



## **Standing Orders for Committees of the Bar Council of England and Wales**

### **Foreword**

The following Standing Orders are issued under the Authority of Regulations 13 and 14 of Part II the Bar Council Constitution.

This edition of the Standing Orders came into effect on 21 April 2018.

## Introduction

### Definitions

1. In these Standing Orders, unless the context requires otherwise:

“Approved regulator” has the meaning given in section 20(2) of the Legal Services Act 2007.

“The Bar Council” means the Council of the General Council of the Bar of England and Wales.

“The Bar Standards Board” and “BSB” means the Board established by the Bar Council in accordance with the Legal Services Act 2007 independently to exercise and oversee the regulatory functions of the Bar Council.

“The Director of Finance” means the member of the Bar Council’s staff with day-to-day responsibility for financial matters.

“The Chief Executive” shall mean the person for the time being appointed to such position pursuant to the provision of Regulation 18 of the Constitution of the General Council of the Bar.

“The Director General of the BSB” shall mean the member of the Bar Council’s staff for the time being appointed to that position.

“Disciplinary Tribunal” means a Tribunal convened pursuant to E130 of the Disciplinary Tribunal Regulations 2014 as set out in Part 6 of the BSB Handbook.

“Employed Bar” means those practising as employed barristers as defined in Part 6 of the BSB Handbook, other than a person carrying out full-time judicial functions.

“The Inns’ Council” and “COIC” means the Council of the Inns of Court or any committee thereof.

“Lay person” means a member of a representative committee, panel or working group who is not a practising barrister.

“The Officers” means the Chair of the Bar Council, the Vice-Chair of the Bar Council and the Treasurer of the Bar Council.

“Practising barrister” means a barrister holding a current practising certificate issued by the Bar Council.

“Regulatory functions” has the meaning given in section 27(1) of the Legal Services Act 2007, and the BSB is responsible for determining any question whether a matter involves the exercise of a regulatory function.

“Representative functions” has the meaning given in section 27(1) of the Legal Services Act 2007.

“Representative committees” means the committees established pursuant to Part Two of these Standing Orders.

“Young Bar” means those practising as self-employed or employed barristers who first became eligible for a full practising certificate less than 7 years before any relevant date.

Any terms used in the Legal Services Act 2007 have the same meaning as in that Act.

The masculine shall include the feminine gender.

The plural shall include the singular and vice versa.

### **The functions of the General Council of the Bar**

2. The functions of the Bar Council are set out in paragraph 1 of the Constitution of the Bar Council. They include:
  - a. Being the governing body of the Bar;
  - b. Considering, laying down and implementing general policy with regard to all matters affecting the Bar;
  - c. Maintaining the standards, honour and independence of the Bar, promoting, preserving and improving the services and functions of the Bar, and representing and acting for the Bar generally, as well as in its relations with others and also in matters affecting the administration of justice.
3. The Bar Council is an approved regulator for the purposes of the Legal Services Act 2007.
4. The Bar Council has established the BSB to exercise the regulatory functions of the Bar Council.

5. To fulfil its functions, the Bar Council will represent the Bar as a modern and forward-looking profession, which seeks to maintain and improve the quality and standard of its service to all consumers of its services while acting at all times in the interests of justice.
6. In respect of its representative functions and other matters, the Bar Council will:
  - a. Develop and promote the work of the Bar;
  - b. Conduct research and promote the Bar's views on matters affecting the administration of justice, including substantive law reform;
  - c. Provide services for members of the Bar, e.g. fees collection, publications, conferences;
  - d. Provide guidance on practice management and the development and use of information technology;
  - e. Promote the Bar's views with Government, the EU, the Law Society, international Bars and other organisations with common interests.

## Part one

### Discharge of the regulatory functions

#### Bar Standards Board (BSB)

7. The Bar Council wishes to have in place arrangements which observe and respect the principle of regulatory independence (as defined in rule 1 of the Internal Governance Rules 2009), i.e. the principle that structures or persons with representative functions must not exert, or be permitted to exert, undue influence or control over the performance of regulatory functions, or any person discharging those functions.
8. The Bar Council intends that it should at all times act in a way which is compatible with the principle of regulatory independence and which it considers is most appropriate for the purpose of meeting that principle.
9. Accordingly, the Bar Council, its committees and the Officers:
  - a. shall not prevent any person involved in the exercise of the Bar Council's regulatory functions from making representations to, being consulted by or entering into communications with any person(s), including, but not limited to, the Legal Services Board, its Consumer Panel, the Office for Legal Complaints or any approved regulator;
  - b. shall not cause the exercise by the BSB of the Bar Council's regulatory functions to be prejudiced by any representative functions or interests;
  - c. shall not prevent the exercise by the BSB of the Bar Council's regulatory functions being, so far as is reasonably practicable, independent of any representative functions;
  - d. shall not prevent any person involved in the exercise of the Bar Council's regulatory functions from notifying the Legal Services Board where they consider that their independence or effectiveness is being prejudiced;
  - e. shall not publish any advice or guidance on regulatory matters except in accordance with the Memorandum of Understanding on Published Guidance, agreed by the General Management Committee and the Bar Standards Board, and any revision or replacement of that Memorandum that may similarly be agreed from time to time.
10. Except with the concurrence of the Legal Services Board, the Bar Council:

- a. shall not intervene, or make directions, in respect of the management or performance of the Bar Council's regulatory functions; and
  - b. shall not dismiss any member of the BSB (except insofar as the Bar Council would be, or would reasonably be considered likely to be, exposed to any material legal liability (other than to pay wages, salaries etc.) as a consequence of the delay required to obtain the concurrence of the Legal Services Board).
11. It shall be the duty of the Officers and of the Chief Executive:
- a. to promote and protect the application of the principle of regulatory independence in relation to the BSB; and
  - b. to exercise (consistently with the provisions of and made under the Legal Services Act 2007) the Bar Council's responsibility (which is hereby delegated to them) for oversight and monitoring of the BSB.
12. The Bar Council shall consult the BSB before amending the Constitution of the BSB, terminating the BSB or revoking the delegation of the Bar Council's regulatory functions to the BSB.
13. No member of the BSB may be responsible for any representative function(s).

## Part Two

### Discharge of Representative Functions

#### The General Management Committee (GMC)

14. The GMC is the senior representative committee of the Bar Council and, as such, has no powers or responsibilities in respect of the Bar Standards Board. The Terms of Reference of the Committee are:
  - a. To formulate proposals for the Bar Council's strategy and priorities and to keep these under review;
  - b. To keep under review all matters of policy affecting the Bar with a view to submitting proposals to the Bar Council in relation to major issues and making representations to the BSB where the matter is regulatory in nature;
  - c. To advise the Finance Committee on budgetary requirements, and determine budgetary priorities within the parameters laid down in the Bar Council Finance Manual;
  - d. To hold the Executive to account for (i) the delivery of the Bar Council's strategy and priorities and (ii) effective overall management of the Bar Council's affairs;
  - e. To give direction to the representative committees and their executives on activities in fulfilment of Bar Council objectives and priorities, and hold them to account for effective and efficient delivery of business plans;
  - f. To keep under review and, where necessary, formulate proposals for the amendment of Standing Orders and the Bar Council's constitutional arrangements and all procedural matters affecting the Bar Council's business. In matters affecting the BSB, the GMC will consult the BSB before submitting proposals to the Council for approval.
  - g. To review and advise on the organisational risk register.
15. The following representative committees will report to the GMC:
  - a. Legal Services Committee;
  - b. Education and Training Committee;
  - c. Ethics Committee;
  - d. International Committee;
  - e. Employed Barristers' Committee;

- f. Remuneration Committee;
- g. Equality, Diversity and Social Mobility Committee;
- h. Law Reform Committee;
- i. Young Barristers' Committee;
- j. EU Law Committee;
- k. Bar Representation Committee;
- l. Bar Pro Bono Committee.

These committees will supervise the work of their panels and working groups, where required.

16. The membership of the GMC shall be:
  - a. Chair and Vice-Chair of the Bar;
  - b. The Treasurer;
  - c. The Chairs of the Legal Services, Education and Training, Ethics, International, Remuneration, Employed Barristers', EU Law, Equality, Diversity and Social Mobility, Law Reform and Young Barristers' committees, plus the Bar Representation Committee and Bar Pro Bono Committee;
  - d. Seven circuit leaders;
  - e. The Chairmen or Chairs of the following Specialist Bar Associations: Criminal Bar Association, Commercial Bar Association, Chancery Bar Association, Family Bar Association, BACFI, London Common Law and Commercial Bar Association.
  - f. The Chief Executive.
17. BSB Officer and BSB Executive attendance at GMC meetings should be by specific invitation in relation to particular items of business in line with the Bar Council / BSB protocol on regulatory independence and a record of attendance must be kept.
18. The Chair has discretion as to who may be invited to GMC meetings in a non-voting capacity.
19. With the exception of the following, members of the representative and central services Executive should attend only by specific invitation, depending on the nature of business:
  - a. Secretary to the Committee;
  - b. Special Advisor to the Chair;
  - c. Director of Policy;
  - d. Head of Governance.
20. Regular attendance at GMC is encouraged and will be monitored.

21. Attendance by one-third of voting GMC members shall constitute a quorum.
22. Members may designate alternates to attend on an exceptional basis.
23. The GMC shall meet as often as its business requires and shall be exempt from Standing Order 84.
24. The Chair of the Bar, or in his absence anyone so nominated by the Chair, shall preside at all meetings of the GMC.

### **Legal Services Committee**

25. The Terms of Reference of the Committee are:
  - a. To keep under review the development of the work of the Bar in England and Wales;
  - b. To consider matters affecting the administration of justice, rights of audience for people other than barristers and other matters affecting the interests of the Bar;
  - c. To maintain relations with and making representations to government, and others with a common interest in the administration of justice;
  - d. To monitor and liaise with the BMIF;
  - e. To support the strategic aims of the Bar Council, as published.

### **Education and Training Committee**

26. The Terms of Reference of the Committee are:
  - a. To provide careers advice to prospective barristers (of all backgrounds) about the Bar (including through outreach work in schools and universities);
  - b. To provide information about the Bar and role of law through outreach work in schools and universities;
  - c. To keep under review the arrangements for qualification and training for practice as a barrister and propose any changes to the BSB;
  - d. To keep under review policy and practice for continuing professional development and propose any changes in policy to the BSB;

- e. To provide advice and services to chambers and other bodies seeking to recruit and train barristers;
- f. To identify areas where barristers require additional training/professional development;
- g. To respond to proposals from the BSB, the Law Society, the Inns' Council, the Legal Services' Board and other bodies in respect of the education and training of lawyers generally
- h. To support the strategic aims of the Bar Council, as published.

### **Ethics Committee**

27. The Terms of Reference of the Committee are:

- a. To keep under review the rules and guidance governing practice as a barrister and to develop proposals for submission to the BSB;
- b. To respond to proposals from the BSB and other bodies in respect of the professional conduct and ethics of lawyers;
- c. To guide and assist the Bar and other representative committees on issues of professional conduct and ethics, including through the ethical enquiries service;
- d. To oversee the work of the ethical enquiries service;
- e. To assist in responding to requests to the Bar Council (including from overseas) concerning the professional conduct and ethics of lawyers;
- f. To support the strategic aims of the Bar Council, as published.

### **International Committee**

28. The Terms of Reference of the Committee are:

- a. To promote the standing and the interests of the Bar internationally;
- b. To support the rule of law internationally;
- c. To keep abreast of international developments;

- d. To inform and educate the Bar about international developments and opportunities;
- e. To further the objectives above by cooperation between the Bar and legal professions abroad and by participation in the work of international legal associations and professional bodies;
- f. To influence international legal developments;
- g. To support the strategic aims of the Bar Council as published.

### **Remuneration Committee**

29. The Terms of Reference of the Committee are to provide support to the Bar Council in taking forward the aspects of its strategic plan that relate to remuneration and taxation and to advise its members on remuneration matters generally. This will include:
- a. Leading Bar Council consultation responses on remuneration and taxation issues;
  - b. Hosting and attending stakeholder meetings and proactively lobbying decision-making bodies;
  - c. Monitoring the effect of changes to legal aid and private funding regimes;
  - d. Considering and revising the terms upon which barristers accept work;
  - e. Overseeing an efficient Fees Collection and Joint Tribunal Service;
  - f. Providing advice to the Bar in remuneration matters, including legal aid, private funding and barristers' taxation and pensions;
  - g. The Remuneration Committee will support all other strategic aims of the Bar Council, as published.

### **Law Reform Committee**

30. The Terms of Reference of the Committee are:
- a. To consider and develop proposals for law reform and to submit views to the Government and others where appropriate;

- b. To organise events and activities designed to demonstrate the importance of, and foster an interest in, law reform amongst the Bar and those training for a career at the Bar;
- c. To support the strategic aims of the Bar Council, as published.

### **Employed Barristers' Committee**

31. The Terms of Reference of the Committee are:

- a. To provide support to the employed Bar in all matters relevant to practice at the employed Bar;
- b. To influence policy and advise representative committees of the Bar Council on all matters which appear to the Employed Barristers' Committee to be of particular concern to the employed Bar, or upon which advice is sought by other representative committees of the Bar Council;
- c. To consider and advise on the implications for the employed Bar of any regulatory changes proposed by the BSB;
- d. To elect, from amongst their number, a Chair and Vice-Chair both of whom must be employed barristers. Each should serve a one-year term, with the expectation that the Vice-Chair will become the Chair of the committee. If the Chair is employed in the public sector, then the Vice-Chair must be drawn from outside (and vice versa). [If the Chair or Vice-Chair ceases to be an employed barrister, then he (or she) shall cease to be qualified to hold that office, in which event paragraph 3(a) in Schedule One to these Standing Orders will apply (but with the word "elected" being substituted for the word "appointed").]
- e. To support the strategic aims of the Bar Council, as published.

### **Young Barristers' Committee**

32. The Terms of Reference of the Committee are:

- a. To advise the representative committees of the Bar Council on all matters which appear to the Young Barristers' Committee to be of particular concern to young barristers, or upon which advice is sought by other representative committees of the Bar Council, and to liaise with the BSB on such matters as necessary;

- b. To take such steps as seem likely to promote the interests of the Young Bar having regard to the interests of the Bar as whole;
- c. To elect a Chair and Vice-Chair amongst their number;
- d. To support the strategic aims of the Bar Council, as published.

### **EU Law Committee**

33. The terms of reference of the Committee are:

- a. To monitor and address legal issues emanating from the European Union (“EU”) including policy and legislative proposals from the EU institutions;
- b. To co-ordinate responses to policy issues and consultative documents, to liaise with the relevant Specialist Bar Associations, circuits and Bar Council committees on such issues and to make representations to the appropriate authorities;
- c. To support the strategic aims of the Bar Council, as published.

### **Equality, Diversity and Social Mobility Committee**

34. The Terms of Reference of the Committee are to address all matters concerning equality, diversity and inclusion relating to the Bar, including:

- a. To ensure the Bar Council as Approved Regulator implements and fully meets its public equality duty and ensure coordination of equality and diversity work with the BSB;
- b. To lead the development of Bar Council equality and diversity policy and guidance for the profession;
- c. To undertake initiatives to widen access to and strengthen diversity in the profession;
- d. To communicate the profession’s commitment to equality, diversity and inclusion and to provide focus and a channel for views on equality, diversity and inclusion at the Bar;
- e. To provide assistance to Bar Council in highlighting and considering barriers to accessing justice which are connected to protected characteristics under the Equality Act 2010;

- f. To support the strategic aims of the Bar Council, as published.

### **Bar Representation Committee**

35. The terms of reference of the Committee are:

- a. To develop and keep under review a strategy for the provision of services to the Bar;
- b. To provide strategic direction and support to the Director of Services in relation to the development and implementation of services to members;
- c. To ensure that services are fit for purpose, competitively priced (if commercial) and meet the needs of the members of the Bar;
- d. To ensure that the Services function provides a portfolio of commercial services which generate incremental revenue for the Bar Council;
- e. To make recommendations on new services and revenue opportunities to the Finance Committee, General Management Committee and Bar Council as appropriate;
- f. To consider whether any currently out-sourced services can be brought in-house for the benefit of the profession and the Bar council;
- g. To ensure that contractual arrangements with third party service providers offer appropriate protection for the Bar Council and safeguard its reputation and financial standing;
- h. To conduct research into members' needs to support proposals for new services as appropriate;
- i. To oversee the work of the Bar Conference Organising Committee;
- j. To oversee the work of the Bar Nursery Committee;
- k. To support the strategic aims of the Bar Council, as published.

### **Bar Pro Bono Committee**

36. The terms of reference of the Committee are:

- a. To gather from time to time information about the Bar's pro bono activity (including pro bono legal work and non-legal voluntary work);

- b. To review from time to time the Bar's pro bono activities and to consider efficiencies and/or solutions where necessary;
- c. To engage with others in the pro bono community and elsewhere in relation to pro bono matters on behalf of the Bar Council;
- d. To liaise with the Communications and Marketing Team about increasing the awareness and knowledge of the Bar's pro bono activity;
- e. To take such other steps in relation to the Bar's pro bono activity as appear to the Bar Pro Bono Committee to be in the interests of justice and in the interests of the Bar.

### **Membership of Committees Discharging Representative Functions**

37. The Chair of each representative committee, in conjunction with the Executive of the committee, shall appoint no fewer than eight and no more than 30 barrister members to the committee. When appointing members the Chair must give consideration to matters of equality and diversity, and, where possible and appropriate for the committee, ensure that the committee includes representatives who are:
  - Bar Council members;
  - Members of the Young Bar;
  - Members of the Employed Bar;
  - Circuit members.
38. A representative from each of the working groups or panels reporting to the main committee, shall be appointed to the main committee by the Chair of that committee.
39. At least two representatives of self-employed barristers shall be appointed to the Employed Barristers' Committee.
40. Representative committee membership may include the appointment in lieu of barrister members of such chambers' senior clerks and practice managers as are appropriate for the effective discharge of committee responsibilities.
41. a. The Chair and Vice-Chair of the Bar are *ex-officio* members of all representative committees and any other committees appointed by the Bar Council except the BSB and its regulatory committees. Their membership does not contribute to the overall number of members.
  - b. The Chair and Vice-Chair of each representative committee are *ex-officio* members of any committee which reports to it.

42. Casual vacancies in the membership of any representative committee shall be filled as soon as reasonably convenient in accordance with the respective membership provision.
43. Members of representative committees who are not members of the Bar Council (additional members) shall have the same powers and duties as other members, save that they may not serve as Chair of any of the representative committees except the Law Reform Committee, to which a Vice-Chair who is a member of the Bar Council shall be appointed if the appointed Chair is not a member of the Bar Council.
44. Every committee discharging representative functions may at any time invite any person to attend in an advisory or consultative capacity at any of its meetings.
45. Committees discharging representative functions may co-opt draftsmen to help them with the conduct of their business. Such co-options shall have no voting rights.
46. A member of the Bar Standards Board or any of its committees or Disciplinary Tribunal or other BTAS panels may not hold office as Chair, Vice-Chair or a member of:
  - a. The Bar Council
  - b. Any of the Bar Council's representative committees
  - c. Any of the Bar Council's representative panels
  - d. Any of the Bar Council's representative working groups.

### **Lay Persons**

47. Subject to the approval of the Chair of the Bar, any representative committee Chair may appoint up to 3 lay persons in lieu of barrister members, provided that lay representation on any committee shall not exceed one quarter of the total membership of the committee, excluding ex-officio members. Lay persons of committees shall have the same powers and duties as other members, save that they may not serve as Chair of any of the committees discharging a representative function.

### **Alternates**

48. Circuit Leaders, Chairmen or Chairs of Specialist Bar Associations and Inns' representatives may be represented by alternates on representative committees when they are unable to attend meetings.

## **Part Three**

### **Proceedings of Representative Committees**

#### **Quorum**

49. No business shall be transacted at any meeting of any committee one quarter of the members are present, with the exception of GMC, where one-third of the membership count as a quorum. The minimum quorum is 2 members. Ex-officio members count towards a quorum. The quorum of the Bar Representation Committee should include at least two barristers in self-employed or employed practice.

#### **Minutes**

50. Minutes of the proceedings of a meeting of a committee shall be drawn up and shall be signed at the next meeting by the person presiding thereat, or as soon as possible after the final meeting, and if signed in this way shall be sufficient evidence without further proof of the facts therein stated.

#### **Agenda Papers**

51. At least 3 clear days before a meeting the agenda paper for the meeting shall be sent to its members and no other business, unless the Chair judges it urgent, shall be brought before the meeting.

#### **General**

52. Committees may act in matters within their terms of reference, within their budget as approved by the Bar Council, and shall promote such policies as may be laid down by the Bar Council. The representative committees shall make periodic annual reports to the Bar Council and quarterly reports to GMC against the strategic plan in place. Other panels and working groups shall make periodic reports to the committees to which they report.
53. Matters requiring a vote in committee shall be decided by a simple majority. The person presiding at a meeting of a committee shall have a second, casting vote.
54. Between meetings the Chair of a committee or in his absence a Vice-Chair may take action on its behalf on matters which are of a routine character or will not admit of delay, and may act similarly on minor or especially urgent matters. In addition, a Chair (or in his absence a Vice-Chair) may deal with such other matters within a

committee's terms of reference and the approved budget as the committee may from time to time determine. All such action is to be recorded, and reported to the next committee meeting.

55. The Chair of each committee or, in his absence, the Vice-Chair of that committee shall take the chair at every meeting of such committee. In the absence of the Chair and Vice-Chair the members actually present shall proceed to elect a Chair from among their number for the purpose of that meeting.
56. Committee Chairs should consult with the Executive on a regular basis to establish objectives, priorities and action plans against the Bar Council's strategic plan and to review committee expenditure. Responsibility for routine matters should always be delegated to a member of the Executive as a matter of principle.
57. Any committee may appoint a working group to conduct a particular study, following any such guidance produced by the Bar Council for this purpose. This is not to be done without consideration of the resource implications, and in particular staff time and priorities. No representative committee or their subsidiary panel/working group is to be established without reference to the GMC. Approval will not be given without full consideration of the resource implications.
58. All acts done in good faith by any committee shall, notwithstanding that there was some defect in the appointment of any of its members or any error in its composition, be as valid as if there was no such defect or error.
59. Subject as herein before expressly provided each committee shall meet and regulate its business in such manner as its members shall think fit, with adherence to relevant Bar Council processes.

## **Finance**

60. The Bar Council's financial management controls are set out in the Finance Manual produced by the Finance Committee. They include the responsibilities of committee Chairs and the Executive for the control of funds allocated to them. All committees and committee Chairs must comply with the provisions of the Finance Manual as regards the permitted use of sums allocated to them in the annual budget.

## **Confidentiality**

61. This section concerns issues of confidentiality in relation to:
  - a. Material supplied to the Bar Council;

- b. Deliberations during the course of the proceedings of the Bar Council, its committees, panels/working groups;
  - c. Decisions of, and reports produced by, the Bar Council, its committees, panels/working groups;
  - d. Decisions of, and reports produced by, the Bar Council, its committees, panels/working groups.
62. Some of the material and deliberations referred to in sub paragraphs 94a and 94b above will have no element of confidentiality, e.g. because of their intrinsic nature. Some will be highly sensitive. Where the material originates from outside sources on terms of confidentiality, or the deliberations are of a confidential or sensitive nature, such information is not to be released to persons outside the Bar Council without following the procedure set out in paragraph 96.
63. Reports and recommendations produced by the Bar Council, its committees, panels and working groups will normally be distributed as widely as possible. Care is to be taken in the preparation of such reports that confidential and sensitive information, eg relating to the income of members of the Bar or the turnover of individual chambers, is not to be used without the approval of the provider of that information. The details of the release and distribution of such reports and recommendations will normally be co-ordinated with the Bar Council's public relations consultants to ensure that the greatest impact is achieved.
64. All matters concerning confidentiality or the release of reports and recommendations are to be referred to the Chief Executive who will, when necessary, seek guidance from the GMC, who will have regard to the interests of the profession as a whole.
65. Legal advice or opinions obtained by the Bar Council or any committee shall be confidential to the Bar Council, unless the Chair of the Bar decides that it is appropriate to release the advice.

### **Management of the Release of Bar Council Papers**

66. Arrangements for managing the release of Bar Council papers are set out at Annex A.

## Schedule One

### 1. General

- a. In this Schedule the following expressions have the following meanings:
  - i. "The Chair Elect" means the person who has been elected, but who has not yet assumed office, as Chair of the Bar Council pursuant to the provisions of the Bar Council Constitution;
  - ii. "The Commencement Date" means the commencement date for the period of office of the Chair Elect;
  - iii. "The Bar Council Elect" means those persons who will be the members of the Bar Council with effect from the Commencement Date;
  - iv. "The First Meeting" means the meeting of the Bar Council Elect referred to in the next sub-clause.
- b. The Chair Elect shall, not earlier than 28 days and not later than 9 days prior to the Commencement Date, convene the First Meeting for the purpose of:
  - i. Appointing the Chair and Vice-Chairs of each of the representative committees of the Bar Council (other than the Chair and Vice-Chair of the Young Barristers' Committee and Employed Barristers' Committee) as they are respectively to be constituted with effect from the Commencement Date;
  - ii. If thought fit, exercising the power of co-option set out in paragraph 2(b) (x) of Part II of the Constitution to take effect from the Commencement Date;
  - iii. Making any amendments considered appropriate to the Standing Orders to take effect from the Commencement Date;
  - iv. Transacting any other business appropriate to be transacted to enable the Bar Council Elect to discharge its functions with effect from the Commencement Date.
- c. Not less than 4 clear days' notice shall be given of the First Meeting to the persons entitled to attend.
- d. The Chair Elect or, in his absence, the Vice-Chair Elect shall preside at the First Meeting but if neither shall be present then the meeting shall choose one of its number to be Chair of the first meeting.
- e. Twenty persons entitled to attend the First Meeting and present at it shall constitute a quorum at the First Meeting.

- f. All matters to be determined at the First Meeting shall be decided by a majority of votes of those (being entitled to attend the First Meeting) who are present. In the case of an equality of votes, the Chair of the First Meeting shall have a second or casting vote.
- g. There shall be no ballot on any matter arising for decision at the First Meeting.
- h. The proceedings at the First Meeting shall not be invalidated notwithstanding that it be afterwards discovered that notice of the First Meeting was not duly given to any person entitled thereto or that any person not entitled to such notice was present or voted at such meeting.

### **Terms of Office**

- 2.
  - a. The Chair Elect shall, in consultation with the Chair and Vice-Chair of each respective representative committee (including the Young Barristers' Committee), appoint persons to serve as members of such committees as from the Commencement Date.
  - b. A list of members of the representative committees shall be submitted to the Bar Council for information at the meeting after the First Meeting.
  - c. Save as aforesaid appointments to any representative committee or may be made when and so often as any vacancy occurs.
- 3.
  - a. Any person holding the position of Chair or Vice-Chair of any representative committee shall hold the appointment, unless he resigns, notwithstanding that he may cease to be qualified, until his successor is appointed.
  - b. Chairs and Vice-Chairs, if still qualified, shall be eligible for reappointment to their respective offices. The Chair of the Bar Representation Committee shall be appointed for a period of not less than two years.
  - c. No person may be a chair of more than one representative committee at any time.

### **Equal Opportunities**

- 4. The membership of representative committees shall be in accordance with the Bar Council's equal opportunities programme.

### **Duration of Appointment**

5. a. Save as otherwise provided in these Standing Orders and subject to the power of the Bar Council at any time to revoke any appointment, appointment to membership of any representative committee shall last until the end of the year in which the appointment was made.
- b. A person's appointment to membership of any representative committee may be renewed at the end of each year of his or her appointment subject to the membership requirements applicable to that committee.

### **Termination of Office**

6. Persons will cease to be members of any representative committee if:
  - a. They resign their membership by notice in writing;
  - b. They were appointed as a practising barrister and cease to be a practising barrister;
  - c. They become a member of the BSB or a BSB committee or the Disciplinary Panel.
7. Each committee can of its own volition, and without reference to the GMC, resolve that any member of the committee (and its panels and working groups) should cease to be a member. The reasons may include, but are not limited to the following:
  - i. They become the subject of criminal charges, directors disqualification orders or are adjudicated bankrupt; or
  - ii. They have been found guilty of professional misconduct or of providing inadequate professional service; or
  - iii. They are subject to orders under the Interim Suspension Rules or Fitness to Practise Rules, and either the appeal period has expired or the appeal has been heard;
  - iv. Serial non-attendance; or
  - v. For some other similar cause.

## Annex A

### Management of the release of Bar Council papers

1. It is impossible to issue reports and not expect the press to be interested. This is a healthy situation and must be recognised. The following recommendations should ensure avoidance of most problems:
  - a. The committee, panel or working group producing a report must make it clear whether the purpose of the report is consultation, recommendation or implementation;
  - b. Its status should be clear, i.e. whether it is a report of a panel or working group for consultation, or a report to a committee of the Bar Council or a report by a committee to the Bar Council or a report of the Bar Council. This list is not exhaustive;
  - c. It should be clear to whom the report is being sent and for what purpose;
  - d. In consultation with the Bar Council's Communications and Marketing Team, consideration must be given by the authors to the publicity for such a report and whether to issue a press release covering the report or hold a press conference or do nothing. Consideration must be given to the timing of publicity in the light of the need to inform members of the Bar;
  - e. The GMC should be informed as a matter of course of the production of the report and should be informed and approve in conjunction with its authors or working group the timing and distribution of the report; (See paragraph 2g below.)
  - f. Reports to be issued to the press should be distributed through the Bar Council's Communications and Marketing Team and must be given a clearly marked embargoed date;
  - g. Guidance on press enquiries and handling the press should be provided by the Bar Council's Communications and Marketing Team.
2. Consideration must be given to the scale of the management task which depends, *inter alia*, on the following:
  - a. The size of the document;
  - b. The distribution list;

- c. The lead time for printing, collating and binding a document which can be carried out in house or by a commercial printer;
  - d. The lead time for addressing and stuffing envelopes and preparing for distribution;
  - e. General timing considerations;
  - f. Detailed considerations to ensure maximum PR impact taking into account sub paragraph 2b above;
  - g. Some or all of the following are involved, depending upon the circumstances:
    - i. Chair/GMC;
    - ii. The author of the document;
    - iii. The Bar Council Communications and Marketing Team;
    - iv. Chief Executive.
3. As this is essentially a management matter, the Chief Executive should be consulted early on and given responsibility for drawing up and implementing the distribution plan.