



# Rules for the Inns' Conduct Committee

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## PART I - PURPOSE AND OBJECTIVE

1. These Rules, which shall be referred to as the Inns' Conduct Committee Rules, provide the terms under which the Inns' Conduct Committee 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 Rules, which are contained in the Bar Standards Board Handbook ("the Handbook"), in Part 4, Section B.
3. The function of the Inns' Conduct Committee is:
  - (a) To determine any question whether an applicant for admission to an Inn is a fit and proper person to become a practising barrister;
  - (b) To determine whether, in the case of a Student member of an Inn, a Serious Matter (within the meaning of the Bar Training Rules (the BTR)) has been proved; and if so, what sanction it is appropriate to impose
  - (c) To hear and finally determine appeals from determinations by a student's Inn of minor internal disciplinary matters against that student in accordance with rQ106 of the Handbook.
4. 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.
5. The Inns' Conduct Committee and the four Inns of Court will ensure that all existing and potential members receive consideration appropriate to their needs. There is a commitment 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. The Inns' Conduct Committee recognises that it is the intention of the four Inns of Court that membership of the Inns should reflect the diversity of society. The Inns' Conduct Committee and 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

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

“Admission to an Inn”, “Admission Declaration”, “Bankruptcy Order”, “Criminal Offence”, “Call Declaration”, “Call to the Bar”, “pending Criminal Proceedings”, “Directors Disqualification Order”, “Inn”, “Council of the Inns of Court” (“COIC”), and “Serious Matter” are as defined in Part 6 of the Handbook.

“Applicant” shall include persons granted exemptions from training requirements under Part B7 of the Bar Training Rules and former members of an Inn seeking readmission.

“Student” means a person who has been admitted to an Inn and remains a member of the Inn but has not been called to the Bar.

“BTAS” is the Bar Tribunals and Adjudication Service.

“Fit and proper person to become a practising barrister” is as defined in rQ9 of the Handbook.

“Screening Panel” is a panel of persons which considers whether referrals to the Inns’ Conduct Committee should be referred to a Hearing Panel for determination or returned to the referring Inn and is constituted in accordance with Rule 15.

“Hearing Panel” is a panel that hears matters that are to be determined by the Inns’ Conduct Committee, made up of persons appointed in accordance with these Rules either by the Inns’ Conduct Committee or by the Tribunal Appointments Body further to any delegation under Rule 14.

The “Tribunals Appointment Body” is a body appointed by COIC in order to (i) vet the applications of those people who wish to be members of the panel of persons hearing matters under these Rules and (ii) certifies that those they select to the panels are fit and properly qualified to conduct the business for which they have been selected.

# PART III – MEMBERSHIP AND PROCEDURES OF THE INNS’ CONDUCT COMMITTEE

## Membership of the Inns’ Conduct Committee

7. The Inns’ Conduct Committee shall have the following members:
  - (a) a Chair, selected by the Tribunals Appointments Body and appointed by the President
  - (b) Two Vice-Chairs (one barrister and one lay representative), selected by the Tribunals Appointments Body and appointed by the President
  - (c) Four barrister members, one selected by each of the Inns from those appointed by the Tribunals Appointments Body
  - (d) Two lay members, selected by the Tribunals Appointment Body from amongst those appointed by the Tribunals Appointments Body

No person shall be a member of the Inns’ Conduct Committee if they are a member of the Bar Council or of any of its committees or a member of the Bar Standards Board or of any of its committees

8. Each member of the Inns’ Conduct Committee (other than the Chair and Vice Chairs) shall serve for a term of up to 4 years and shall thereafter be eligible for re-appointment for a further period of up to 4 years subject to their continuing appointment by the Tribunals Appointments Body.
9. The Chair and Vice-Chairs shall serve for up to 4 years from the date on which s/he takes office and shall thereafter be eligible for re-nomination for a further term of up to 4 years, without reference to any previous membership of the Inns’ Conduct Committee.
10. The Bar Tribunal and Adjudication Service shall make arrangements for secretariat support to be provided to the Inns’ Conduct Committee and any panels appointed for the purpose of these Rules.

## Operation of the Inns' Conduct Committee

11. The Inns' Conduct Committee may meet as a full committee to consider matters of general policy or process.
12. The Inns' Conduct Committee will:
  - (a) follow any guidance issued by the Bar Standards Board under rQ127.1 of the Handbook; and
  - (b) respond to any request from the Bar Standards Board for information under rQ127.2 of the Handbook.
13. The Inns' Conduct Committee will report in writing annually to COIC on its performance.
14. In accordance with rQ129 of the BSB's Handbook the Inns' Conduct Committee may delegate its powers and functions in relation to:
  - (a) whether an applicant is a fit and proper person to be a practising barrister to a Hearing Panel constituted of persons selected by the Chair of the Inns' Conduct Committee from the persons appointed for this purpose by the Tribunal Appointments Body;
  - (b) the determination of whether a Serious Matter is proved and decisions in accordance with rQ109 of the BSB's Handbook to a Hearing Panel constituted of persons selected by the Chair of the Inns' Conduct Committee, from the persons appointed for this purpose by the Tribunal Appointments Body;
  - (c) appeals by a student from a decision of an Inn under its internal disciplinary procedure to a Hearing Panel constituted of persons selected by the Chair of the Inns' Conduct Committee from the persons appointed for this purpose by the Tribunal Appointments Body.

## Screening Panel Proceedings

15. The handling by the Inns' Conduct Committee of any case involving an applicant/student referred to it by an Inn shall be determined by a Screening Panel who will consider documentation from the Inn about the applicant/student. The

Screening Panel shall comprise the Chair or Vice Chair of the Inns' Conduct Committee and one other committee member (at least one of whom must be a lay member), with support provided by a member of the BTAS Administrative team or an individual appointed by BTAS. The members of the Screening Panel will generally conduct their business by meeting in person but may, at the discretion of the Chair or Vice Chair of the Inns' Conduct Committee (as the case may be), do so by telephone or email. An Under/Sub Treasurer, or an appropriate person delegated by that Under/Sub Treasurer, may also attend meetings of the Screening Panel in person or by telephone or email to provide general advice and information to aid the Screening Panel, if required.

16. The Screening Panel may direct, at any stage, that the relevant Inn and/or a student or applicant provide any information in relation to a case at the Screening Panel's request. This information should normally be provided in writing within 14 days. Should a student or applicant be unwilling or unable, without good cause, to provide this further information, the Screening Panel and any subsequent Hearing Panel may make any reasonable inferences.
17. The purpose of the Screening Panel is –
  - (a) In the case of an applicant, if the Screening Panel is satisfied, on consideration of all information provided to it, that:
    - i) there is material that suggests that the applicant is not a fit and proper person to become a barrister or may not be a fit and proper person to become a barrister; or
    - ii) there is material that gives rise to any question as to whether the applicant is a fit and proper person to become a barrister that requires further consideration by the Inns' Conduct Committee;
  - (a) the Screening Panel will refer the question of whether the applicant is a fit and proper person to a Hearing Panel for determination.
  - (b) If not so satisfied, the Inns' Conduct Committee will return the matter to the Inn, for the applicant to be admitted.
  - (c) In the case of a student, if the Screening Panel is satisfied, on consideration of all information provided to it, that there is material that suggests that a

Serious Matter would or might be proved in relation to the student, the Screening Panel will refer that matter to a Hearing Panel for determination.

- (d) If the Screening Panel is satisfied that there is no material on which such a finding might be made, it will notify the Inn and state its reason(s) for such decision.
- 18. In referring a case to a Hearing Panel, the Screening Panel shall determine whether it should require the appointment and attendance at a hearing of a shorthand writer or whether the provision of appropriate tape recording facilities will suffice.
- 19. If not referring a matter to a Hearing Panel, the Screening Panel will state (in summary form) the reasons for its decision not to refer to a Hearing Panel. These reasons will be provided by BTAS to the referring Inn.
- 20. Once an Inns' Conduct Committee decision has been communicated to the referring Inn, the Inn must confirm to the Inns' Conduct Committee, in writing, that the decision has been received and that any action required of them has been completed.

## Appointment of a Panel to Hear a Case

- 21. Any case involving an applicant/student referred by the Screening Panel for hearing shall be heard and determined by a Hearing Panel appointed by the Chair of the Inns' Conduct Committee
- 22. The Panel shall comprise three members including a lay member, and the Chair of the Inns' Conduct Committee will designate a Panel Chair from those three members.

## Notification of arrangements for a Hearing

- 23. As soon as practicable after a referral to a Hearing Panel for hearing, the BTAS Administrator shall write by registered post or recorded delivery, with a copy sent by email, to the applicant/student at the last known address notified to the Inn to give notification that the matter is to be heard and determined by a Hearing Panel . The letter of notification shall:
  - (a) Identify the date, time and venue of the hearing (which shall be convened as soon as practicable);

- (b) Inform the applicant/student of his or her right to submit a written request (with reasons) for the hearing to be adjourned. Such request shall normally be given within seven days of receipt of the notification letter or the applicant/student will be deemed to have waived the right to ask for an adjournment;
- (c) Contain details of the referral, setting out the grounds and reasons as to why the Inn has referred the matter in question;
- (d) Inform the applicant/student whether the referring Inn will be represented;
- (e) Inform the applicant/student of the membership of the Hearing Panel and of the applicant/student's right to give written notice (with reasons) objecting to one or more of the proposed members of the Hearing Panel. Such notice shall be given within seven days of receipt of the notification letter or the applicant/student will be deemed to have waived the right to object;
- (f) Inform the applicant/student that s/he will within the period specified in the notification letter be supplied with copies of the documents that are to be provided to the Hearing Panel;
- (g) Inform the applicant/student that s/he may within such reasonable time as may be specified deliver a written answer, explanation or other representation to the Hearing Panel in advance of the hearing;
- (h) Inform the applicant/student of his or her entitlement to attend the Hearing and right to be heard by the Hearing Panel;
- (i) Inform the student/applicant of his or her right to appoint a representative or, in the case of students only, to request the appointment of a representative;
- (j) Inform the student/applicant that the hearing will take place in public unless a direction is made by the Chair under Rule 26 below that all or part of the hearing should be in private;
- (k) Require the applicant/student to inform the BTAS Administrator whether s/he intends to attend the Hearing and to be represented at the Hearing;



- (l) Inform the applicant/student of the Hearing Panel's right to proceed with the Hearing in his or her absence and that, should they fail to attend without good cause, the Hearing Panel may make any reasonable inferences; and
- (m) Include a copy of these Rules and the Bar Training Rules, as set out in the Handbook.

## Objections to Panel Membership & Requests for Adjournments

24. Where the Inns' Conduct Committee has received a written notification:
- (a) of objection to the membership of a Hearing Panel made under Rule 23(e), the Chair of the Inns' Conduct Committee shall take the relevant decision,
  - (b) of a request for a hearing to be adjourned made under Rule 23(b) the Chair of the Inns' Conduct Committee, or the Chair of a Hearing Panel, where the relevant function has been delegated under Rule 14, shall take the relevant decision,

and the reasons for such decision shall be recorded in writing and provided to the applicant/student and the referring Inn.

## Conduct of the Hearing

25. At any time after the Hearing Panel has been constituted, the Panel may direct that the relevant Inn and/or a student or applicant provide any information in relation to a case. This documentation information should normally be provided in writing within 14 days, unless specified otherwise by the Chair of the Panel. Should a student or applicant be unwilling or unable, without good cause, to provide this further information, the Hearing Panel may make any reasonable inferences.
26. The Hearing before the Panel shall ordinarily be in public, unless the Chair of the Hearing Panel, acting of his or her own motion or on request from an Inn or an applicant/student, directs that all or part of the hearing be in private.
27. If the Chair of the Hearing Panel makes a direction under Rule 26, the reasons for sitting in private shall be recorded in writing and provided to the referring Inn and the applicant/student.

28. Should an applicant/student fail to attend then the hearing may go ahead in their absence.
29. A BTAS Administrator or an individual appointed by BTAS will be in attendance at the hearing, except for during deliberation unless the Hearing Panel request assistance in relation to the Inns' Conduct Committee processes or policies.
30. Subject to Rule 38, proceedings at the hearing shall be at the discretion of the Chair of the Panel, but the Hearing Panel shall act in accordance with the principles of natural justice and have regard to the Statement of Principles and Guidelines for the Inns' Conduct Committee. The Panel Chair may before or at the hearing give all directions as may reasonably be necessary for the fair and orderly disposal of the referral.
31. The Hearing Panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before any court.
32. The Hearing Panel shall treat:
  - (a) a criminal conviction of the applicant/student, which has not been set aside on appeal or otherwise, as sufficient evidence of the commission of the offence in question; and
  - (b) a finding of misconduct by a regulatory/professional/educational body exercising a regulatory, disciplinary or educational jurisdiction as sufficient evidence of the commission of the misconduct in question;but may give such weight to that offence or misconduct as it considers reasonable in all the circumstances.
33. The use of video conferencing facilities, where possible, can be granted by the Panel Chair should the student or applicant agree to the use of this equipment.
34. Where a shorthand writer is not appointed under Rule 18 above, and no tape recording facility is provided, the BTAS Administrator or someone appointed by BTAS will ensure that a note is taken of the evidence given at the Hearing.
35. Where a student has requested representation under Rule 23(i) above, the Inns' Conduct Committee shall require the referring Inn to provide the student with an appropriate Bar Pro Bono Unit (the "Unit") application form for representation, and shall offer to transmit any completed form to the Unit on the student's behalf.

36. Evidence may be received by the Hearing Panel by oral statement, written statement, or statutory declaration.
37. Members of the Hearing Panel shall have the right at each stage of the hearing to ask questions of the referring Inn's representative (where applicable), the applicant/student (or, where applicable, his or her representative).
38. Subject to the discretion of the Chair of the Hearing Panel, the order of proceedings shall be as follows:
  - (a) The Chair of the Panel introduces the Hearing Panel, explains the process and why the matter has been referred as well as referring to the Rules under which the matter is to be determined. The Panel Chair will identify the documents that the Hearing Panel members have been provided with.
  - (b) The student or applicant will be asked for any comments in relation to the reason for referral.
  - (c) The Hearing Panel will ask any relevant questions of the student/applicant.
  - (d) The student/applicant is then given the opportunity to raise any relevant matters not previously covered.
  - (e) Private deliberations take place.
  - (f) The Hearing Panel reconvene to ask further questions (if any), to announce their decision, to reserve their decision or to adjourn the matter to enable the production of further evidence/documents.
39. The Chair of the Hearing Panel may adapt the order of proceedings. Any adaptation does not invalidate any decision.
40. In exceptional circumstances where the Inn is represented, once the Panel Chair has explained the process the Inn will be asked to present their case with any questions from the Hearing Panel following. The student or applicant will be asked for any comments in relation to the Inn's case and the Panel will ask any relevant questions of the student/applicant. Both the Inn and the student/applicant, respectively, can make any closing remarks before the Hearing Panel deliberates.
41. In the event that on or immediately before the day of the hearing, and due to exceptional and unforeseen circumstances, the Panel is unable to convene in person,

the Hearing Panel may, after consultation, and once they are satisfied that there will be no injustice, proceed to conduct their business by phone/ email/ video conference facility.

## Adjournments

42. In any case where the Hearing Panel considers that further information is required for the fair disposal of the matter, or due to any request from the student/ applicant, the Chair of the Hearing Panel may adjourn the hearing for a fixed period of no greater than 28 days.
43. In exceptional circumstances where a further adjournment is deemed necessary, the Chair of the Hearing Panel may adjourn the hearing for a further fixed period of no greater than 28 days.

## Decision of the Panel

44. Within 14 days of the conclusion of the proceedings and on behalf of the Inns' Conduct Committee, the Hearing Panel will produce a written report setting out its findings, the reasons for those findings and its decision. A failure to provide the report within 14 days shall not (of itself) affect the validity of the decision. As soon as it is available, the written report will be sent to the applicant/student, the Inn which made the referral, the other Inns and (where appropriate) the student's BPTC Provider. Those written reports shall be retained by BTAS. The names of those students who are expelled may be published on the Inn's website.
45. Once an Inns' Conduct Committee decision has been communicated to the referring Inn, the Inn must confirm to the Inns' Conduct Committee, in writing, that the decision has been received and that any action required of them has been completed.
46. If members of the Hearing Panel are not in agreement as to the finding(s), the decision of the Panel shall be by a simple majority.
47. In accordance with rQ11 of the Handbook, a person whose application for admission to an Inn has been rejected on the ground that that person is not a fit and proper person to become a practising barrister or who has been expelled from an Inn because of a disciplinary offence may not apply for admission to an Inn unless a period of at least five years (or such other period as the Bar Standards Board may

determine in the particular case) has elapsed from the date of such rejection or expulsion.

## **Review of the decision of the Inns' Conduct Committee**

48. If in accordance with rQ19 and rQ110 of the Handbook, the Inns' Conduct Committee decides that the applicant/student is not a fit and proper person to become a practising barrister or finds a Serious Matter proved or, having found a Serious Matter proved, imposes any sanction, the applicant/student shall when sent the written notice of the Inns' Conduct Committee decision be informed in writing that a review of the decision under B10 of the BSB Handbook may be requested, provided that a request is made in writing to the Bar Standards Board within one month of the date when notice of the Inns' Conduct Committee decision is given.
49. In accordance with rQ121 of the Handbook, the Inns' Conduct Committee will consider whether to comment on any further representations and evidence which the applicant/student submits to the Bar Standards Board under rQ120.3 of the Handbook for review of an Inns' Conduct Committee decision.

## PART IV - ADMISSION TO AN INN

### Referral by an Inn to the Inns' Conduct Committee

50. To ensure consistency and transparency in decision making and in accordance with rQ16 of the Handbook, 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:
- (a) The applicant has been convicted of a Criminal Offence (or is the subject of pending Criminal Proceedings); or
  - (b) The applicant has been convicted of a disciplinary offence by a professional or regulatory body (or is the subject of pending proceedings for such an offence); or
  - (c) The applicant has been the subject of a Bankruptcy Order or Directors Disqualification Order or has entered into an individual voluntary arrangement with creditors; or
  - (d) The applicant has previously been refused admission to or expelled from an Inn; or
  - (e) There is any other circumstance which in the opinion of the Inn calls into question the applicant's fitness to become a practising barrister.
51. In referring an applicant for admission to the Inns' Conduct Committee, an Inn, at its discretion, may appoint a representative to present the Inn's case at any hearing.
52. The Inns' Conduct Committee will determine whether a referred applicant is a fit and proper person to become a practising barrister, and should be admitted to an Inn of Court by reference to rQ9 of the Handbook.

## PART V – CONDUCT OF STUDENT OF AN INN

### Referral by an Inn to the Inns' Conduct Committee of a Serious Matter

53. To ensure consistency and transparency in decision making and in accordance with rQ108 of the Handbook, an Inn of Court will refer any matters relating to the conduct of a student of the Inn to the Inns' Conduct Committee for determination if the Inn decides that the student's conduct constitutes a Serious Matter. If it is decided by an Inn that the student's conduct does not constitute a Serious Matter, the Inn will deal with the matter under its internal disciplinary procedures in accordance with rQ106 of the Handbook.
54. A student in relation to whom a conduct matter is being considered under Part V of these Rules by either the Inn to which the student belongs or the Inns' Conduct Committee, will be held in membership of the Inn until the conclusion of the matter.
55. In referring a student to the Inns' Conduct Committee, an Inn, at its discretion, may appoint a representative to present the Inn's case at any hearing.
56. The Inns' Conduct Committee will determine whether it finds the Serious Matter proved by reference to rQ104 and Part 6 of the Handbook.
57. If the Inns' Conduct Committee finds a Serious Matter proved, it may in accordance with rQ109 of the Handbook:
  - (a) advise the Student as to future conduct;
  - (b) reprimand the Student;
  - (c) order that the Student's Call to the Bar be postponed for a specified period;
  - (d) direct that the Student be expelled from the Inn (in which case the Inn must expel the Student); or
  - (e) Any combination of the above.

## PART VI – REVIEW OF AN INN DECISION BY THE INNS’ CONDUCT COMMITTEE

### Appeal Request by a student for a Review of a decision under an Inn’s internal disciplinary procedures

58. In accordance with rQ107 of the Handbook, the Inns’ Conduct Committee will consider requests from students for a review of a decision of an Inn under its internal disciplinary procedures, whether as a consequence of rQ106 of the Handbook or Rule 60. Such requests must be made in writing to the BTAS Administrator within one month of the date when the Inn gave notice of the decision.
59. An appeal to the Inns’ Conduct Committee from a finding of an Inn shall be by way of review by a Hearing Panel, not a re-hearing.
60. A request from a student for a review must be accompanied by:
  - (a) a copy of the notice of the Inn decision and the reasons for it;
  - (b) copies of all documents submitted or received by the student which were before the Inn; and
  - (c) the student’s reasons for dissatisfaction with the Inn’s decision.
61. On receiving an appeal from a student, the BTAS Administrator shall notify the Inn and invite it to comment on the student’s reasons for dissatisfaction.
62. A Hearing Panel may allow the appeal, affirm the decision of the Inn under its internal disciplinary procedures, or substitute any decision which could have been made by the Inn.



## PART VII – DELEGATION TO AN INN

### Delegation of categories of minor cases to the Inns for determination

63. The Inns' Conduct Committee may, on the basis of experience, issue a Practice Direction identifying certain categories of minor admission/student misconduct cases covered by rQ16-17 and rQ108 of the Handbook which may be automatically retained by the Inns for determination.
64. Committee members and Hearing Panel members should have regard to the Inns' Conduct Committee Statement of Principles and Guidelines ("the ICC Statement"). The ICC Statement will be updated as appropriate.

## PART VIII– COMMENCEMENT AND AMENDMENT OF THE INNS' CONDUCT COMMITTEE RULES

65. These Rules came into force on 1 September 2009.
66. The Inns' Conduct Committee Rules and any amendment to any part of these Rules must be approved by (i) COIC and (ii) in accordance with rQ126 of the Handbook, the Bar Standards Board.
67. The date when an amendment to these Rules shall take effect will be determined in accordance with rQ126.1 and 126.2
  - (a) These Rules were amended with effect from 1 June 2010.
  - (b) They were further amended with effect from 1 September 2010.
  - (c) They were further amended with effect from 14 February 2013.
  - (d) They were further amended with effect from 18 July 2013.
  - (e) They were further amended with effect from 21 February 2014.
  - (f) They were further amended with effect from 1 August 2017.