for such meeting. Members shall have the right to exercise their vote in accordance with the procedures set out in Appendix "B" hereto.

LIFE AND VICE PRESIDENTS

11. The Institute may in General Meeting appoint a Life President plus twelve Vice Presidents, all of whom must have formerly served either as an Officer or as a Chairman of a Sub-Committee for a period of at least three years. Such Life President and each Vice President shall have no voting rights at Committee Meetings. Whilst continuing as fully paid-up members such Life President and any Vice President on the recommendation of the Management Committee may be appointed Honorary Members of The Institute with no voting rights.

MEETINGS OF THE MANAGEMENT COMMITTEE

- 12.(i) The Management Committee shall meet regularly on the second Tuesday in each month (unless representatives are informed to the contrary) at such times and places as the Management Committee may determine, and be presided over by the Chairman, or in his absence the Vice Chairman, or such other Member of the Management Committee as shall be selected by those present eight Members shall form a quorum. In the case of equality of votes the Chairman shall have a second or casting vote. Minutes of the proceedings of the Management Committee shall be kept and signed by the Chairman.
- (ii) The Officers shall in advance designate Management Committee meetings which they consider are likely to be more than formal and such meetings shall be treated as "starred". Provincial Representatives shall be so notified before each Management Committee meeting and if they make attendance at a "starred" meeting shall be entitled to receive such expenses as are incurred by them which in the opinion of the Management Committee are reasonable and proper to carry out their duties as Provincial Representatives.

POWERS OF THE MANAGEMENT COMMITTEE

13. The Management Committee shall have power:
- (i) To carry into effect the Objects for which The Institute is constituted.
 - (ii) To consider and advise on any matter affecting the interests of its Members.
 - (iii) To elect one or more of its Members to represent The Institute before or upon any other body.
 - (iv) To consider all disputes referred to it in writing by a Member.
 - (v) In the name of The Institute to promote or participate in the promotion or otherwise of any scheme with the object of raising funds for The Institute.
 - (vi) To provide such amenities as may be possible for the benefit of Members.
 - (vii) To co-opt any Member of The Institute to serve on the Management Committee or on any Sub-Committee as they may think fit. Such co-opted members shall have the same powers in all respects as are conferred on elected Members of the Management Committee, but shall serve only for the current year in which they are so co-opted.
 - (viii) To refer by a resolution of the Management Committee to the Etiquette and Disciplinary Sub-Committee any complaint which is made to The Institute by an employer, or by any other person, of the conduct of a member. Such complaint shall be referred without discussion and before any action is taken to investigate the complaint and shall be dealt with in accordance with the Etiquette and Disciplinary Bye-Laws set out in Appendix "C" hereto.
 - (ix) To appoint an Officer of The Institute to sign any documents on behalf of The Institute as may be necessary in the opinion of the Management Committee.

ANNUAL GENERAL MEETING

14. Notice of the Annual General Meeting will be given by the Chancery Secretary at least twenty-one days before the meeting and sent to every Member and Honorary Member at his registered address, stating the place and time at which it is to be held. The Annual General Meeting of The Institute shall be held in such place as may be determined by the Committee, in the month of March in every year for the following purposes:
- (i) To receive a Report and Statement of Accounts for the preceding year.
 - (ii) To elect the Officers and Members of the Management Committee for the ensuing year in accordance with the foregoing Rules.
 - (iii) To determine the annual subscription for the ensuing year.
 - (iv) To consider any notice of motion or report appearing on the Agenda for the meeting.
 - (v) To consider any proposal or matter or transact any other business of which at least fourteen days' notice in writing (before the said Annual General Meeting) shall have been given to the Chancery Secretary by a Member. The Chairman shall preside at the Annual General Meeting, or in his absence such other Member of the Management Committee as shall have been selected by the Management Committee for that purpose. Voting upon any resolution other than the election of Officers, shall be decided on a show of hands or by ballot if it is demanded by the majority of Members present and vote at the Annual General Meeting. No matters can be voted on unless the prescribed notice above has been given, even under "any other business". In the event of an equality of votes the Chairman shall be entitled to a second or casting vote.

EXTRAORDINARY GENERAL MEETING

15. The Chairman or four Members of the Management Committee may or the Management Committee shall at

the written request of not less than ten Members convene an Extraordinary General Meeting of The Institute. Any request for an Extraordinary General Meeting must state the objects of the meeting and must be signed by those making it.

NOTICE OF GENERAL MEETINGS

16. The Chancery Secretary shall at least twenty-one days before any General Meeting send to every Member and Honorary Member at his registered address a notice of such meeting stating the time and place at which it is to be held and the business to be transacted thereat. Any proposal or resolution to be raised at a General Meeting is to be lodged with the Chancery Secretary at least fourteen days before the General Meeting. No matters can be voted on unless the prescribed notice above has been given, even under "any other business". Only business of a formal nature shall be brought forward at any General Meeting and the prescribed notice above given.

RULES

17. These Rules may not be altered except at an Annual General Meeting or an Extraordinary General Meeting called for that purpose.

APPENDIX "A"

ORDERS OF REFERENCE AND DELEGATION OF DUTIES TO SUB-COMMITTEES

(A) **General Purposes and Finance Sub-Committee**

General reference:

All matters relating to The Institute's membership, including admission to The Institute, subscription and category of membership; the Rules; Secretariat and accommodation.

To consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon the acceptance into membership or otherwise of applicants seeking admission to The Institute; the setting of levels of subscription; and the placing of candidates for admission to The Institute in the correct category of membership under the Rules.
- (b) Upon all questions arising from or connected with the Rules of The Institute.
- (c) To keep under review the administrative machinery and accommodation needs of The Institute.
- (d) Upon all matters not specifically covered by the Orders of Reference to other Sub-Committees and to recommend variations to the Orders of Reference as situations demand.

(B) **Education Sub-Committee**

General reference:

All matters related to the education, recruitment and allied matters affecting Members of The Institute. To consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon all questions affecting the education of Members.
- (b) Upon the promotion and arrangement of courses of instruction for Members of The Institute; to oversee the education and examination of Associate Members. To advise upon the level of attainment necessary to achieve Qualified Membership.
- (c) Upon all matters relating to the function of a Clerk and any legislation relevant to Members.
- (d) Upon the maintenance of a register of employment opportunities and of those seeking to gain employment as a Barrister's Clerk and occupations allied thereto and to provide such schemes for recruitment as are deemed necessary; to seek full co-operation and liaison with the Careers Advisory Service.
- (e) Upon matters regarding action with the General Council of the Bar upon all matters referred to above.
- (f) Award Qualified Membership.

(C) **Chambers Sub-Committee**

General reference:

All matters relating to the general management of Chambers; public relations, communications and production of the Annual Report; matters appertaining to listing; Circuit Link Clerks; all listing of cases.

To consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon techniques for the better management of Barristers' Chambers.

- (b) Upon all matters of public relations and communications with the membership, for the production of newsletters, bulletins and all other printed material. To initiate and promote meetings of Members. The issue of Press Releases on behalf of The Institute. The preparation of Annual Reports of The Institute.
- (c) Listing in general in the High Court of Justice and the appointment of Representatives to any Committees dealing with this matter.
- (d) Upon the appointment of Circuit and Crown Court Link Clerks and to consider all matters arising from the listing of cases at all Courts.
- (e) Upon the activities and reports of Judicial Committees.

(D) Etiquette and Disciplinary Sub-Committee

General reference:

All matters relating to the maintenance of high standards of professional conduct by Members of The Institute; and all questions of etiquette.

Subject to the rules of this sub-committee to consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon any matters relative to the professional behaviour and discipline of Barristers' Clerks either Junior or Senior.
- (b) Upon matters of complaint against any Barrister's Clerk referred by the Management Committee.
- (c) Upon any question of professional etiquette or conduct of the Bar generally.
- (d) Upon all matters arising upon the appointment of new "Silks" and arrangements generally of pupillage at the Bar including participation in joint action with the General Council of the Bar.

(E) Remuneration Sub-Committee

General reference:

All matters relating to the level of fees; the collection of fees; Income Tax; Value Added Tax; all ancillary matters relating to remuneration.

To consider, report and recommend to the Management Committee and/or Executive Committee.

- (a) Upon discussions and negotiations upon questions of the level of fees.
- (b) Upon its investigations into and to simplify approval of systems of fee collection considered to be of benefit to the membership and the Bar.
- (c) Upon discussions and negotiations upon questions arising from Value Added Tax and Income Tax.
- (d) Upon all matters connected with contracts of employment, redundancy payments, industrial relations and terms and conditions of employment generally whether or not the subject of legislation.
- (e) Upon the provision of guidance to Members of The Institute upon matters related to remuneration of Barristers' Clerks, including the holding of discussions with all relevant bodies.
- (f) Upon all matters connected with Social Security and National Insurance and allied matters to the benefit of the membership.

APPENDIX "B"

RULES RELATING TO ELECTIONS

- (1) At the closing date for nominations the Chancery Secretary shall advise the Chairman of positions for which there is to be a contest.
- (2) The Chancery Secretary shall then prepare a ballot paper as an individual document setting out the positions sought and the names of the candidates.
- (3) The ballot papers to be printed on distinctive (or coloured) paper and issued to the Members.
- (4) The issue of ballot papers shall only be to fully paid up Members of the Institute.
- (5) Ballot papers may be returned by post or cast in sealed ballot boxes situated within the Chambers of the designated Officers of The Institute.
- (6) The February Management Committee should appoint scrutineers who would, one hour before the time of the Annual General Meeting, take possession of all postal votes and the ballot boxes. The scrutineers would count the votes and the successful candidates would be announced by the Chairman at the Annual General Meeting.
- (7) Spoilt ballot papers or those received after the appointed hour in (6) above shall be disregarded.
- (8) Every Member shall have one vote in respect of each vacancy on the Committee and no candidate shall receive more than one vote from any one Member. The Chairman to have a second or casting vote.