

RULES

of the HONORABLE SOCIETY
of the INN of COURT of NORTHERN IRELAND

WITH REGARD to the ADMISSION of STUDENTS
into the SOCIETY and to the DEGREE of
BARRISTER-AT-LAW

WITH REGARD to the ADMISSION of
PRACTISING MEMBERS OF THE BAR OF ENGLAND
AND WALES AND OF THE BAR OF IRELAND
TO THE DEGREE OF BARRISTER-AT-LAW

AND WITH REGARD TO CALL TO THE BAR
OF NORTHERN IRELAND AND THE REGULATION AND REGISTRATION OF EUROPEAN LAWYERS
BY VIRTUE OF

- (A) THE LAWYERS' SERVICES DIRECTIVE 77/249/EEC IMPLEMENTED BY THE EUROPEAN COMMUNITIES (SERVICES OF LAWYERS) ORDER 1978;
- (B) THE LAWYERS' ESTABLISHMENT DIRECTIVE 98/5/EC IMPLEMENTED BY THE EUROPEAN COMMUNITIES (LAWYERS PRACTICE) REGULATIONS 2000; AND
- (C) THE PROFESSIONAL QUALIFICATIONS DIRECTIVE 2005/36/EC IMPLEMENTED BY THE EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) REGULATIONS 2007.

AND WITH REGARD TO CESSATION AND RESUMPTION
OF PRACTICE

ADMISSION OF STUDENTS

1. Application for admission as a student of the Inn of Court of Northern Ireland must be made by duly completing and signing a Memorial, Declaration and Undertaking in the form set out in the First Schedule, which, together with the appropriate Certificate duly completed by a Barrister in independent practice in Northern Ireland of at least 10 years' standing in the form set out in the First Schedule, must be lodged in the Under Treasurer's Office on or before the 31st day of August or such other date as the Treasurer or, in his absence, the Lord Chief Justice may direct. Copies of the said Memorials, Declaration, Undertakings and Certificates are obtainable from the Under Treasurer, Inn of Court of Northern Ireland, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF.
2. (1) An applicant for admission as a student shall also lodge with the Memorial, Declaration, Undertaking and Certificate referred to in Rule 1, two certificates of good character complying with the following requirements:-
 - (a) a certificate from a responsible person resident in the United Kingdom who has known him personally for at least three years and has had opportunities of judging his character; and
 - (b) a further certificate which, if the applicant has received his general education in the United Kingdom or in the Republic of Ireland, shall be from the head of his school or college, or his tutor; and in all other cases shall be from a Judge, Magistrate or other person holding a similar official position in the jurisdiction where the applicant resides, or from the head of the school or college or his tutor in the academic institution located outside the United Kingdom and the Republic of Ireland where the applicant received his general education.
- (2) The certificates of character referred to in Rule 2(1) (a) and (b) shall be in the form set out in the Second Schedule.
3. Every person applying to be admitted as a student shall pay to the Under Treasurer the sum of £250, being the fee for admission to the Inn as a student, or such other fee for admission as may from time to time be prescribed by the Inn.

DISQUALIFICATION

4. No person shall be admitted as a student or to the degree of Barrister at Law if:-
 - (a) he is an undischarged bankrupt, a disqualified director, a person who has entered into a voluntary arrangement with his creditors or is a person subject to another similar order or sanction, unless, in the opinion of the Inn, the particular circumstances of the case do not render his admission undesirable or inappropriate;
 - (b) he has been convicted of or cautioned for a criminal offence of such a nature as in the opinion of the Inn makes his admission undesirable; or
 - (c) he is for any other reason considered by the Inn unsuitable for admission.
5. No solicitor or law agent in any part of the United Kingdom or in the Republic of Ireland, Writer to the Signet, notary public, parliamentary agent or patent agent or apprentice, clerk, assistant or employee of any such person and no person engaged in any other occupation which in the opinion of the Benchers is incompatible with the position of a person seeking call to the Bar of Northern Ireland shall be admitted as a student or to the degree of Barrister at Law until he shall have entirely ceased to act or practice in any of the above capacities or occupations or to be financially interested in any profession or business connected therewith and, if on the rolls of any court or on a register of solicitors, shall at his own request have had his name removed from such rolls or register and,

in any case, shall have made a declaration to that effect and have produced such evidence thereof as the Benchers may require.

6. If a student while a student:-

- (a) is adjudicated bankrupt or is disqualified from holding a directorship or enters into a voluntary arrangement with his creditors or becomes subject to another similar order or sanction; or
- (b) is convicted of or cautioned for a criminal offence; or
- (c) becomes aware of any matter which in any manner renders the information contained in his Memorial, Declaration, Undertaking or Certificates of Good Character inaccurate or incomplete;

he shall forthwith inform the Under Treasurer in writing and abide by and carry out any order of the Inn arising out of such notification.

7. If before Call to the Bar a student wishes to engage in any occupation other than that of a student of the Inn he shall apply to the Inn through the Under Treasurer for permission to do so.

8. Every student of the Inn shall attend the vocational course at the Institute of Professional Legal Studies, Queen's University, Belfast, conducted by the Council of Legal Education (Northern Ireland) or such other course of study as may be prescribed by the Executive Council of the Inn of Court of Northern Ireland.

QUALIFICATIONS FOR ADMISSION AS A STUDENT AND CALL TO THE BAR

9. (1) In this rule "degree" means a degree conferred by a university in the United Kingdom, the Republic of Ireland, or by the Council for National Academic Awards, being a degree and university (where the degree was conferred by a university) which have been recognised by the Council of Legal Education for Northern Ireland or by the Education Committee of the Executive Council.
- (2) Subject to paragraph (3) and Rules 15, 15 A and 16 (Call of practising barristers of the Bar of England and Wales and of the Bar of Ireland) and Rule 21 (Call to the Bar of Northern Ireland by virtue of EU Directives or Implementing Legislation) a person shall not be admitted as a student of the Inn or called to the Bar unless he holds a degree with Second Class honours or better.
- (3) The Education Committee shall have power (in exceptional cases) to admit as a student or to approve for Call to the Bar a graduate who has not obtained a Second Class honours degree.
- (4) If, as his qualifications under this rule, an applicant for admission as a student of the Inn relies on a degree in law, he must also before admission satisfy the Education Committee that he has passed an examination of degree standard in each of the following subjects (in this rule referred to as "the core subjects"):-

- Constitutional Law
- Law of tort
- Law of contract
- Criminal Law
- Equity
- Land Law
- Law of evidence
- European Law

”Provided that -

- (i) if, at the date of his application for admission as a student, such a person has not passed an examination of degree standard in any one or more of the core subjects he may at the discretion of the Committee be admitted as a student upon his satisfying the Committee in such manner as they may determine that he has otherwise acquired a satisfactory knowledge of that subject or those subjects.
 - (5) If, as his qualification under this rule, an applicant for admission as a student of the Inn relies on a degree other than a degree in law, he must also before admission undertake to the Committee:-
 - (i) to pursue such course of study not exceeding two academic years in length, in the core subjects; and
 - (ii) to submit himself to such examinations in those subjectsas the Committee may determine. Such a person shall not be called to the Bar unless he has passed an examination of degree standard in each of the core subjects.
10. The Under Treasurer shall issue to every student on admission to the Inn a certificate of registration as a Bar student.
11. Every student who has complied with the foregoing rules and who has obtained a Certificate of Professional Legal Studies or such other qualification as may be prescribed by the Inn in relation to a course of study under rule 8, and, being of the age of 21 years at least, desires to be admitted to the degree of Barrister-at-Law, shall present at the Under Treasurer's Office a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Third Schedule. Such Memorial, Declaration and Undertaking shall be signed by the student; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Benchet.
12. Every student so applying for admission to the degree of Barrister at Law shall, prior to presenting such Memorial, pay to the Under Treasurer the sum of £250 being the fee payable to the Inn for admission to the degree or such fee for admission to the degree as may from time to time be prescribed by the Inn.
13. When presenting the Memorial and Declaration for admission to the degree of Barrister-at-Law the student shall lodge the certificate required by rule 11 or such evidence of his other qualifications under that rule as may be required by the Inn, and a certificate of having obtained a degree as required by rule 9.

PUPILLAGE

14.
 - (1) A person intending to practise at the Bar of Northern Ireland shall, unless exempted therefrom by the Education Committee of the Executive Council, after Call to the Bar enter into pupillage with a barrister in independent practice of not less than 7 years standing or other barrister nominated by the Education Committee for a period of 12 months or such other period as the Executive Council may prescribe.
 - (2) Subject to paragraph (3), a person who has entered into pupillage may not accept instruction as a barrister in Northern Ireland or conduct any case or part of a case in any court or tribunal until he has completed to the satisfaction of the Education Committee 6 months' pupillage or such other period of pupillage as the Council may prescribe.
 - (3) A pupil barrister who has completed to the satisfaction of the Education Committee not less than 3 months' pupillage may conduct on behalf of or at the request of his master a case or part of a case before a Master of the Supreme Court.

**CALL OF MEMBERS OF THE BAR OF ENGLAND AND WALES
TO THE BAR OF NORTHERN IRELAND**

15. (1) Any practising member of the Bar of England and Wales of at least three years' standing at the Bar who has successfully completed not less than 12 months of pupillage under the supervision of a member of the Bar of England and Wales in independent practice duly qualified to provide such supervision under the rules of the Bar of England and Wales for the time being in force who desires to be called to the Bar of Northern Ireland shall furnish to the Under Treasurer a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Fourth Schedule. Such Memorial, Declaration and Undertaking shall be signed by the applicant; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Bencher. In addition, the applicant shall provide the Under Treasurer with:
- (a) a certificate of his Call to the Bar of England and Wales duly authenticated by the responsible officer of his Inn of Court;
 - (b) a certificate from the Treasurer of his Inn of Court that he has been actively engaged in practice at the Bar of England and Wales for at least three years immediately preceding the date of his application under this rule; and
 - (c) a certificate from the Attorney-General or the Solicitor-General of England and Wales that he is a fit and proper person to be called to the Bar of Northern Ireland.

and any such applicant who has complied with the requirements set out in this Rule may, on payment of the prescribed fee for call, be called to the Bar of Northern Ireland, without being admitted as a student of the Society, attending lectures, submitting to any examination or entering into pupillage.

- 15A (1) Any member of the Bar of England and Wales of less than three years standing at the Bar who is entitled to practise at the Bar of England and Wales who has successfully completed not less than 12 months of pupillage under the supervision of a member of the Bar of England and Wales in independent practice duly qualified to provide such supervision under the rules of the Bar of England and Wales for the time being in force who desires to be called to the Bar of Northern Ireland shall furnish to the Under Treasurer a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Fourth Schedule. Such Memorial, Declaration and Undertaking shall be signed by the applicant; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Bencher. In addition, the applicant shall provide the Under Treasurer with:
- :
- (a) a certificate of his Call to the Bar of England and Wales duly authenticated by the responsible officer of his Inn of Court; and
 - (b) a certificate from the Attorney General or the Solicitor General of England and Wales that he is a fit and proper person to be called to the Bar of Northern Ireland.
 - (c) a practising certificate issued by the Bar of England and Wales confirming that he is qualified to practise at the Bar of England and Wales.
- (2) The Education Committee of the Executive Council may require an applicant under this rule (a) before Call to the Bar to pass all or any part or parts of the aptitude test referred to in Rule 21 or (b) to satisfy the requirements of rule 14 as to pupillage or (c) to comply with both (a) and (b), as the Committee may determine.

**CALL OF MEMBERS OF THE BAR OF IRELAND
TO THE BAR OF NORTHERN IRELAND**

16. (1) Any practising member of the Bar of Ireland of at least three years' standing at that Bar who has successfully completed not less than 12 months of pupillage under the supervision of a member of the Bar of Ireland in independent practice duly qualified to provide such supervision under the rules of the Bar of Ireland for the time being in force who desires to be called to the Bar of Northern Ireland shall furnish to the Under Treasurer a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Fourth Schedule. Such Memorial, Declaration and Undertaking shall be signed by the applicant; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Bencher. In addition, the applicant shall provide the Under Treasurer with:
- (a) a certificate of his Call to the Bar of Ireland duly authenticated by the Under Treasurer of King's Inn; and
 - (b) a certificate from the Chief Justice that he has been actively engaged in practice at the Bar of Ireland for at least three years immediately preceding the date of his application under this rule and that he is a fit and proper person to be called to the Bar of Northern Ireland

and any such applicant who has complied with the requirements set out in this Rule may, on payment of the prescribed fees for call, be called to the Bar of Northern Ireland without being admitted as a student of the Society, attending lectures, submitting to any examination or entering into pupillage.

CALL TO THE BAR OF SOLICITORS

17. (1) Subject to this rule, rule 18 and rule 19, a person who has been in practice as a solicitor in Northern Ireland for a period of not less than three years may be called to the Bar of Northern Ireland upon lodging with the Under Treasurer:-
- (i) a certificate of the Law Society of Northern Ireland ("the Society") certifying that before admission as a solicitor he had pursued a course of study provided or approved by the Society and passed the requisite examination or a certificate that he had pursued an approved course of study at the Institute of Professional Legal Studies;
 - (ii) proof that he has pursued such additional course of study, if any, and passed such examinations, if any as may be prescribed either generally or in his particular case by the Education Committee; and
 - (iii) in lieu of the certificates required by rule 2 of these rules, a certificate signed by two members of the Council of the Society that he is a fit and proper person to be called to the Bar of Northern Ireland and a certificate signed by the Secretary of the Society that he has not been found guilty of a breach of any of the Regulations of the Society and is not currently being investigated on suspicion of having committed any such breach.
- (2) A person who proposes to seek Call to the Bar of Northern Ireland under this rule:-

- (a) must apply to the Under Treasurer for a determination either of the additional course of study and the examinations referred to in paragraph 1(ii) of this rule which he will be required to pursue or pass before being called to the Bar, or, as the case may be, that he will not be required to pursue any such course or pass any such examination before such Call; and
 - (b) shall give not less than six weeks' notice to the Society of his intention to seek call to the Bar under this rule.
- (3) Unless the Benchers otherwise direct in any particular case, the period of practice as a solicitor relied upon by a person who seeks Call to the Bar under this rule must not have ended earlier than six months before the date upon which he applies under this rule to be called to the Bar.
18. Every person seeking to be called to the Bar under Rule 17 shall:
- (a) present a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Fifth Schedule. Such Memorial, Declaration and Undertaking shall be signed by the applicant; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Benchers;
 - (b) shall pay the prescribed fees; and, save as hereinbefore provided; and
 - (c) comply with all the provisions of these rules, except Rules 2 and 5, with regard to Call to the Bar.
19. Unless the Inn otherwise directs in a particular case, a person shall not be called to the Bar of Northern Ireland under Rule 17 until he (a) has entirely ceased to act or practise as a solicitor and if on the rolls of any Court or on a register of solicitors has had his name removed from such rolls or register, (b) has ceased to be financially interested in any business or practise of a solicitor and made a declaration to that effect and (c) has produced such evidence of the matters referred to at (a) and (b) as the Inn may require.

TEMPORARY MEMBERSHIP OF THE BAR OF NORTHERN IRELAND

20. (1) A practising member of the Bar of England and Wales may apply in writing to be admitted to temporary membership of the Inn of Court of Northern Ireland (The Inn) and the Bar of Northern Ireland (The Bar) if he or she accepts instructions in a particular case or particular cases which arise out of the same facts or involve the same point of law before a Court or Courts in Northern Ireland.
- (2) In order to be admitted to temporary membership an applicant must:
- (i) (a) specify the case, or group of cases for which temporary membership is sought and the court at which the case or cases are to be heard; and
 - (b) provide evidence which establishes that either a solicitor or solicitors of the Court of Judicature of Northern Ireland or an Instructing Professional Client who is a member of a Recognised Professional Body which has been granted by the Bar Council the right to instruct a barrister without the intervention of a solicitor wish to brief the applicant to appear in the case or cases in respect of which he seeks temporary membership
 - (ii) satisfy the Inn that the applicant has been in independent practice at the Bar of England and Wales for at least 3 years before the date of the application;
 - (iii) satisfy the Inn that the applicant has a valid practising certificate issued by the Bar of England and Wales; and

- (iv) satisfy the Inn that the applicant has in place professional indemnity insurance valid in Northern Ireland which is the equivalent in all respects to that required by the Bar of Northern Ireland at the time of the application.
 - (v) The applicant must undertake in writing to comply with the Code of Conduct of the Bar at all times during the applicant's period of temporary membership and to be bound by the disciplinary procedures of the Bar of Northern Ireland in respect of the applicant's conduct during the period of temporary membership, irrespective of whether any complaint is made in respect of that conduct during or at any time after the period of temporary membership. This duty to comply with the Code of Conduct of the Bar at all times, includes a requirement that if temporary membership is sought by an applicant who is instructed by an Instructing Professional Client, also to act at all times in compliance with the Guidelines on Direct Professional Access, during the applicant's period of temporary membership
 - (vi) The applicant shall obtain a practising certificate from the Bar of Northern Ireland before the applicant appears in court and acts in any fashion whatsoever in the case or group of cases for which temporary membership has been granted.
 - (vii) The application must be accompanied by a Memorial and Undertaking in the form set out in Schedule 4A, together with the prescribed fee.
- (3) Temporary membership lasts until all procedures (including appeals) have been completed in respect of the case or group of cases for which temporary membership has been granted and only permits the applicant to appear in those proceedings during the period of temporary membership.
 - (4) After 1st March, 2015 temporary membership will be granted on no more than three occasions in total.
 - (5) Applications for temporary membership of the Inn of Court and the Bar of Northern Ireland may be granted by a committee of the Inn.
 - (6)
 - (i) The committee shall meet once each term to consider applications for temporary membership and shall have power to regulate its procedure and to regulate the form and procedures required to make applications for temporary membership, as it considers necessary;
 - (ii) In exceptional circumstances the committee may meet more frequently, and abridge or dispense with any time limit or other requirement in relation to applications for temporary membership.
 - (7) Applications for temporary membership shall be accompanied by such fee as the Inn of Court of Northern Ireland may determine from time to time.

APPLICATION FOR CALL TO THE BAR OF NORTHERN IRELAND PURSUANT TO EUROPEAN DIRECTIVES 98/5/EC AND 2005/36/EC AND THE EUROPEAN COMMUNITIES (LAWYERS' PRACTICE) REGULATIONS 2000 AND PART THREE OF THE EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) REGULATIONS 2007

- 21. (1) The Executive Council of the Inn of Court of Northern Ireland ("the Executive Council") is, pursuant to the 2000 and 2007 Regulations, the competent authority designated by those Regulations in relation to the profession of Barrister in Northern Ireland and the Benchers of the Honorable Society of the Inn of Court of Northern Ireland are the appropriate Appeal Body pursuant to regulation 36 of the 2007 Regulations
- (2) The Executive Council shall receive and consider applications and take the actions and decisions referred to in the 2000 and 2007 Regulations.

- (3) A person who is entitled to seek to practise the profession of Barrister in Northern Ireland pursuant to European Directives 98/5/EC and 2005/36/EC ('the Directives') and the implementing regulations in Northern Ireland, ('the applicant'), may apply to be admitted to the Inn of Court and to the degree of Barrister at Law in accordance with this Rule. Only holders of the degree of Barrister at Law may be called to the Bar of Northern Ireland by the Lord Chief Justice and admitted to practise in the Courts of Northern Ireland as members of the Bar of Northern Ireland.
- (4) An applicant shall apply to be admitted to the Inn of Court and to the degree of Barrister at Law by completing Form One in the Sixth Schedule . Such application shall include or be accompanied by:
 - (a) particulars of the diploma, attestation of competence issued by a competent authority in the home Member State or other evidence of training and qualifications relied upon by the applicant as entitling him to practise as a barrister in Northern Ireland under the terms of the Directive;
 - (b) the original or a duly authenticated copy of every such diploma, certificate or other document relied upon by the applicant;
 - (c) such evidence as is relied upon by the applicant to establish:
 - (i) that he is of good character and repute; and
 - (ii) that he has not been declared or adjudged bankrupt, or disqualified from holding a directorship or has not entered into a voluntary arrangement with his creditors or had a similar order made against him or in relation to his estate where such bankruptcy, disqualification, arrangement or similar order remains undischarged or in force; and
 - (iii) that he has not on the ground of professional misconduct or the commission of a criminal offence been prohibited from practising in any member state in which he formerly qualified or practised and is not currently suspended from so practising;
 - (d) such representations or evidence as the applicant may wish to make in support of any application that he be wholly or partially exempted from passing an aptitude test in accordance with paragraph 7 of this Rule;
 - (e) any other representations or material upon which the applicant may wish to rely in support of his application;
 - (f) certified English translations of all documents submitted in any language other than English; and
 - (g) the applicant's application fee as set from time to time by the Executive Council.
- (5) Any document or certificate presented by the applicant pursuant to paragraph (4) (c) of this Rule must be presented no more than three months after its date of issue.
- (6) The Executive Council shall consider the applicant's application as soon as is reasonably practicable and shall issue to the applicant with a reasoned decision thereon not later than four months after all documents relied upon by the applicant have been lodged. Such decision may be:
 - (a) that the applicant be admitted to the Inn and degree of Barrister at Law without being required to pass any part of the aptitude test,
 - (b) that the applicant be admitted to the Inn and degree of Barrister at Law subject to the applicant passing the whole or any specified part or parts of the aptitude test, or
 - (c) that the applicant's application be refused.

- (7) If an applicant is unable to establish any of the matters referred to in paragraph (4) (c) of this Rule, the Executive Council may nevertheless entertain his application and if otherwise appropriate may make a decision under paragraph (6) (a) or (b) of this Rule if it is satisfied that the circumstances resulting in the applicant's inability to establish these matters are not such as to make his admission to the Inn and to the degree of Barrister at Law in Northern Ireland undesirable.
- (8) In accordance with paragraph (6) (b) of this Rule, the applicant be admitted to the Inn and degree of Barrister at Law subject to the applicant passing the whole or any specified part or parts of the aptitude test. The following provisions shall apply in relation to the aptitude test:
- (a) In determining whether an applicant is to be required to pass an aptitude test or some part or parts thereof, the Executive Council:
- (i) shall observe the requirements of Regulation 24 of the 2007 Regulations;
- (ii) shall consider whether the applicant is entitled to an exemption from the requirement to pass an aptitude test under the provisions of Regulation 29 of the 2000 Regulations;
- (iii) shall consider the diplomas and/or other qualifications relied upon by the applicant in his application and shall only require the applicant to pass those parts of the aptitude test which cover matters which differ substantially from those covered by his diplomas and/or other qualifications.
- (iv) may exempt an applicant from passing the whole or any part or parts of the aptitude test having regard to the nature, scope or quality of the applicant's diploma or other evidence of formal qualifications or practice if it thinks fit to do so;
- (v) shall grant exemption from any part of the aptitude test in respect of which it is satisfied that the relevant subject is already covered to a standard not lower than that of the aptitude test by the applicant's diploma or other evidence of formal qualifications;
- (vi) in the case of a European lawyer who has been registered with the Executive Council for at least three years, shall grant exemption from all or any part of the aptitude test on the basis that the requirements under paragraph (2) or (3) of Regulation 29 of the 2000 Regulations are met.
- (9) The amount of fees payable in connection with the taking of the aptitude test shall from time to time be fixed by the Executive Council and be paid to it before the test is taken.
- (10) Subject to any determination under paragraph (8) above, the Aptitude Test shall consist of three written papers and an oral examination.
- (a) The written papers shall be as follows:-
- (i) A 3 hour paper on the Law of Contract, Tort and Criminal Law.
- (ii) A 3 hour paper on the Law of Property including Equity and Trusts, Company Law and Constitutional Law.
- (iii) A 3 hour paper on the Law of Evidence, Practice and Procedure and Rules of Professional Conduct.
- (b) The oral examination shall be an assessment of the applicant's preparation and oral presentation to a tribunal of a case or application.

- (c) The Aptitude Test shall be conducted under the supervision and direction of the Executive Council and shall be held at such times and in such place or places as the Executive Council appoints but so that a test shall be held not less than once each year.
 - (d) The Aptitude Test shall be set and marked by the Institute of Professional Legal Studies, Queen's University Belfast together with external examiners appointed by the Executive Council.
 - (e) The Aptitude Test shall be held in Belfast.
 - (f) An applicant who is required to pass the test must take all parts of the test (or all parts which he is required to pass) on the same occasion on which the test is held.
 - (g) An applicant who is required to pass the test must take the test or the relevant part or parts of it within two years after the date of the decision made by the Executive Council under paragraph (6) (b) above, but the Executive Council may on application to it extend the period of two years in any particular case when it appears to it to be appropriate to do so.
 - (h) Subject as hereinafter provided if at any test an applicant would have passed the test but for his failure in any one part of the test, the Executive Council may, having regard for the standard which he has attained in the part which he has failed, allow him to be treated as having passed the test or the part or parts of it which he is required to pass (a conditional pass) on the condition that he pass the one part which he failed within three years of the date of the decision made by the Executive Council under paragraph (6) (b) above.
 - (i) In exercising its power under paragraph (10) (h) above, the Executive Council shall act in accordance with any general directions as to the requisite standards which may from time to time be given by examiners.
 - (j) Where an applicant does not qualify for a conditional pass under paragraph (10) (h) above, the Executive Council may order that he shall not be required to pass again any one or more parts of the aptitude test in which his performance was in the opinion of the Executive Council sufficiently meritorious to justify the making of such an Order.
- (11) An applicant who has received a decision from the Executive Council in terms of paragraph (6) (a) or (b) above shall (upon successfully passing all or part of the aptitude test where applicable) be entitled to be admitted to the Inn and to the degree of Barrister at Law upon furnishing to the Under Treasurer a Memorial, Declaration, Undertaking, Certificate and Statement of Intention in the form set out in the Fourth Schedule. Such Memorial, Declaration and Undertaking shall be signed by the applicant; the certificate annexed thereto shall be signed by a member of the Bar of Northern Ireland in independent practice of at least 10 years' standing; and the Statement of Intention to propose the Memorialist for admission to the degree of Barrister at Law shall be signed by a Bencher.
- (12) Upon being admitted to the Inn and the degree of Barrister at Law an applicant shall be entitled to be called to the Bar of Northern Ireland by the Lord Chief Justice and admitted to practise in the courts of Northern Ireland as a member of the Bar of Northern Ireland.
- (13) An applicant who is called to the Bar of Northern Ireland pursuant to this Rule is exempt from any pupillage requirement provided for in Rule 14.

APPLICATION FOR REGISTRATION AS A REGISTERED EUROPEAN LAWYER PURSUANT TO EUROPEAN DIRECTIVES 98/5/EC AND 2005/36/EC AND THE EUROPEAN COMMUNITIES (LAWYERS' PRACTICE) REGULATIONS 2000 AND PART THREE OF THE EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) REGULATIONS 2007

22. (1) A European lawyer who wishes to practise on a permanent basis in Northern Ireland under his home professional title, may apply to the Executive Council to be registered as a registered European lawyer.
- (2) An application for registration must be made by completing Form Two set out in Sixth Schedule and must be accompanied by:
- (a) a certificate, not more than three months old at the date of receipt of the application by the Executive Council, indicating that the applicant is registered with the Competent Authority in a Member State as a lawyer qualified to practise in that Member State under a Member State professional title;
 - (b) a declaration that the applicant has not on the grounds of misconduct or of the commission of a criminal offence been prohibited from practising in that Member State and is not currently suspended from so practising;
 - (c) a declaration that no bankruptcy order or director's disqualification order has been made against the applicant and that the applicant has not entered into an individual voluntary arrangement with his creditors;
 - (d) a declaration that the applicant is not aware of any other circumstances relevant to his fitness to practise under his home professional title in Northern Ireland; and
 - (e) a declaration that the applicant is not registered with the Law Society of England and Wales, of Scotland or of Northern Ireland or the Bar Standards Board of England and Wales or the Faculty of Advocates of Scotland;
 - (f) a declaration that the applicant will abide by the Rules of Professional Conduct of the Bar of Northern Ireland;
 - (g) a declaration that the applicant will seek and obtain on an annual basis a Practising Certificate
 - (h) a declaration that the applicant has and will maintain and keep in place a policy of Professional Indemnity Insurance or cover by a professional guarantee fund valid in Northern Ireland and which provides such level of cover as is required from time to time by the Bar Council of those engaged in practice as a Barrister in Northern Ireland with specific details of the policy or cover being provided;
 - (i) proof of nationality of the applicant, or where he is not a national of a relevant European state, proof of the Community right on which he relies;
 - (j) evidence of the applicant's professional qualifications; and
 - (k) payment of the prescribed fee.
- (3) Provided that it is satisfied that the application complies with the requirements of Rule 22 (1) and (2) above, the Executive Council will:
- (a) register the applicant as a registered European lawyer; and
 - (b) so inform the applicant and the competent authority in the applicant's Member State which has issued the certificate referred to in Rule 21 (2) above.
- (4) The Executive Council will:

- (a) remove a registered European lawyer from the register:
 - (i) pursuant to a sentence of a Disciplinary Tribunal or
 - (ii) if the registered European lawyer ceases to be a European lawyer.
 - (b) suspend a registered European lawyer from the register:
 - (i) pursuant to a sentence of either a Disciplinary Tribunal or an Interim Suspension Panel; or
 - (ii) if the registered European lawyer's authorisation in his home State to pursue professional activities under his home professional title is suspended.
- (5) Where the Executive Council makes a decision to remove or suspend a European lawyer from the register under paragraph (4), it shall notify the European lawyer's home professional body:
- (i) of his removal or suspension from the register; and
 - (ii) of any criminal conviction, caution, bankruptcy order, disqualification or arrangement of which it becomes aware against a registered European lawyer.

NOTIFICATION OF AN INTENTION TO PROVIDE PROFESSIONAL LEGAL SERVICES ON A TEMPORARY AND OCCASIONAL BASIS BY A QUALIFIED EUROPEAN LAWYER UNDER EUROPEAN DIRECTIVE 2005/36/EC AND PART TWO OF EUROPEAN COMMUNITIES (RECOGNITION OF PROFESSIONAL QUALIFICATIONS) REGULATIONS 2007

- 23.
- (1) Prior to providing any professional legal services in Northern Ireland, a qualified European lawyer intending to practise on a temporary and occasional basis in Northern Ireland under his home professional title, shall notify the Executive Council of his intention to do so by completing the declaration and providing the information and supporting documentation specified in this Rule.
 - (2) Upon receipt of the completed declarations and supporting documentation, the Executive Council shall firstly assess whether the provision of the professional legal services described in the declaration constitutes the provision of professional legal services on a temporary and occasional basis in particular in relation to its duration, its frequency, its regularity and its continuity.
 - (3) If the Executive Council does not consider that the provision of the professional legal services described in the declaration constitutes the provision of such services on a temporary and occasional basis, it shall inform the applicant accordingly and give reasons for its decision.
 - (4) On the first occasion on which a qualified European lawyer notifies the Executive Council of his intention to practise on a temporary and occasional basis in Northern Ireland under his home professional title, the declaration referred to in the Rule must be made in writing and must contain the following information:
 - (l) Information relating to the duration, frequency, regularity and continuity of the professional legal services the applicant intends to provide in order to enable the Executive Council to make the assessment it is required to make under Regulation 9 (2) of the 2007 Regulations;
 - (m) a declaration that that the applicant has in place a policy of Professional Indemnity Insurance or is covered by a professional guarantee fund that will apply should he engage in practice in Northern Ireland and which provides such level of cover as is required from time to time by the Bar Council of those engaged in practice as a Barrister in Northern Ireland with specific details of the policy or cover being provided; and
 - (n) a statement that this is the first occasion on which the applicant has notified the Executive Council of his intention to practise on a temporary and occasional basis in Northern Ireland.

- (5) A declaration which is made on the first occasion on which the applicant notifies the Executive Council of his intention to practise on a temporary and occasional basis in Northern Ireland must be accompanied by the following supporting documentation and information:
- (a) proof of nationality of the applicant, or where he is not a national of a relevant European State, proof of the Community Right upon which he relies;
 - (b) evidence of the applicant's professional qualifications; and
 - (c) an attestation, certifying that the applicant is legally established in another Member State for the purpose of the provision of professional legal services in that Member State and confirming that he is not prohibited, even temporarily, from engaging in the provision of professional legal services at the moment of delivering the attestation;
- (6) If the applicant intends to provide temporary or occasional professional legal services in Northern Ireland in any subsequent year after the year in which he has first submitted a declaration to the Executive Council under paragraph (4) above, he must submit a renewed declaration must be made in writing and must contain the following information:
- (a) Information relating to the duration, frequency, regularity and continuity of the professional legal services the applicant intends to provide in order to enable the Executive Council to make the assessment it is required to make under Regulation 9 (2) of the 2007 Regulations;
 - (b) a declaration that that the applicant has in place a policy of Professional Indemnity Insurance or is covered by a professional guarantee fund that will apply should he engage in practice in Northern Ireland and which provides such level of cover as is required from time to time by the Bar Council of those engaged in practice as a Barrister in Northern Ireland with specific details of the policy or cover being provided; and
 - (c) a statement that this is a renewal declaration notified the Executive Council of his intention to practise on a temporary and occasional basis in Northern Ireland.
- (7) A renewal declaration which is made on the second or any subsequent occasion on which the applicant notifies the Executive Council of his intention to practise on a temporary and occasional basis in Northern Ireland needs only to be accompanied by the supporting documentation and information referred to in paragraph 5 above if there is a material change in the situation substantiated by any of the documents and information.
- (8) Upon receipt of the declarations, information and supporting documentation stipulated in paragraphs (4), (5), (6) and (7) above, and following an assessment that the provision of the professional legal services described in the declaration constitutes the provision of such services on a temporary and occasional basis, the Executive Council shall:
- (c) In order to facilitate the application of the disciplinary provisions of Code of Conduct of the Bar of Northern Ireland, provide the applicant with temporary registration as a qualified European lawyer registered to provide professional legal services in Northern Ireland on a temporary and occasional basis; and
 - (d) so inform the applicant and the competent authority in the applicant's Member State which has issued the attestation referred to in paragraph (5) (c) above.
- (9) The Executive Council will:

(c) Revoke the temporary registration of a qualified European lawyer:

- (iii) pursuant to a sentence of a Disciplinary Tribunal or
- (iv) if he becomes established in the provision of professional legal services in any legal jurisdiction within the United Kingdom as a registered European lawyer; or
- (v) if he is subject to a decision of the competent or judicial authority of the relevant European State in which he is established which has the effect that he is no longer lawfully established in that State or that he is prohibited (even temporarily) from practicing that profession there.

(10) Where the Executive Council makes a decision to revoke the temporary registration of a qualified European lawyer under paragraph (9), it shall notify the European lawyer's home professional body:

- (iii) of the revocation of his temporary registration; and
- (iv) of any criminal conviction, or disciplinary finding of which it becomes aware against the qualified European lawyer.

REVIEWS AND APPEALS

24.

- (1) An applicant who has made an application to the Executive Council under these rules and who is dissatisfied with the decision of the Executive Council on that application may request in writing that the Executive Council shall review its decision and on making such request shall pay such fee as may from time to time be determined by the Executive Council.
- (2) On receipt of any such request the Executive Council as soon as possible shall review its decision and in doing so shall take into account both such material or information as was provided for its consideration when the application was originally made and also such additional material or information, if any, as may be furnished by the applicant in support of his request for review and it may either affirm its original decision or substitute for it any other decision which it could have made on the original application.
- (3) A decision by the Executive Council on review under the rules shall not be subject to further review by the Executive Council at the instance of the applicant but the applicant may appeal to the Benchers of the Honorable Society of the Inn of Court of Northern Ireland but must do so within 21 days from the date on which the decision of the Executive Council against which he wishes to appeal has been communicated to him in writing or within such further time as may be allowed by the Lord Chief Justice of Northern Ireland.
- (4) The applicant must serve a Notice of Appeal setting out the grounds of appeal on the Under Treasurer of the Inn of Court of Northern Ireland and on the Secretary of the Executive Council.
- (5) The applicant shall submit with the Notice of Appeal an address at which service on the applicant is to be effected for all purposes in connection with the said appeal.
- (6) The applicant shall serve on the Under Treasurer and on the Secretary of the Executive Council copies of all documents, including correspondence already submitted by him to the Executive Council and of any correspondence or documents from the Executive Council to him.
- (7) The appeal shall be heard and determined by a Committee of the Benchers appointed by them from among their number for that purpose ("the Appeal Committee").
- (8) No documents, other than those specified in Rule 24 (6) hereof, shall be submitted to or considered by the Appeal Committee save in exceptional circumstances and with the consent of the Appeal Committee.

- (9) The Appeal Committee may give leave to either party to the appeal to make oral representations to it but if it does so it must give such leave to both parties to the appeal.
- (10) The decision of the Appeal Committee shall be in writing and shall be communicated by the Under Treasurer of the Inn of Court to the applicant and to the Secretary of the Executive Council.
- (11) The Appeal Committee may direct the payment by either party to the appeal of such fees and costs, including the costs of the other party to the appeal, as to it may seem fit.

GENERAL

25. Such disciplinary action as they consider proper may be taken by the Benchers in regard to the conduct of students.
26. All students and barristers shall be bound by such variations as may from time to time be made in these rules.
27. Without prejudice to any of their powers under these rules the Benchers may in any case (including the case of non-compliance with a rule) in which they think the circumstances justify such a course, relax and dispense with any particular requirement of these rules, on such terms as they may deem necessary.

BARRISTERS CEASING AND RESUMING PRACTICE

28. (1) Any member of the Bar of Northern Ireland who cease to practise must forthwith inform in writing the Under Treasurer and the Secretary of the Bar Council of the date on which he ceased to practise.
- (2) Any member of the Bar of Northern Ireland who more than one year after call wishes to take up or, after ceasing to practise, wishes to resume practice must, before doing so, inform the Under Treasurer and the Secretary of the Bar Council in writing of his intention and must lodge with the Under Treasurer a further Memorial in the form set out in the Seventh Schedule.

OPERATION OF RULES AND TRANSITIONAL PROVISIONS

29. (1) These rules shall come into force on the 1st March, 2015 and shall apply to all students admitted to the Inn after that date but the rules in relation to students admitted before that date shall continue in force so far as they apply.
- (2) Save as aforesaid, the rules immediately before the 1st March, 2015, shall cease to have effect.

PROFESSIONAL INDEMNITY INSURANCE

30. (1) No one may called to the Bar in Northern Ireland, or be registered as a Registered European Lawyer by the Executive Council in Northern Ireland or practice as a Barrister at Law or a Registered European Lawyer registered by the Executive Council in Northern Ireland unless that person can demonstrate that he has in place a policy of Professional Indemnity Insurance or is covered by a professional guarantee fund that will apply should he engage in practice in Northern Ireland and which provides such level of cover as is required from time to time by the Bar Council of those engaged in practice in Northern Ireland.
- (2) The Benchers may at their discretion exempt any candidate wishing to be called to the Bar in Northern Ireland from the requirement set out in paragraph (1) above provided that he undertakes that he will not engage in practice in Northern Ireland and that in the event that he proposes to engage in practice in Northern Ireland in future he will not do so without first obtaining such a policy or coverage.