

## **Rules for the Inns of Court on Admission to an Inn and Conduct of Students**

### **Part I - Purpose and Objective**

1. These rules provide the terms under which the Inns of Court will operate in determining whether an Inn of Court should refuse to admit an applicant for admission, or expel or refuse to Call a student to the Bar.
2. These rules should be read in conjunction with relevant sections of the Bar Training Regulations [BTRs] and the Inns' Conduct Committee [ICC] Rules.
3. To be eligible for admission to an Inn or Call to the Bar, a person must be a fit and proper person to become a practising barrister.
4. The four Inns of Court will ensure that all existing and potential members receive consideration appropriate to their needs. The Inns of Court are committed to the elimination of unlawful or unfair discrimination on the grounds of sex, race, sex reassignment, disability, ethnic and national origin, nationality, sexual orientation, marital status, responsibility for dependants, religion or belief or age. It is the intention of the four Inns of Court that membership of the Inns should reflect the diversity of society. All the Inns have a responsibility to apply the principles of this statement in their dealings with others both internally and externally.

### **Part II - Definitions**

5. In these Rules, the following terms have the following meanings:

“Admission”, “Admission Declaration”, “Bankruptcy Order”, “Criminal Offence”, “Call Declaration”, “Call to the Bar”, “Criminal Proceedings”, “Directors Disqualification Order”, “Inn”, “Inns’ Council”, “Inns’ Conduct Committee”, “Inns’ Conduct Committee Rules” “Readmission” and “Student” are as defined in BTR 114.

“Applicant” shall include persons granted exemptions from training requirements under Part VII of the BTRs and former members of an Inn seeking readmission.

“Fit and proper person to become a practising barrister” is as defined in BTR 6.

“Serious Matter” is as defined in BTR 86.

In these Rules, references to the masculine gender should be taken to include the feminine gender.

### **Part III – Admission to an Inn**

6. To ensure consistency and transparency in decision making and pursuant to BTR 13, an Inn of Court will refer to the Inns' Conduct Committee for determination the question of whether an applicant is a fit and proper person to become a practising barrister and as such eligible for admission to an Inn if the applicant falls within the terms of BTR 14.
7. Any admission application referred by an Inn of Court to the Inns' Conduct Committee under BTR 13 must be accompanied by:

- (a) A copy of applicant's Admission Declaration (Schedule A of the BTRs);
  - (b) A summary of the facts and a recommendation from the applicant's Inn of Court as to what ought to be the Inns' Conduct Committee's finding;
  - (c) Any written representations from the applicant;
  - (d) Confirmation as to whether the Inn will be represented if the Inns' Conduct Committee were to convene a Panel Hearing;
- and (as applicable),
- (e) Where BTR 14 (a) applies, a copy of the criminal conviction or where the matter is pending, the associated court documentation; or
  - (f) Where BTR 14 (b) applies, a statement from the professional or regulatory body; or
  - (g) Where BTR 14 (c) applies, the Bankruptcy Order or Directors Disqualification Order or the documentation as regards an Individual Voluntary Arrangement; or
  - (h) Any further information or documentation considered to be relevant to the circumstances under consideration.
8. An Inn referring an applicant to the Inns' Conduct Committee under BTR 13, must at the point of referral notify the applicant in writing that it has done so.
  9. Where an applicant does not fall within the terms of BTR 14, an Inn is entitled to consider any other matter under its own admission procedures.

#### **Part IV – Conduct of Students**

10. To ensure consistency and transparency in decision making, an Inn of Court will refer any matter relating to the conduct of a student to the Inns' Conduct Committee for determination if the Inn decides that the student's conduct constitutes a Serious Matter.
11. A matter is a Serious Matter as defined in BTR 86, if it:
  - (a) falls within Regulation 84(a) or (b)(ii)-(v); or
  - (b) in the opinion of the Inn otherwise calls into question whether the Student is a fit and proper person to become a practising barrister.
12. Any Student Conduct matter referred by an Inn of Court to the Inns' Conduct Committee under BTR 88 must be accompanied by:

- (a) A summary of the facts and a recommendation from the applicant's Inn of Court as to what ought to be the Inns' Conduct Committee's finding;
  - (b) Any written representations from the student;
- and (as applicable),
- (c) Where BTR 84 (a) applies, a copy of the Student's Admission or Call Declaration (as appropriate); or
  - (d) Where BTR 84 (b) (ii) applies, a copy of the criminal conviction or where the matter is pending, the associated court documentation; or
  - (e) Where BTR 84 (b) (iii) applies, a statement from the professional or regulatory body; or
  - (f) Where BTR 84 (b) (iv) applies, the Bankruptcy Order or Directors Disqualification Order or the documentation as regards an Individual Voluntary Arrangement; or
  - (g) Where BTR 84 (b) (v) applies, details from the BVC Provider of the report, finding and sentence as regards cheating or other misconduct on the Bar Vocational Course; or
  - (h) Any further information or documentation considered to be relevant to the circumstances under consideration.
13. An Inn referring the conduct of a student to the Inns' Conduct Committee under BTR 88, must at the point of referral notify the student in writing that it has done so.
14. Where it is decided that a matter relating to the conduct of a student does not constitute a "Serious Matter", an Inn is entitled to deal with the matter under its internal disciplinary procedures in accordance with BTR 87.

#### **Part V – Inns of Court/Inns' Conduct Committee Relationship**

15. An Inn of Court shall comply with any request from the Inns' Conduct Committee to make further enquiries or provide additional information.
16. An Inn of Court will comply with any request under Rule 22 (i) of the Inns' Conduct Committee Rules, as to the appointment of a representative and will inform both the Inns' Conduct Committee and the student of the identity of the person appointed to represent the student.
17. Where the Inns' Conduct Committee refers a case to a Panel for hearing, the Inn concerned may appoint a representative to set out the grounds by reason of which the referring Inn considers that the fitness to practise of an applicant/student is called into question and will inform the Inns' Conduct Committee of the arrangements.
18. Any Inn receiving a direction from the Inns' Conduct Committee under BTR 89 to postpone Call to the Bar for a specified period or expel a student, must comply with that direction once the period for appeal laid down under BTR 90 has elapsed.

**Part VI – Determination of minor admission/student conduct matters by an Inn of Court**

19. In accordance with BTR 16, where an Inn rejects an application for admission, it must inform the applicant in writing:
  - (a) of its reasons for doing so; and,
  - (b) that a review of the Inn's decision may be requested under Part X of the BTRs, provided that a request is made in writing to the Bar Standards Board within one month of the date when notice of the decision was given.
20. If on a review under Part X of the BTRs the Bar Standards Board is satisfied that the applicant is eligible for admission, an Inn must admit the applicant.
21. An Inn may determine a student conduct matter internally in accordance with BTR 87.
22. Any Inn determining a student conduct matter under its internal disciplinary procedures, shall inform the student of the right to appeal the decision to the Inns' Conduct Committee under BTR 87A.
23. In accordance with Rule 47 of the Inn's Conduct Committee Rules, an Inn of Court shall additionally retain for determination under its own admission or internal disciplinary procedures such categories of minor admission/student misconduct cases that the Inns' Conduct Committee have identified in any Practice Direction issued pursuant to BTR 113.

**Part VII – Commencement and Amendment of the Rules for the Inns of Court on Admission to an Inn and Conduct of Students**

24. These Rules shall come into force in parallel with the Inns' Conduct Committee Rules on [1 September 2009]
25. These Rules and any amendment to any part of these Rules must be approved by the Inns' Council and the Inns' Conduct Committee.
26. These Rules shall only apply in relation to an application for admission to an Inn made on or after 1<sup>st</sup> September 2009; and any conduct of a student reported to an Inn on or after that date.