



THE HONOURABLE SOCIETY OF  
**THE INNER TEMPLE**

ACTS OF PARLIAMENT  
AND  
BENCH TABLE ORDERS  
OF  
THE HONOURABLE SOCIETY  
OF  
THE INNER TEMPLE

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## 1. INTERPRETATION OF BENCH TABLE ORDERS

- 1.1 In these Orders unless the context otherwise requires:
- (1) “the Society” means The Honourable Society of the Inner Temple and “the Inn” has a corresponding meaning;
  - (2) “The Education and Training Functions of the Society” means the functions of the Society in relation to education, training, standards, pupillage, continuing education and training, outreach, entry to the Bar, the provision of scholarships, bursaries and other awards, relations with the universities and university students, and the welfare of students, pupils and other young barrister members of the Society”;
  - (3) use of the singular includes the plural and vice versa;
  - (4) use of any gender includes the other genders<sup>1</sup>;
  - (5) “year” means calendar year;
  - (6) “prescribed” means prescribed by the Bench;
  - (7) “the Bar Council” means the General Council of the Bar;
  - (8) “COIC” means The Council of the Inns of Court.
- 1.2 References in these Orders to “the Bench” shall, in the case of any decision, direction, act or thing done by the Bench, refer to the Bench acting at a Bench Table or (where applicable) Parliament or (where applicable) by a ballot of Governing Benchers.
- 1.3 The four Terms shall be the Michaelmas, Hilary, Easter and Trinity Terms. The dates of commencement and expiry of each Term shall be as from time to time prescribed by rules of court for the Michaelmas, Hilary, Easter and Trinity law sittings in London of the High Court of Justice.
- 1.4 The Treasurer shall decide all cases of doubt or difficulty in the carrying into effect of these Orders.

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<sup>1</sup> Under amendment from end January 2020

## 2. CONSTITUTION OF THE BENCH

- 2.1 The affairs of the Society shall be conducted by or under the authority of the Masters of the Bench with the assistance of other members of the Society as provided in these Orders.
- 2.2 Masters of the Bench shall be elected by the Bench Table as provided in these Orders and shall comprise:
- (1) Royal Benchers (Order 12);
  - (2) Honorary Benchers (Orders 11);
  - (3) Academic Benchers (Order 9);
  - (4) Overseas Benchers (Order 10);
  - (5) Governing Benchers (Orders 3, 4, 5, 6, 7 and 8);
  - (6) Senior Benchers (Order 13);
  - (7) Supernumerary Benchers (Order 14).
- 2.3 Governing Benchers comprise those Masters of the Bench who are Barrister Governing Benchers, Judicial Governing Benchers or Other Governing Benchers (as provided for in Orders 3, 4, 5, 6, 7 and 8).
- 2.4 It shall be the duty of every Bencher forthwith to inform the Sub-Treasurer in writing of the occurrence of any event which affects or may be expected to affect the Bencher's status as a Bencher.
- 2.5 A Master of the Bench shall remain a Master for life, or until he resigns or is deprived of his rights as a Master of the Bench or as a member of the Society. A Master of the Bench shall not exercise such rights during any period of suspension either as a member of the Society or as Master of the Bench (as provided by Orders 42 and 43 respectively).
- 2.6 The precedence of Masters of the Bench is:
- (1) The Treasurer;
  - (2) Royal Benchers;

- (3) the Reader;
- (4) the Reader-Elect;
- (5) former Treasurers in the order of their year of office;
- (6) other Masters of the Bench in the order of their election to the Bench.

### 3. QUALIFICATIONS AND DUTIES OF GOVERNING BENCHERS

3.1 The qualification for election to the Bench as a Governing Bencher is that the candidate for election:

- (1) qualifies for election as a Barrister Governing Bencher, a Judicial Governing Bencher or Other Governing Bencher under the following provisions of this Order; and
- (2) has undertaken to participate in the management of the Society's affairs and is or may be expected to be in a position to do so; and
- (3) accepts the commitments set out in Order 3.3(3) and (4).

3.2 In determining whether a candidate should be elected to the Bench:

- (1) regard shall be had to the extent to which the candidate has demonstrated a strong likelihood that as a Governing Bencher he will make a positive contribution to the affairs of the Society, and the extent to which he has taken or is taking any significant part in the affairs of the Society or, more generally, in the affairs of the legal profession, whether on the Bar Council, on the Bar Standards Board, on Circuit, in a Specialist Bar Association or otherwise;
- (2) (subject to Order 5.11 (7)) seniority as a member of the Society or in Silk shall not be a determinative factor.

3.3 A Governing Bencher is expected to:

- (1) attend at Parliaments and Bench Tables wherever possible;
- (2) attend meetings of committees and sub-committees of the Society to which he has been elected and meetings of other bodies to which he has been nominated by the Society;
- (3) assist the Society in carrying out the Education and Training Functions of the Society

- 3.4 A candidate qualifies for election as a Barrister Governing Bencher if he:
- (1) is a member of the Society in practice as a self-employed barrister or as an employed barrister (as defined in the Bar Standards Board Handbook); and
  - (2) has shown ability and distinction in his practice.
- 3.5 There shall be no more than 160 Barrister Governing Benchers under the age of 70.
- 3.6 A candidate qualifies for election as a Judicial Governing Bencher if he is a member of the Society who holds a salaried judicial office in England and Wales or otherwise satisfies the eligibility requirements of Order 7.1 or 7.2.
- 3.7 A candidate qualifies for election as an Other Governing Bencher if he is a member of the Society who:
- (1) holds or has held any office, appointment or position which in the opinion of the Treasurer should entitle him to be considered for election and the Executive Committee decides he is so qualified;
- or
- (2) satisfies the eligibility requirements of Order 7.1 otherwise than in respect of a salaried judicial office.



## 4. BENCHER NOMINATION COMMITTEE

- 4.1 There shall be a Bencher Nomination Committee which shall be responsible for the selection of candidates to be put forward for election to the Bench as Barrister, Judicial and Other Governing Benchers, Academic Benchers, Overseas Benchers, Honorary Benchers and Royal Benchers.
- 4.2 The Bencher Nomination Committee shall consist of:
- (1) a Chairman who (a) shall be the Reader; (b) shall serve ex officio; and (c) shall not have a vote, save for a casting vote; and
  - (2) the Reader-Elect who (a) shall serve ex officio; and (b) shall not have a vote;
  - (3) two Judicial Governing Benchers who (a) shall serve for two years; (b) shall each have a vote; (c) shall not be eligible for re-election; and (d) shall cease to serve if they cease to be Judicial Governing Benchers; and
  - (4) four Barrister Governing Benchers who (a) shall serve for three years; (b) shall each have a vote; (c) shall not be eligible for re-election; and (d) shall cease to serve if they cease to be Barrister Governing Benchers; and
  - (5) The Chairman for the time being of the Bar Liaison Committee, who shall have a vote.
- 4.3 The members of the Bencher Nomination Committee shall be nominated for election by the Bench at a Bench Table in each November or December by the Reader in consultation with the Reader-Elect to serve during the following year.
- 4.4 If a vacancy shall occur during any year in the membership of the Bencher Nomination Committee, a Governing Bencher to fill the vacancy shall be nominated by the Treasurer in consultation with the Reader for election by the Bench at the next Bench Table. The Governing Bencher so elected shall serve for the unexpired period which would have been served by the Governing Bencher who is being replaced. Notwithstanding the other part of this Order, previous service shall not be a bar to nomination for this purpose.
- 4.5 In deciding whom to nominate for election to the Bencher Nomination Committee, due regard shall be had to diversity, including in relation to the region and type of practice of the nominee.

- 4.6 The Bencher Nomination Committee shall keep under review the names of all members of the Inn who might be eligible for election to the Bench as Governing Benchers, having regard to (amongst other factors) the Inn's Diversity and Equality Policy (Appendix 4).
- 4.7 If there is any member of the Inn who has not yet been supported as a candidate for election to the Bench as a Barrister Governing Bencher under Order 5, but who in the view of the Bencher Nomination Committee ought to be considered by the Bench as a potential candidate, the Bencher Nomination Committee may in writing bring the name of such member to the attention of the Bench and ask whether Benchers wish to support such member as a candidate under Order 5.

## 5. ELECTION TO THE BENCH OF BARRISTER GOVERNING BENCHERS

- 5.1 Election to the Bench of Barrister Governing Benchers shall take place at one election to be held at the final meeting of Bench Table in the Trinity Term of each year.
- 5.2 No fewer than fifty-six days before the date fixed for the relevant Bench Table at which the election is to be determined the Sub-Treasurer shall give direct notice, by post or electronically (or both) at his sole discretion, to each Governing Bencher of the nominations and applications procedure and provide Governing Benchers with a nomination and application form.
- 5.3 The nominations and applications procedure shall be publicised electronically to members of the Society and on the Inn's website for the purposes of encouraging applications from suitable candidates (with reference to Orders 3 and 4 and the Criteria for the Election of Benchers – Appendix 5).
- 5.4 Members of the Society who are eligible for election as Barrister Governing Benchers (pursuant to Order 3 and with reference to Appendix 5) may either:
- (1) be nominated for election by existing Governing Benchers; or
  - (2) initiate an application for election; or
  - (3) be nominated by the Bencher Nomination Committee pursuant to Order 5.8(1).
- 5.5 Members of the Society who are eligible for election as Barrister Governing Benchers should follow the guidance available from the Sub-Treasurer's Office.
- 5.6 No fewer than thirty-five days before the date fixed for the relevant Bench Table at which the election is to be determined, candidates falling within Order 5.4 (1)-(2) must have delivered to the Sub-Treasurer's Office:
- (1) The nomination and application form completed by the candidate and signed by three supporting Governing Benchers of whom no fewer than two shall be Barrister Governing Benchers, and none shall be a member of the Bencher Nomination Committee;

- (2) References from the supporting Governing Benchers setting out the reasons in favour of the candidate being elected, having particular regard to the qualifications and duties set out in Order 3.1-3.4 and Appendix 5;
- (3) A CV;
- (4) A statement from the candidate demonstrating his qualification for election, having regard to the criteria set out in Order 3.2 and 3.3 and Appendix 5, together with an undertaking in writing to participate in the management of the Society's affairs if elected;
- (5) A current high-resolution photograph in electronic format.

5.7 A proposal for election shall remain valid (although it may be updated) until the end of the calendar year falling two years after the year of the first meeting of the Bencher Nomination Committee at which the candidate is considered, unless the candidate indicates that he does not wish to be considered further at any stage.

5.8

- (1) The Bencher Nomination Committee may itself, in the light of its review under Order 4.6 and after such consultation as it thinks fit:
  - (i) nominate one or more candidates for election by ballot;
  - (ii) nominate
    - (a) one or more barristers practising outside the South Eastern Circuit;
    - (b) (from 2019 onwards) one or more employed barristers (together referred to as "Direct Nominees")
 as candidates for direct election without entry into the ballot provided that the maximum number of Direct Nominees under (a) and under (b) shall be determined in advance of the election each year by the Bencher Nomination Committee and approved by Bench Table.

The Chairman of the Bencher Nomination Committee shall require each candidate nominated under (i) and (ii) above to comply with Order 5.6 above.

- (2) The Bencher Nomination Committee shall consider the reasons submitted in support of each candidate (including previous candidates whose proposals are still valid), and the statement and undertaking provided by that candidate and shall approve those candidates whom it considers meet the criteria required to be elected.
  - (3) If the Bencher Nomination Committee does not approve a candidate, it shall not be required to submit a written report to the Sub-Treasurer; but one of the supporting Governing Benchers may consider with the Chairman of the Bencher Nomination Committee grounds for non-approval and refer back to the candidate with guidance.
  - (4) Once the number of candidates approved and nominated, including Direct Nominees (“selected candidates”) has been determined, the Bencher Nomination Committee shall fix the number of vacancies to be filled at the election, with reference to the needs of the Society to fulfil its objectives.
  - (5) The Executive Committee shall consider whether or not to approve each of the Direct Nominees. If approved, the Direct Nominee is eligible for election at Bench Table; if not approved, he shall cease to be a Direct Nominee but shall become eligible for entry in the ballot.
- 5.9 If there are no more selected candidates than the number of vacancies fixed, the selected candidates shall be considered by the Executive Committee. If approved, the selected candidate(s) shall be eligible for election at Bench Table; if not approved, the Bencher’s Nomination Committee may recommend alternative candidate(s), who if approved, shall be so eligible.
- 5.10 If there are more selected candidates than the number of vacancies fixed, the names of all selected candidates other than Direct Nominees shall be submitted to a ballot of Governing Benchers.

- 5.11 For the purposes of a ballot to be held in accordance with Order 5.10:
- (1) The day of election shall be fixed as the final meeting of the Bench Table in the Trinity Term of each year, after the election concludes at noon that day, and in accordance with Order 5.1;
  - (2) No fewer than twenty-one days before the date fixed for the relevant Bench Table, the Sub-Treasurer shall send to each Governing Bench (a) notice of the day of election so fixed; (b) a list of the candidates (specifying the number of vacancies to be filled, the method of voting, and the voting timetable); and (c) notice that personal statements of candidacy, CVs and references from proposers of each selected candidate will be posted on the Inn's website (access to which will be restricted to Governing Benchers);
  - (3) A Governing Bench may not vote for more candidates than there are vacancies to be filled, or cast more than one vote for any candidate;
  - (4) Voting shall not be valid unless it complies with the requirements of this Order, is signed or validated by electronic voting system and is received in the Sub-Treasurer's Office before noon on the day fixed for the election;
  - (5) The Treasurer shall appoint two Governing Benchers as scrutineers, who shall supervise the integrity of the election process and certify the online voting tally;
  - (6) The candidates receiving the most votes shall be elected to fill the vacancies remaining after those filled by the election of Direct Nominees under 5.12;
  - (7) If two or more candidates receive the same number of votes, a candidate shall be treated as having received more votes than another candidate who was Called to the Bar later than the candidate referred to first.
- 5.12 Each Direct Nominee who has been approved under 5.8(5) shall be elected to the Bench as a Barrister Governing Bench if so decided at a Bench Table. Such election shall take place immediately before the announcement of the election by ballot and the Direct Nominees so elected shall fill the corresponding number of vacancies.
- 5.13 The result of the election by ballot shall be announced at Bench Table.

- 5.14 The Sub-Treasurer shall inform each successful candidate that the candidate has been elected to the Bench as a Barrister Governing Bencher, subject to either (1) paying the prescribed fee forthwith, or (2) paying not less than half the prescribed fee forthwith and undertaking to pay the balance within twelve months of the election.
- 5.15 If two or more candidates are elected on the same date, their precedence shall be determined by the dates on which they were Called to the Bar, unless any were admitted to the Society after Call in which case their precedence shall be determined by the date of admission to the Society.
- 5.16 Any candidate considered and not approved by the Bencher Nomination Committee may by written notice to the Sub-Treasurer request a review by a review committee to be appointed by the Treasurer and composed of one Judicial Governing Bencher and two Barrister or Other Governing Benchers, none of whom shall have taken part in the relevant deliberations of the Bencher Nomination Committee. The candidate and a supporting Governing Bencher and a member of the Bencher Nomination Committee may make written and oral submissions to the review committee. The review committee may decide either to uphold the decision of the Bencher Nomination Committee, or to accept the candidate as worthy of consideration for election on a later occasion, and to refer the candidate to the Bencher Nomination Committee for further consideration.
- 5.17 In this Order, any requirement to communicate between the Sub-Treasurer and Benchers is satisfied if the relevant documentation or information is transmitted by post or email to and from the postal or electronic address supplied to the Treasury Office.

## 6. SPECIAL ELECTIONS OF GOVERNING BENCHERS

- 6.1 The Bencher Nomination Committee shall consider from time to time and not less than once a year in the Trinity Term whether there is a need to elect to the Bench deserving candidates.
- 6.2. The Bencher Nomination Committee shall review the Inn's list of members who hold salaried judicial office, paying particular attention to Senior Circuit Judges, and any other nominations put before it by the Treasurer and having regard to whether the candidate demonstrates a strong likelihood that as a Bencher he will make a positive contribution to the affairs of the Inn. The Bencher Nomination Committee shall then report on each candidate in writing to the Executive Committee.
- 6.3 The Executive Committee shall consider the report of the Bencher Nomination Committee, and decide whether a candidate or candidates be proposed for election. No candidates shall be proposed for election other than those proposed by the Executive Committee.
- 6.4 The election of candidates under this Order shall take place in the Term following the Term in which the Executive Committee has reached a decision under Order 6.3.
- 6.5 For an election under this Order:
- (1) Each candidate shall sign an undertaking in writing to participate in the management of the Society's affairs if elected;
  - (2) the proposal in respect of each candidate shall be signed, and the assurance of satisfaction that the candidate, if elected, will serve the Society in the ways set out in Order 3.3 shall be given by the Treasurer and the Reader on behalf of the Executive Committee; and
  - (3) The Treasurer shall at the Bench Table submit each candidate's name for election by a show of hands; and the candidate shall be elected as a Governing Bencher if not less than twenty Governing Benchers vote for his election and they form a majority of Governing Benchers present at the Bench Table.



- 6.6 The Sub-Treasurer shall forthwith inform each successful candidate that the candidate has been elected to the Bench as a Barrister Governing Bencher, Judicial Governing Bencher or Other Governing Bencher (as the case may be) subject to either (1) paying the prescribed fee forthwith, or (2) paying not less than half the prescribed fee forthwith and undertaking to pay the balance within twelve months of the election.

## 7. ELECTION TO THE BENCH OF JUDICIAL AND OTHER GOVERNING BENCHERS

- 7.1 When a member of the Society who is not a Bencher is appointed a Justice of the Supreme Court, a Judge of the Court of Appeal or of the High Court of Justice, such member shall be qualified for election by the Bench as a Judicial Governing Bencher, provided that the member complies with the requirements of Order 7.4.
- 7.2 (1) When a member of the Society who is not a Bencher is appointed Lord Chancellor, Speaker of the House of Commons or House of Lords, a Law Officer of England & Wales, Recorder of the City of London or Common Serjeant in the City of London, the Treasurer shall place the name of such member before the Executive Committee for consideration.
- (2) If the Executive Committee so decides, such member shall be qualified for election as a Judicial or Other Governing Bencher, provided that the member complies with the requirements of Order 7.4.
- 7.3 (1) When a member of the Society who is not a Bencher holds or has held any office, appointment or position which in the opinion of the Treasurer should entitle him to be considered for election to the Bench, the Treasurer may place the name of such member before the Bencher Nomination Committee for consideration. The Bencher Nomination Committee shall make any recommendation for election to the Executive Committee in the first instance.
- (2) If the Executive Committee so decides, such member shall be qualified for election as an Other Governing Bencher, provided that the member first complies with the requirements of Order 7.4.
- 7.4 The name of such member qualifying under Order 7.1, 7.2 or 7.3 shall not be placed before a Bench Table for election unless the member shall first have signed an undertaking to participate in the management of the Society's affairs if elected.
- 7.5 Once the requirements of Order 7.1, 7.2, or 7.3, and Order 7.4 have been met, the Treasurer shall at the next Bench Table submit the member's name for election by a show of hands, and the member shall be elected as a Governing Bencher if

no fewer than twenty Governing Benchers vote for the election of the member and they form a majority of Governing Benchers present at the Bench Table<sup>1</sup>.

- 7.6 The Sub-Treasurer shall forthwith inform each successful candidate that the candidate has been elected to the Bench as a Judicial or Other Governing Bencher, subject to either (1) paying the prescribed fee forthwith, or (2) paying not less than half the prescribed fee forthwith and undertaking to pay the balance within twelve months of the election.

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<sup>1</sup> 7.1-7.5 amended at Bench Table on 23 January 2020

## **8. CHANGE OF STATUS OF GOVERNING BENCHERS**

- 8.1 If a Judicial Governing Bencher resigns or retires from salaried judicial office, such Bencher shall be placed in the category of Other Governing Benchers.
- 8.2 If a Barrister Governing Bencher ceases to practise as a self-employed barrister or as an employed barrister (as defined in the Bar Standards Board Handbook), and accepts salaried judicial office, such Bencher shall be placed in the category of Judicial Governing Benchers.
- 8.3 If a Barrister Governing Bencher ceases to practise as a self-employed barrister or as an employed barrister (as so defined), and does not accept salaried judicial office, such Bencher shall be placed in the category of Other Governing Benchers.
- 8.4 If one of the Other Governing Benchers commences in practice at the Bar, such Bencher shall be placed in the category of Barrister Governing Benchers.

## 9. ELECTION TO THE BENCH OF ACADEMIC BENCHERS<sup>1</sup>

- 9.1 Distinguished academics shall be qualified for election as Academic Benchers.
- 9.2 The Bencher Nomination Committee shall meet as necessary to consider candidates proposed in writing by any Governing Bencher (or by the Committee itself) for election as Academic Benchers.
- 9.3 When considering whether to recommend any person as a candidate for election as an Academic Bencher, the Bencher Nomination Committee shall have regard to:
- (1) the views of the Education and Training Committee;
  - (2) the services which such person is able and willing to perform for the Society in maintaining contacts with the Universities and their students and supporting the Education and Training Functions of the Society.
- 9.4 The Sub-Treasurer will, at a convenient time, check the names of those so proposed with the other Inns in order so far as possible to avoid duplicated approaches.
- 9.5 The Bencher Nomination Committee shall make any recommendation for election of a candidate as an Academic Bencher to the Executive Committee, which will decide whether that candidate should be proposed by it to Bench Table for nomination.
- 9.6 The Executive Committee shall propose for election as Academic Benchers such number of candidates as is in the opinion of the Executive Committee necessary to maintain appropriate contacts with the Universities and their students and to support the Education and Training Functions of the Society.
- 9.7 At the next convenient Bench Table, the name of any candidate so proposed by the Executive Committee for election as an Academic Bencher shall be considered, and a vote shall be held by a show of hands. The candidate shall be

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<sup>1</sup> amended at Bench Table Parliament on 7 March 2019

approved for election to the Bench if no fewer than twenty Governing Benchers vote for the candidate, and they form a majority of the Governing Benchers present.

- 9.8 Following such approval of a candidate by Bench Table, the Treasurer shall write to the candidate requesting his consent to election as an Academic Bencher. If consent is given, that candidate will be elected as Academic Bencher at the following Bench Table.
- 9.9 Academic Benchers shall be entitled to the same privileges as Honorary Benchers, and to make use of all the facilities of the Bench and the Society.
- 9.10 An Academic Bencher shall not attend a Parliament or Bench Table other than a Call Day Parliament, unless invited to attend on a particular occasion by the Executive Committee.
- 9.11 Academic Benchers may, on the proposal of the Executive Committee, be elected by the Bench as members of any Committee or Sub-Committee (other than the Executive Committee, Finance Sub-Committee and Investment Sub-Committee); and may attend a meeting of such Committee or Sub-Committee if invited to attend on a particular occasion by that Committee or Sub-Committee.

## 10. ELECTION TO THE BENCH OF OVERSEAS BENCHERS<sup>1</sup>

- 10.1 Overseas members of the Society who in the opinion of the Benchers Nomination Committee have achieved, whether internationally or within the jurisdiction of the state concerned, a sufficient level of judicial, academic, professional, political, or diplomatic distinction shall be qualified for election as Overseas Benchers.
- 10.2 The Benchers Nomination Committee shall meet as necessary to consider candidates proposed in writing by any Governing Benchers (or by the Committee itself) for election as Overseas Benchers.
- 10.3 When considering whether to recommend any person as a candidate for election as an Overseas Benchers, the Benchers Nomination Committee shall have regard to:
- (1) the opinion of the International Committee;
  - (2) whether it is necessary to make enquiries of the Foreign and Commonwealth Office or other authorities;
  - (3) the candidate's present or potential future contribution to the objectives of the Society, including any services which such person is able and willing to perform for the Society in developing or maintaining relationships with overseas jurisdictions.
- 10.4 The Sub-Treasurer will, at a convenient time, check the names of those so proposed with the other Inns in order so far as possible to avoid duplicated approaches.
- 10.5 The Benchers Nomination Committee shall make any recommendation for election of a candidate as an Overseas Benchers to the Executive Committee, which will decide whether that candidate should be proposed by it to Bench Table for nomination.
- 10.6 The Executive Committee shall propose for election as Overseas Benchers such number of candidates as is in the opinion of the Executive Committee necessary

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<sup>1</sup> amended at Bench Table Parliament on 7 March 2019

to maintain appropriate contacts with overseas members; to increase the Society's international reach and profile and that of its members in overseas jurisdictions; to assist in the promotion of the standing and interests of the Society and its members internationally; and to assist in the promotion of the services and professional activities of the Inn and its members internationally.

- 10.7 At the next convenient Bench Table, the name of any candidate so approved by the Executive Committee for election as an Overseas Bencher shall be considered, and a vote shall be held by a show of hands. The candidate shall be approved for election to the Bench if no fewer than twenty Governing Benchers vote for the candidate, and they form a majority of the Governing Benchers present.
- 10.8 Following such approval of a candidate by Bench Table, the Treasurer shall write to the candidate requesting his consent to election as an Overseas Bencher. If consent is given, that candidate will be elected as Overseas Bencher at the following Bench Table.
- 10.7 Overseas Benchers shall be entitled to the same privileges as Honorary Benchers, and to make use of all the facilities of the Bench and the Society.
- 10.8 An Overseas Bencher shall not attend a Parliament or Bench Table other than a Call Day Parliament, unless invited to attend on a particular occasion by the Executive Committee.
- 10.9 There shall be no limit to the number of Overseas Benchers elected.
- 10.10 Overseas Benchers may, on the proposal of the Executive Committee, be elected by the Bench as members of any Committee or Sub-Committee (other than the Executive Committee, Finance Sub-Committee and Investment Sub-Committee); and may attend a meeting of a Committee or Sub-Committee if invited to attend on a particular occasion by that Committee or Sub-Committee.



## 11. ELECTION TO THE BENCH OF HONORARY BENCHERS<sup>1</sup>

- 11.1 An individual who has achieved distinction in any area of public or professional life may be eligible for election as an Honorary Benchers.
- 11.2 There shall be no limit to the number of Honorary Benchers, but not more than three Honorary Benchers shall be elected in any one year, unless the Executive Committee in consultation with the Benchers Nomination Committee shall decide that there are exceptional circumstances justifying an increase in a particular year.
- 11.3 The Benchers Nomination Committee shall meet as necessary to consider candidates proposed in writing by any Governing Benchers (or by the Committee itself) for election as an Honorary Benchers, and shall keep the list of Honorary Benchers under review.
- 11.4 When considering whether to propose any person as a candidate for election as an Honorary Benchers, the Benchers Nomination Committee shall have regard to the services which such person is able and willing to perform for the Society and for the management of the affairs of the Society.
- 11.5 The Sub-Treasurer will, at a convenient time, check the names of those so proposed with the other Inns in order so far as possible to avoid duplicated approaches.
- 11.6 The Benchers Nomination Committee shall make any recommendation for election of a candidate as an Honorary Benchers to the Executive Committee, which will decide whether that candidate should be proposed by it to Bench Table for nomination.
- 11.7 At the next convenient Bench Table, the name of any candidate so proposed by the Executive Committee for election as an Honorary Benchers shall be considered, and a vote shall be held by a show of hands. The candidate shall be approved for election to the Bench if no fewer than twenty Governing Benchers vote for the candidate and they form a majority of the Governing Benchers present.

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<sup>1</sup> amended at Bench Table Parliament on 7 March 2019

- 11.8 Following such approval of a candidate by Bench Table, the Treasurer shall write to the candidate requesting his consent to election as an Honorary Bencher. If consent is given, that candidate will be elected as Honorary Bencher at the following Bench Table.
- 11.9 Honorary Benchers shall be entitled to make use of all the facilities of the Bench and the Society.
- 11.10 An Honorary Bencher shall not attend a Parliament or Bench Table other than a Call Day Parliament, unless a current member of the Executive Committee or invited to attend on a particular occasion by the Executive Committee.
- 11.11 Honorary Benchers may, on the proposal of the Executive Committee, be elected by the Bench as members of any Committee or Sub-Committee, and may attend a meeting of a Committee or Sub-Committee, if invited to attend on a particular occasion by that Committee or Sub-Committee.

## 12. ELECTION TO THE BENCH OF ROYAL BENCHERS

- 12.1 There shall be no limit to the number of Royal Benchers.
- 12.2 The Bencher Nomination Committee shall meet as necessary to consider candidates proposed in writing by any Governing Bencher for election as a Royal Bencher.
- 12.3 The Bencher Nomination Committee shall make any recommendation for election of a candidate as a Royal Bencher to the Executive Committee.
- 12.4 The Treasurer shall announce at a Bench Table the name of any candidate approved by the Executive Committee for election as a Royal Bencher provided that the candidate shall first have given his consent for his name to be proposed for election.
- 12.5 At a further Bench Table to be held no fewer than fourteen days after the foregoing Bench Table, an election of the candidate as a Royal Bencher shall be held. The election shall be by a show of hands. The candidate shall be elected to the Bench if no fewer than twenty Governing Benchers vote for the candidate and they form a majority of the Governing Benchers present.

### 13. SENIOR BENCHERS

13.1 (i) A Governing Bencher shall, in December of the year in which he attains the age of 70, be advised by the Sub-Treasurer's Office in writing that he shall become a Senior Bencher on 1st March of the following year, unless, by notice in writing to the Treasurer served before 1st March, he elects to continue as a Governing Bencher. In that event he shall continue to serve as a Governing Bencher.

(ii) Sub-paragraph (i) shall apply again, *mutatis mutandis*, to a Governing Bencher who, having attained the age of 70 before May 2018 or having elected to continue as such under sub-paragraph (i), attains the age of 75. In the event that the Governing Bencher elects to continue, he shall continue to serve as a Governing Bencher.

(iii) A Governing Bencher who does not give notice in writing electing to continue after age 70 or 75 (as the case may be) shall become a Senior Bencher on 1st March in the year following the year in which he has attained such age.

(iv) Any Governing Bencher (except as provided in (v)) who shall have continued to serve until the year in which he attains the age of 80 shall become a Senior Bencher on 1st January of the following year.

(v) A Governing Bencher who has already attained the age of 80 years before May 2018 shall continue to serve as a Governing Bencher. In December of the year in which he attains the age of 85, he shall be advised by the Sub-Treasurer's Office in writing that he shall become a Senior Bencher on 1st March of the following year, unless, by notice in writing to the Treasurer served before 1st March, he elects to continue as a Governing Bencher. If no such notice is given, he shall become a Senior Bencher on 1st March. If notice is given, he shall continue to serve as a Governing Bencher. This provision shall apply, *mutatis mutandis* at quinquennial intervals, and he shall continue to serve as Governing Bencher if and so long as he so elects.

(vi) Notwithstanding the foregoing provisions, any Governing Bencher who has attained the age of 70 years may at any time by notice in writing to the Treasurer elect to become a Senior Bencher.

- 13.2 A Senior Bencher shall not attend a Parliament or Bench Table other than a Call Day Parliament, unless invited to attend on a particular occasion by the Executive Committee.
- 13.3 A Senior Bencher shall not be a member of a Committee (except the Temple Church Committee) or Sub-Committee, unless co-opted to be a member of any Committee (other than the Executive Committee) or Sub-Committee on the proposal of the Executive Committee, and (unless a co-opted member thereof) shall not attend a meeting of a Committee (except the Temple Church Committee) or Sub-Committee, unless invited to attend on a particular occasion by that Committee or Sub-Committee.
- 13.4 Senior Benchers shall be entitled to receive Bench Table agenda and minutes for information and otherwise to make use of all the facilities of the Bench and the Society.

## 14. SUPERNUMERARY BENCHERS

- 14.1 A Governing or Senior Bencher shall become a Supernumerary Bencher on giving notice in writing to the Treasurer of his wish to do so.
- 14.2 If a Governing Bencher becomes unable or unwilling to serve the Society in the ways set out in Order 3.3, such Bencher may, with the approval of the Treasurer, become a Supernumerary Bencher in lieu of resigning from the Bench.
- 14.3 A Supernumerary Bencher shall not:
- (1) attend a Parliament or Bench Table other than a Call Day Parliament unless invited to attend on a particular occasion by the Executive Committee; or
  - (2) be a member of or attend any meeting of a Committee or Sub-Committee unless invited to attend on a particular occasion by the Committee or Sub-Committee; or
  - (3) hold the office of Treasurer or Reader or any other office of the Society or preside in the absence of the Treasurer and the Reader.
- 14.4 A Supernumerary Bencher may make such use of the facilities of the Bench as the Treasurer or the Executive Committee may from time to time approve.

## **15A. TREASURER AND READER**

- 15A.1 The Treasurer, the Reader and the Reader-Elect shall be either Royal Benchers or Governing Benchers.
- 15A.2 The Treasurer shall preside at all Parliaments of the Bench, and Bench Tables. If he is unavailable the Reader shall preside or if he is unavailable the Reader-Elect or such past Treasurer as the Treasurer shall appoint in his place.
- 15A.3 The Treasurer shall chair the Executive Committee unless unavailable, in which case the Reader shall take his place. The Treasurer and the Reader shall be ex-officio members of all Committees and Sub-Committees of the Bench.
- 15A.4 The Treasurer shall hold office from 1st January for one year, save where there is a failure of the succession process provided for in these Orders in which case he shall hold over only for so long as it takes for a successor to be elected at a Bench Table by whatever process the Bench Table deems expedient at the time<sup>1</sup>.
- 15A.5 The Reader shall hold office from 1st January for one year at the end of which he shall succeed the Treasurer and the Reader-Elect shall succeed him.

## **15B. ELECTION OF THE READER-ELECT**

- 15B.1 Subject to the provisions of 15B.2-15B.12 of this Order, Parliament [Bench Table] shall elect the Reader-Elect to follow after the Reader who will take office at the start of the next year. No fewer than fifty-six days before the date fixed for the relevant Bench Table at which the election is to be held the Sub-Treasurer shall give direct notice, by post or electronically (or both) at his sole discretion, to each Governing Bencher of the nominations procedure for electing a Reader-Elect and provide Governing Benchers with a nomination form<sup>2</sup>.

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<sup>1</sup> 15A.4 amended at Bench Table Parliament on 19 July 2018

<sup>2</sup> 15B.1 amended at Bench Table on 23 January 2020

15B.2 A Governing Bencher shall be eligible for nomination for election as Reader-Elect by Governing Benchers to the Treasurer Nomination Committee or direct by the Treasurer Nomination Committee of its own motion, provided that:

- (1) such Bencher has not accepted a call to the Bench (other than as an Honorary Bencher) by any other Inn of Court; and
- (2) such Bencher has been a Bencher for at least 7 years in the year of nomination; and
- (3) such Bencher has in the judgment of the Governing Benchers or Treasurer Nomination Committee making the nomination the personal qualities and experience required to serve the Society as Reader and then Treasurer with distinction;
- (4) in making the nomination:
  - (i) prime importance shall be given to the personal qualities and experience required;
  - (ii) seniority and precedence are relevant but not of prime importance;
  - (iii) due regard shall be given to diversity.

15B.3 Any Governing Bencher who meets the requirements of Order 15B.2 may be nominated for election as Reader-Elect by Governing Benchers or the Treasurer Nomination Committee, provided that:

- (1) in the case of nomination by Governing Benchers, any such nomination is in writing and contains a statement signed by three Governing Benchers that in the judgment of each of them the Bencher nominated has the personal qualities and experience required to serve the Society as Reader and then as Treasurer with distinction; and
- (2) any nomination contains a statement signed by the Bencher nominated that he is willing to serve first as Reader-Elect and then (in turn) as Reader and as Treasurer and indicates briefly the contribution he has made to the affairs of the Society and/or the profession; and
- (3) the nomination is received in the Sub-Treasurer's Office by noon in the afternoon of the twenty-first day after the day on which the nomination procedure was announced under Order 15B.1.



- 15B.4 The Treasurer Nomination Committee shall consist of:
- (1) a chairman, who shall be the immediate past-Treasurer<sup>3</sup>;
  - (2) the Reader-Elect;
  - (3) two Barrister Governing Benchers and one Judicial Governing Bencher who (a) shall be nominated by Bench Table; (b) shall each serve for a four year term from 1st January save that the first Barrister Governing Bencher shall serve for only two years (to the intent that thereafter the four year terms served shall be staggered accordingly); and (c) shall each sign an undertaking that he shall not be nominated for election as Reader-Elect within a two year period of having served on the Treasurer Nomination Committee; and
  - (4) an Honorary Bencher, who shall (a) be nominated by Bench Table; and (b) shall serve for a three-year term from 1st January;
  - (5) a Governing Bencher, who (a) shall be nominated by the Bar Liaison Committee and (b) shall serve for a three-year term from 1<sup>st</sup> January.
- 15B.5 If a vacancy shall occur during any year in the case of the Barrister Governing Benchers, Judicial Governing Bencher or Honorary Bencher serving on the Treasurer Nomination Committee, a Bencher of the same category shall be nominated by the serving Treasurer to serve in his place. The Bencher so nominated shall serve for the unexpired period which would have been served by the Bencher replaced and shall sign the undertaking required by 15B.4(3), if applicable.
- 15B.6 The Treasurer Nomination Committee shall consider the suitability of each candidate and shall nominate either one or two candidates for consideration by the Executive Committee for election as Reader-Elect.
- 15B.7 If the Treasurer Nomination Committee does not approve a particular candidate for nomination to the Executive Committee, the candidate may discuss with the Chairman of the Treasurer Nomination Committee grounds for non-approval and the Chairman may explain the reasons why, on that occasion, the nomination has not been put forward.

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<sup>3</sup> 15B.4(1) amended at Bench Table Parliament on 19 July 2018

- 15B.8 The candidate or candidates nominated by the Treasurer Nomination Committee shall be considered at the next meeting of the Executive Committee. The Executive Committee shall either nominate a single candidate to be Reader-Elect or reject the candidate(s) nominated and remit the matter to the Treasurer Nomination Committee for further consideration.
- 15B.9 Upon receipt of the nomination by the Executive Committee, the Sub-Treasurer shall forthwith send a notice to all Governing Benchers informing them of the Master of the Bench so nominated.
- 15B.10 At this stage and following receipt of the above notice, any Governing Bencher who meets the requirements of Order 15B.2 (1-3) may additionally be nominated for election as Reader-Elect by Governing Benchers provided that:
- (1) any such nomination is in writing and signed by ten Governing Benchers; and
  - (2) any such nomination contains a statement signed by the Bencher nominated that he is willing to serve first as Reader-Elect and then (in turn) as Reader and as Treasurer; and
  - (3) any such nomination contains a statement signed by the ten Governing Benchers that in the judgment of each of them the Bencher nominated has the personal qualities and experience required to serve the Society first as Reader-Elect and then as Reader and as Treasurer with distinction; and
  - (4) the nomination is received in the Sub-Treasurer's Office by noon in the afternoon of the twenty-first day after the day on which the nomination under Order 15B.8 was made by the Executive Committee.
- 15B.11 (1) At the first Bench Table held after the nomination under Order 15B.8 was made by the Executive Committee and after the expiration of the 21-day nomination period under Order 15B.10 (4), the Treasurer will announce the name or names of the Master or Masters of the Bench nominated for election as Reader-Elect.
- (2) If only one Master of the Bench has been nominated, the Bench shall fix a day for the holding of a Parliament for the election of the Master of the Bench so nominated to be confirmed, or may, if no fewer than 20

Governing Benchers are present, resolve to hold a Parliament forthwith for that purpose.

- (3) If more than one Master of the Bench has been nominated, the Bench shall fix, as the date of election, a day not earlier than the fourteenth day after that Bench Table, and the procedure set out in paragraphs (4) to (7) shall then be adopted.
- (4) The Sub-Treasurer shall prepare a list of the candidates in the form of a voting paper, showing for each candidate:
  - (a) the date of his Call to the Bar; and
  - (b) the fact that he has been nominated by the Executive Committee, or the names of the Masters of the Bench who have nominated him, as the case may be.

The candidate nominated by the Executive Committee shall be named first in the list, and the other candidates (if more than one) shall be listed in order of election to the Bench. The list shall state the method of voting and any applicable time limits within which it must be returned, and the Sub-Treasurer shall forthwith send a copy of it to each Governing Bencher electronically and/or by post at his discretion.

- (5) A vote shall be given for a candidate by putting a cross against his name on the voting paper. Voting shall not be valid unless it complies with the requirements of this Order, and is either (a) signed by the Governing Bencher or (b) validated by electronic voting system and is received in the Sub-Treasurer's Office before noon on the day fixed under paragraph (3) for the election.
- (6) The Treasurer shall appoint two Masters of the Bench as scrutineers, who on the day of the election shall, after rejecting any invalid papers, count the rest.
- (7) The name of the candidate receiving the most votes shall be submitted to a Parliament.

15B.12 At a Parliament the candidate shall be eligible for election as Reader-Elect. The current Reader-Elect shall be eligible for election as Reader for the next year, and the current Reader shall be eligible for election as Treasurer for the next year.

- 15C.1 If a vacancy arises in the office of the Treasurer during any year, the Reader shall, if willing to do so, succeed to that office for the remainder of the year and a vacancy shall arise in the office of the Reader.
- 15C.2 In the event of the Reader being unwilling to succeed to the office of the Treasurer during that year, the Reader shall summon a Parliament which shall upon the recommendation of the Treasurer Nomination Committee appoint either:
- (1) a Governing Bencher who meets the requirements of Order 15B.2(1-3) (in reference to the office of Treasurer); or
  - (2) (2) a past Treasurer (whether or not a Governing Bencher)
- to hold the office of Treasurer for the remainder of the year.
- 15C.3 If the Reader succeeds to the office of the Treasurer during the year under Order 15C.1 above, he shall nevertheless be eligible for election to the office of Treasurer and serve as Treasurer for the following year.
- 15C.4 If any twenty Governing Benchers consider that the Treasurer is not able to discharge the duties of his office they may direct the Sub-Treasurer to summon a Bench Table. If the Bench resolves that the Treasurer is not able to discharge those duties, the Treasurer shall be deemed to have resigned.
- 15C.5 If a vacancy arises in the office of the Reader during any year (whether under Order 15C.1 above or for any other reason):
- (1) The Reader-Elect shall succeed to the office of Reader and serve as Reader for the remainder of the current year and for the following year;
  - (2) The office of Reader-Elect for the current year shall remain vacant;
  - (3) The procedure for the election of a Reader-Elect for the following year shall take place as provided for in Order 15B.
- 15C.6 If any twenty Governing Benchers consider that the Reader is not able to discharge the duties of his office they may direct the Sub-Treasurer to summon a Bench Table. If the Bench resolves that the Reader is not able to discharge those duties, the Reader shall be deemed to have resigned.

- 15C.7 Subject to Order 15C.1-6 inclusive) a Treasurer or Reader shall hold his office for a year, or for such longer period as the provisions of this Order 15 may require.
- 15C.8 If the Treasurer is incapacitated and unable to act for the purpose of any of these Orders, the Reader may act for him and, if the Reader is unable to act, the Reader-Elect (if there be one) may act for him or, if not, the next senior Governing Bencher present who has not held office as Reader or Treasurer shall so act. If both the Treasurer and the Reader are unable to attend a Call Day Parliament, the Reader-Elect (if there be one) may act for him or, if not, the Treasurer shall nominate a Bencher to act on his behalf, who may be a Senior Bencher.
- 15C.9 When a Royal Bencher accepts the office of Treasurer, the Bench may make the necessary arrangements, including provision for the election of a Governing Treasurer, by modifying these Orders.

## 16. PARLIAMENTS

- 16.1 A Parliament is a meeting of Masters of the Bench for any of the following purposes:
- (1) Election of the Treasurer;
  - (2) Election of the Reader;
  - (3) Election of the Reader-Elect;
  - (4) Calls to the Bar;
  - (5) Confirmation of the appointment of the Sub-Treasurer.
- 16.2 The Treasurer shall summon a Parliament whenever it is necessary to do so.
- 16.3 The quorum for a Parliament shall be twenty Governing Benchers.
- 16.4 The Bench may, for the purpose of transacting business in a Parliament, suspend its business in a Bench Table and may, after the business in the Parliament is concluded, resume its business in the Bench Table.
- 16.5 The Sub-Treasurer shall circulate to every Governing and Senior Benchers a copy of the minutes of a Parliament. The minutes shall, if approved, be signed at the next Parliament by the Treasurer, Reader or other Master of the Bench presiding.

## **17. BENCH TABLES**

- 17.1 A Bench Table is a meeting of Masters of the Bench for the conduct of business other than that required to be conducted at a Parliament.
- 17.2 A Bench Table may be held whenever the Treasurer may decide, provided always that in any event a Bench Table shall be held once in each Term. No Bench Table shall be held in August except for urgent business.
- 17.3 The quorum for a Bench Table shall be twenty Governing Benchers, except when a proposal for the amendment of these orders is to be considered.
- 17.4 A proposal for the amendment of these Orders shall be passed if notice of the proposed amendment has been included in the agenda circulated to Governing Benchers not less than 7 days before the meeting and not less than thirty Governing Benchers vote for the amendment and they form a majority of the Governing Benchers present.
- 17.5 If the Bench amends these Orders, the Sub-Treasurer shall, if required, record in the minutes the names of the Masters voting both for and against the amendment.
- 17.6 The Sub-Treasurer shall circulate to every Governing and Senior Bencher a copy of the minutes of a Bench Table. The minutes shall, if approved, be signed at the next Bench Table by the Treasurer, Reader or other Master of the Bench presiding.

## 18. COMMITTEES, OFFICERS AND REPRESENTATIVES OF THE SOCIETY

- 18.1 Members of Committees and Sub-Committees referred to in these Orders, other than Disciplinary Panels and the Bar Liaison Committee, shall be
- (1) those elected by the Bench for the purpose; or
  - (2) those who hold some office which also confers upon them membership of a Committee or Sub-Committee; or
  - (3) those appointed by the Bar Liaison Committee or by some other body which they are said in these Orders to represent; or
  - (4) co-opted members, but a co-option must be reported to the next convenient Bench Table and may then be rescinded; or
  - (5) Middle Temple members of the Temple Church Committee.
- 18.2 The Sub-Treasurer shall in the Michaelmas Term ascertain from every Governing Bencher in which office or on which Committee or Sub-Committee that Governing Bencher wishes to serve in the next year.
- 18.3 The election of Benchers to offices, Committees and Sub-Committees shall take place in Michaelmas Term preceding their term of office, based on proposals prepared by the Reader, in consultation with the Treasurer and Reader Elect. All such elections shall be by Bench Table following approval by the Executive Committee.
- 18.4 Where a vacancy arises following such election (whether before or during the term), it may be filled by appointment by the Treasurer who shall report any such appointment to Bench Table.
- 18.5 Save in the case of the Executive Committee (as to which see Order 19.5), each Committee and Sub-Committee (including the Finance Sub-Committee and the Investment Sub-Committee):
- (1) may co-opt up to three additional members; and



- (2) with the approval of the Executive Committee, may co-opt such further additional members as may be required to carry out the committee's functions.

Those eligible for co-option are Governing Benchers, Senior Benchers (as to which see Order 13.3), Honorary Benchers, Academic Benchers, Overseas Benchers, members of Hall, or student members.

- 18.6 Masters and Assistant Masters referred to in Order 31 and the Bench Auditors shall be elected by the Bench.
- 18.7 Representatives of the Society on other bodies shall be elected by the Bench, save that one of the Society's representatives on the Bar Council shall be appointed by the Bar Liaison Committee.
- 18.8 Members of Committees and Sub-Committees referred to in these Orders, including Disciplinary Panels and the Bar Liaison Committee, shall adhere to the Inn's Conflict of Interest Policy (Appendix 2).

## 19. EXECUTIVE COMMITTEE

19.1 There shall be an Executive Committee consisting of the following persons:

- (i) the Treasurer (as Chair)
- (ii) the Reader (as Vice-Chair)
- (iii) the Reader-Elect
- (iv) the Chairs of the Estates, Library, Education & Training, Scholarships Committees
- (v) the Chair of the Equality, Diversity and Inclusivity Sub-Committee<sup>1</sup>
- (vi) the Master of the House
- (vii) the Master of the Staff
- (viii) the Senior and Junior Bench Auditors
- (ix) the two Bar Auditors
- (x) seven additional Governing Benchers elected by the Bench
- (xi) one Honorary Bencher elected by the Bench (if so recommended by the Executive Committee)
- (xii) three other members of Hall nominated by and from the Bar Liaison Committee
- (xiii) if none of the foregoing persons is a Trustee, one of the Society's Trustees elected by the Bench
- (xiv) if none of the foregoing persons is a representative of the Society on the Bar Council, one of the Society's representatives elected by the Bench
- (xv) the Governing Bencher serving as Trustee of COIC.

In the case of (iv) a Chair may, if unable to attend a meeting, nominate a member of the Committee concerned to attend in their place. In the case of (v) and (vi), the Master, if unable to attend, may nominate the Governing Bencher or Member of Hall assisting them (under Order 30.4) to attend in their place. Notice of the nomination should be given to the Executive Committee in advance of the meeting.

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<sup>1</sup> 19.1 (iv-v) amended at Bench Table on 23 January 2020

19.2 Of the seven elected Governing Benchers:

- (1) two shall at the time of their election to the Executive Committee be Masters of the Bench who have been elected to the Bench within the last five years; and
- (2) no fewer than four shall at the time of their election to the Executive Committee be Barrister Governing Benchers.

19.3 An elected Governing Benchers shall serve as a member of the Executive Committee for a term of three years and shall be eligible for re-election in the Michaelmas Term of the third year for a second consecutive term of three years. After expiry of their term as member, they shall not be eligible for re-election until the Michaelmas Term following their ceasing so to serve, whether in pursuance of this Order or for any other reason.

19.4 An elected Honorary Benchers shall serve as a member of the Executive Committee for a term of three years and shall be eligible for re-election in the Michaelmas Term of the third year for a second consecutive term of three years. After the expiry of their term as member, they shall not be eligible for re-election until the Michaelmas Term following their ceasing so to serve, whether in pursuance of this Order or for any other reason.

19.5 The Executive Committee may, for special reasons, co-opt for one year at a time not more than two Governing Benchers. A co-opted Governing Benchers may serve as a member of the Executive Committee for a period not exceeding three consecutive years as a co-opted member, after which he shall be eligible for election as one of the seven elected Governing Benchers<sup>2</sup>.

19.6 The quorum of the Executive Committee shall be seven including no fewer than five Governing Benchers.

19.7 It shall be the duty of the Executive Committee subject to the provisions of these Orders to supervise all the affairs including the finances of the Society. In particular,

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<sup>2</sup> 19.5 amended at Bench Table on 23 January 2020

the Executive Committee, whether through the Finance Sub-Committee or otherwise, shall be responsible for<sup>3</sup>:

- (1) designing and implementing such appropriate internal controls as may be reasonably practicable to prevent and detect fraud and errors in the management of the Inn's financial affairs;
- (2) the examination and approval of the Inn's accounts and the making of any representations to the Inn's auditors in connection therewith.
- (3) authorising any borrowing for the purposes of carrying on the Society's affairs.<sup>4</sup>

19.8 The Sub-Treasurer shall give to the members of the Executive Committee not less than forty-eight hours before the time of any meeting of the Executive Committee written notice of the matters to be considered at such meeting together with copies of the papers relating to such matters, provided that the requirements of this provision may be waived by the Executive Committee.

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<sup>3</sup> 19.7 amended at Bench Table Parliament on 19 July 2018

<sup>4</sup> 19.7 (3) amended at Bench Table Parliament on 2 May 2019

## **20-30. OTHER COMMITTEES**

- 20.1 The main Committees of the Bench shall be (in addition to the Executive Committee) the Education and Training, Estates and Library Committees (Orders 21 to 23).
- 20.2 The Chairmen of these main Committees and the Committees and Sub-Committees referred to in Orders 24 to 30 shall be elected by the Bench, and shall normally be Barrister Governing Benchers.
- 20.3 The majority of members of each of these main Committees and the Committees and Sub-Committees referred to in Orders 24 to 30 shall be either Barrister Governing Benchers or members of Hall nominated by and from the Bar Liaison Committee.
- 20.4 Each of these main Committees shall have as members three members of Hall nominated by and from the Bar Liaison Committee. The Chairman of each of the Committees and Sub-Committees referred to in Orders 24 to 30 shall decide in consultation with the Chairman of the Bar Liaison Committee on the number of members of Hall to be nominated by and from the Bar Liaison Committee.
- 20.5 In addition to these main Committees and the Committees and the Sub-Committees referred to in Orders 24 to 30 there shall be a Bar Liaison Committee constituted in accordance with Order 32, and such further or other committees and sub-committees constituted in such manner and with such responsibilities as the Executive Committee shall from time to time determine.

### **EDUCATION AND TRAINING COMMITTEE**

- 21.1 The Education and Training Committee shall consist of the following persons:
- (1) The Chairman
  - (2) The Vice-Chairman
  - (3) The Chairman of the Scholarships Committee
  - (4) The Chairman of the Students' Societies Sub-Committee

- (5) The Chairman of the Advocacy Training Committee
- (6) The Chairman of the Outreach Committee
- (7) The Chairman of the Qualifying Sessions Sub-Committee
- (8) The Chairman of the Pegasus Scholarship Trust<sup>1</sup>
- (9) The Chairman of the Library Committee
- (10) Any other Benchers approved by the Executive Committee and subsequently elected by the Bench
- (11) Three members of Hall nominated by and from the Bar Liaison Committee

Any Chairman of a Committee in (3)-(8) should, if unable to attend a meeting of the Education and Training Committee, authorise a fellow-member of the relevant Committee, normally a Governing Bench, as his alternate and notify the Chairman in advance of the meeting.

Chairmen of other committees and sub-committees and representatives of the Society on external bodies referred to in Orders 21.3 and 25 may be invited to attend particular meetings of this committee.

21.2 The Education and Training Committee shall, subject to any general direction of the Bench or of the Executive Committee, have overall responsibility for developing the policies of the Society in relation to the Education and Training Functions of the Society, and the education, training, regulated activities, quality assurance of the regulated activities, qualification, standards and welfare of students, pupils and barristers generally; for considering the delivery of pupil supervisor training; and for co-ordinating the implementation of those policies, and for ensuring effective use of the resources of the Society, and effective use of other charitable trusts associated with the Society, in the Education and Training Functions of the Society<sup>2</sup>.

21.3 Within its overall responsibility set out in Order 21.2 the Education and Training Committee shall co-ordinate the work, in relation to the Education and Training Functions of the Society, of:

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<sup>1</sup> 21.1 (8) amended at Bench Table on 23 January 2020

<sup>2</sup> 21.2 amended at Bench Table on 23 January 2020

- (1) the Scholarships Committee
- (2) the Students' Societies Sub-Committee
- (3) the Pegasus Scholarship Trust
- (4) the Qualifying Sessions Sub-Committee
- (5) the Advocacy Training Committee
- (6) the Outreach Committee
- (7) the Society's representatives on the Inns of Court College of Advocacy and the Bar Council and its Education and Training Committee.

#### **ESTATES COMMITTEE**

- 22.1 The Estates Committee shall, subject to any general direction of the Bench or of the Executive Committee, supervise the management of the buildings of the Society including the professional and residential chambers.
- 22.2 No professional or residential chambers shall be let without the sanction of the Estates Committee.

#### **LIBRARY COMMITTEE**

- 23.1 The Library Committee shall, subject to any general direction of the Bench or of the Executive Committee, supervise the management of the Library, in co-operation with the similar facilities of the other Inns of Court, and of other bodies, so as to achieve the best and most efficient services that can be provided, with the resources available, to judges, barristers, pupils and students.
- 23.2 The Master of the Library shall be ex officio Chairman of the Library Committee.

#### **ARCHIVES COMMITTEE**

- 24.1 The Archives Committee shall provide such services in relation to the Archives of the Society as the Executive Committee may from time to time direct.
- 24.2 The Master of the Archives shall be ex officio Chairman of the Archives Committee.

## COMMITTEES AND SUB-COMMITTEES

### CO-ORDINATED BY THE EDUCATION AND TRAINING COMMITTEE

- 25.1 The Scholarships Committee shall, subject to the requirements of the scholarship trusts, and any general direction of the Bench, the Executive Committee or the Education and Training Committee, distribute the funds available for scholarships, bursaries and other awards and allocate any accommodation awards, and through a sub-committee establish policies in that regard subject to any such general direction.
- 25.2 The Students' Societies Sub-Committee shall, subject to any general direction of the Bench, the Executive Committee or the Education and Training Committee, make the best and most efficient provision for the welfare of student members of the Society that can be achieved with the resources available.
- 25.3 The Pegasus Scholarship Trust shall, subject to the requirements of the scholarship trusts, and any general direction of the Bench, the Executive Committee or the Education and Training Committee, award scholarships and grants to enable students and young barristers, whether or not being members of the Society, to learn about the practical working of the common law system in countries other than their own<sup>3</sup>.
- 25.4 The Qualifying Sessions Sub-Committee shall, subject to any general direction of the Bench, the Executive Committee or the Education and Training Committee, be responsible for the approval, quality assurance and organisation of the Society's qualifying sessions for students<sup>4</sup>.
- 25.5 The Advocacy Training Committee shall, subject to any general direction of the Bench, the Executive Committee or the Education and Training Committee, make the best and most efficient provision for training in advocacy and for other continuing education and training for students, pupil and young barrister members of the Society that can be achieved with the resources available, and in collaboration with the other Inns of Court, the Inns of Court College of Advocacy and the Bar Council. The Advocacy Training Committee shall appoint members to the Inner Temple Advocacy Training Faculty according to the

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<sup>3</sup> 25.3 amended at Bench Table on 23 January 2020

<sup>4</sup> 25.4 amended at Bench Table on 23 January 2020



*Protocol for the Recruitment, Training and Promotion of Advocacy Trainers* which is reviewed annually by the Advocacy Training Committee.

- 25.6 The Outreach Committee shall, subject to any general direction of the Bench, the Executive Committee or the Education and Training Committee, be responsible (a) for the Society's outreach programme to schools and universities; (b) for the Society's relations with legal academics and students at schools and universities; and (c) generally for and with regard to recruitment of students for membership of the Society and entry to the Bar.

## FINANCE SUB-COMMITTEE

- 26.1 The Finance Sub-Committee is a Sub-Committee of the Executive Committee and shall consist of:

- (i) the Senior and Junior Bench Auditors (who shall be respectively the Chairman and Vice-Chairmen of the Finance Sub-Committee)
- (ii) the Bar Auditors
- (iii) the Reader-Elect
- (iv) such other Governing Benchers or Honorary Benchers as may be approved by the Executive Committee and subsequently elected by the Bench
- (v) such members of Hall (if any) nominated by the Bar Liaison Committee as the Executive Committee may from time to time approve.

- 26.2 The Finance Sub-Committee shall, subject to any directions of the Executive Committee, be responsible for<sup>5</sup>:

- (1) the preliminary scrutiny of annual and supplementary estimates and budgets; and
- (2) the examination and approval of the Inn's accounts and the making of any representations to the Inn's auditors in connection therewith; and
- (3) the preparation and presentation of five year plans for the finances of the Society;

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<sup>5</sup> 26.2 amended at Bench Table Parliament on 19 July 2018

- (4) such other financial matters as may be assigned to it by the Executive Committee;

and shall report regularly to the Executive Committee on the assets, liabilities, income and expenditure of the Society.

## INVESTMENT SUB-COMMITTEE

27.1 The Investment Sub-Committee is a Sub-Committee of the Executive Committee and shall consist of:

- (i) the Senior Bench Auditor
- (ii) the Senior Bar Auditor
- (iii) one of the Society's Trustees as the Executive Committee may from time to time nominate
- (iv) such other Governing or Honorary Benchers elected by the Bench as may be approved by the Executive Committee and subsequently elected by the Bench; and
- (v) a member of Hall nominated by the Bar Liaison Committee and approved by the Executive Committee.

27.2 The Investment Sub-Committee shall be answerable to the Executive Committee. It shall be responsible for the investment of the funds of the Society, and shall report regularly to the Executive Committee on the values of the investments and on all material changes in the investments of the Society.

## THE CIRCUITS

28.1 Each Circuit will have a Master of the Circuit and one or more Assistant Masters. The Masters and Assistant Masters shall be elected by the Bench and shall be appointed in the first instance for three years commencing on 1st January.

28.2 The Bar Liaison Committee shall co-opt a member of Hall who practises on or from each Circuit. The Master of the Circuit shall work with the Bar Liaison

Representative on Circuit to form an Inner Temple Group, of which the Master will be chairman.

28.3 The Sub-Treasurer shall identify a member of the Inn's staff to liaise with the Master and Assistant Masters of each Circuit in the formation of the Inner Temple Group on their Circuit. Together they shall:

- (1) act as a resource for the Education and Training Department, in supporting the Society's outreach to schools, Universities and Law Schools on their Circuits;
- (2) act as a resource in respect of the Society's qualifying sessions, and advocacy training, with a named Master of the Bench in each circuit being responsible for the arrangements of qualifying sessions in that circuit supported by the Education and Training Department<sup>6</sup>;
- (3) promote relations between the Society and its members who practise or work on their Circuits.

## INTERNATIONAL COMMITTEE

29.1 The International Committee shall report to the Executive Committee and pursue the objectives of the Society overseas. Such objectives include, but are not limited to, the promotion of the standing, interests, services and professional activities of the Society and its members internationally.

## EQUALITY, DIVERSITY AND INCLUSIVITY SUB-COMMITTEE

30.1 The Equality, Diversity and Inclusivity Sub-Committee shall report to the Executive Committee and shall address all matters concerning equality, diversity and inclusion relating to the Inn's activities, including:

- (1) leading the development of Inn's policies for equality, diversity and inclusion;
- (2) undertaking initiatives to widen access to, and strengthen diversity in:
  - i. Pre-membership (those who might seek admission to the Inn);

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<sup>6</sup> 28.3 (2) amended at Bench Table on 23 January 2020

- ii. The Inn's membership;
  - iii. The Bar;
  - iv. Bench Table;
  - v. The Inn's staff;
- (3) communicating the Inn's commitment to equality, diversity and inclusion and providing focus and a channel for views on equality, diversity and inclusion at the Inn;
- (4) providing advice and assistance to the Inn in highlighting and considering ways in which the Inn's activities can assist in breaking down barriers to accessing the profession which are connected to protected characteristics under the Equality Act 2010<sup>7</sup>.

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<sup>7</sup> 30 added by Bench Table on 23 January 2020

### 31. MASTERS OF THE SOCIETY

31.1 There shall be the following Masters of the Society:

- (1) a Master of the Archives
- (2) a Master of the Cellar
- (3) a Master of the Car Park
- (4) a Master of the Students' Debating Society
- (5) a Master of the Drama Society
- (6) a Master of the Employed Bar
- (7) a Master of the Garden
- (8) a Master of the House
- (9) a Master of the Insurances
- (10) a Master of Information Technology
- (11) a Master of the Inner Temple Students' Association (ITSA)
- (12) a Master of the Library
- (13) a Master of Marshalling
- (14) a Master of the Mentoring Scheme
- (15) a Master of the Moots
- (16) a Master of the Pictures
- (17) a Master of the Revels
- (18) a Master of the Silver
- (19) a Master of the Staff
- (20) a Master of the Statutes
- (21) a Master of the Trusts
- (22) a Master of Wellbeing
- (23) a Master of the Yearbook

31.2 Each of the Masters of the Society shall be responsible for the management of the relevant part of the Society's affairs. Each shall be answerable to the Executive Committee.

31.3 The Masters of the Society shall be Governing Benchers (except that Senior or Honorary Benchers may exceptionally be elected on the proposal of the Executive Committee to be Masters of the Society).

- 31.4 Each of the Masters of the Society shall be assisted by:
- (1) a Governing Bencher as Assistant Master (as required); and
  - (2) a Member of Hall nominated by and from the Bar Liaison Committee.

## 32. THE BAR LIAISON COMMITTEE

- 32.1 There shall be a Bar Liaison Committee, consisting of members of the Society who are members of Hall, which shall be constituted in such manner as shall from time to time be determined by the members of Hall.
- 32.2 The Bar Liaison Committee shall be responsible for representing the views of the members of Hall to the Society, its Committees and its Masters. It shall have the powers of nomination conferred by these Orders, and such other functions on behalf of the members of Hall as may from time to time be provided for in the constitution of the Bar Liaison Committee (**“the BLC Constitution”** – APPENDIX 6). Nominations by the Bar Liaison Committee shall be made by reference to the BLC Constitution.
- 32.3 The Bar Liaison Committee shall nominate three members of Hall to be members of each of the main committees of the Inn in accordance with Order 20.4, namely the Executive Committee, the Education and Training, Estates, and Library Committees, and to be members of the Scholarships Committee.
- 32.4 The Bar Liaison Committee shall nominate a member of Hall to be a member of each of the Inn’s other committees; and shall nominate an additional member or members of Hall to any committee where the Chairman of the committee concerned so decides in consultation with the Chairman of the Bar Liaison Committee in accordance with Order 20.4.
- 32.5 The Bar Liaison Committee shall nominate a member of Hall to assist each Master of the Society in his activities in accordance with Order 31.4 (2).
- 32.6 The Bar Liaison Committee shall nominate a member of Hall to sit on Disciplinary Panels.

### 33. THE TEMPLE CHURCH COMMITTEE

#### 33.1 The Temple Church Committee:

- (1) Is charged with the management of the Temple Church and the maintenance and welfare of the Choir;
- (2) Is a joint committee of the Inner Temple and Middle Temple consisting of:
  - i. Master Treasurer and the Treasurer of the Middle Temple as ex officio members;
  - ii. A Chairman;
  - iii. A Treasurer;
  - iv. three Inner Temple representatives, elected by the Bench, who shall be appointed for a term of three years and be eligible for re-appointment once only;
  - v. three Middle Temple representatives, elected by Middle Temple, who shall be appointed for a term of three years and be eligible for re-appointment once only.

33.2 The Chairman of the Temple Church Committee shall be a Bencher of either the Inner Temple (as nominated by the Bench) or the Middle Temple, serving in rotation, in each case for a term of three years commencing on 1 January.

33.3 The Treasurer of the Temple Church Committee shall be a Bencher of either the Inner Temple (as nominated by the Bench) or the Middle Temple, serving in rotation, in each case for a term of three years commencing on 1st January.

33.4 The Master of the Temple and Reader of the Temple shall not be members, but shall be invited to attend all meetings, of the Temple Church Committee.



### **34. BENCH AND BAR AUDITORS**

- 34.1 The Senior and Junior Bench Auditors shall be Governing Benchers elected by the Bench.
- 34.2 The Senior and Junior Bar Auditors shall be members of Hall nominated by the Bar Liaison Committee after consultation with the Executive Committee.
- 34.3 The Bench and Bar Auditors shall be elected or nominated in each Michaelmas Term to hold office for the next year, and shall be eligible for re-election or renomination so as to serve a total of no more than five consecutive years.

## 35. EXPENDITURE OF THE FUNDS OF THE SOCIETY

35.1 No expenditure shall be incurred on behalf of the Society unless provision shall have been made for such expenditure in the budget, or it is additional expenditure authorised in accordance with this Order.

35.2 The budget shall be prepared and approved as follows:

- (1) in each year the Executive Committee shall approve guidelines for the drawing up of the Society's budget after considering a proposal made to it by the Finance Sub-Committee based on a provisional assessment of the Society's income in the Inn's forthcoming financial year;
- (2) thereafter the Masters of the Society, the Chairmen of the Committees or Sub-Committees responsible for the activities of particular departments within the Society and the Sub-Treasurer shall deliver to the Finance Sub-Committee a provisional budget for the forthcoming year in respect of those activities within the Society for which they are responsible;
- (3) after appropriate consultation with those responsible for the activities of spending departments of the Society, the Finance Sub-Committee shall propose a detailed budget for the forthcoming year to the Executive Committee;
- (4) the Executive Committee shall, after considering the proposal of the Finance Sub-Committee, draw up and approve the budget for the Inn's forthcoming financial year.

35.3 The Executive Committee shall not:

- (1) approve a budget, or;
- (2) authorise expenditure additional to the budget of more than £15,000 (or such higher limit as the Executive Committee may from time to time by regulation or otherwise determine), or a recurrent annual expenditure of more than £5,000<sup>1</sup>;

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<sup>1</sup> 35.3 amended at Bench Table on 23 January 2020

except at a meeting at which a Bench Auditor and a Bar Auditor are present, and (in the case of additional expenditure) at which the effect of the expenditure on the general finances of the Society is considered.

35.4 Without prejudice to Order 34.3, where he judges that such expenditure is essential for the smooth running of the Society and that any delay in authorisation could jeopardise the best interests of the Society:

- (1) the Treasurer, Sub-Treasurer or Collector may authorise additional expenditure of up to £5,000 but should, if practicable, first seek the approval of the Chairman or Vice-Chairman of the Finance Sub-Committee;
- (2) the Treasurer may, with the approval of the Finance Sub-Committee, authorise additional expenditure of up to £15,000 or a recurrent annual expenditure of up to £5,000<sup>2</sup>.

Any expenditure which is so authorised must be reported to the Executive Committee no later than the meeting immediately following such authorisation.

35.5 Expenditure which is authorised under one heading in the budget, unless expressly authorised by the Executive Committee, may not be transferred to another heading of the budget, except in the case of the Estates budget and provided that:

- (1) such transfers exceeding £50,000 in any financial year must be notified to the Executive Committee at the earliest opportunity; and
- (2) no such transfer may be made exceeding a total of £100,000 in any financial year without the prior approval of the Executive Committee given at a meeting at which a Bench Auditor and a Bar Auditor are present.

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<sup>2</sup> 35.4 amended at Bench Table on 23 January 2020

35.6 The Executive Committee shall issue directions specifying who has authority to incur expenditure on behalf of the Society and the extent of that authority. Subject to such directions:

- (1) Contracts for the ordinary business of the Society shall be made by the Sub-Treasurer or by any other member of staff of the Society within the terms of his contract of engagement or otherwise authorised in writing by the Sub-Treasurer.
- (2) All other contracts shall be made by the Sub-Treasurer or (where appropriate or in the absence of the Sub-Treasurer) by the Collector, the Surveyor, the Librarian, the Head of the Treasury Office or the Director of Education provided that in every case the approval of the relevant Committee or Master shall first have been obtained.

35.7 Payments by cheque or by electronic means may only be made on behalf of the Society in accordance with the directions of the Executive Committee given, after consultation with the Finance Sub-Committee, from time to time. Such directions shall provide for:

- (1) cheques ordinarily to be signed by the Treasurer, or the Reader, or by a Governing Bencher authorised in writing by the Treasurer, and to be countersigned by the Sub-Treasurer or in his absence by another senior member of the staff of the Society;
- (2) cheques and electronic payments to be authorised by any two of specified senior members of the staff of the Society in the case of:
  - (a) payments up to a specified maximum value;
  - (b) payments for salaries, P.A.Y.E. income tax and VAT up to a specified maximum value;
  - (c) cheques drawn or electronic payments made during the month of August or during other specified holiday periods or in urgent circumstances which cannot await the return of the Treasurer or the Reader up to a specified maximum value.

- 35.8 The Treasurer shall be allowed for his expenses such sums as are from time to time recommended by the Finance Sub-Committee and approved by the Executive Committee.
- 35.9 The Sub- Treasurer shall be allowed for his expenses such sums as are from time to time authorised by the Treasurer.
- 35.10 Where expenses are incurred for activities undertaken by both the Treasurer and the Sub-Treasurer, such sums shall be allowed as are recommended by the Finance Sub-Committee and approved by the Executive Committee.

## 36. THE SOCIETY'S TRUSTEES

- 36.1 The Society's Trustees shall consist of four Benchers who shall be elected in accordance with Order 18.3 by, and may be removed by, the Bench. The election is not for a term of years but until the elected Trustee's period of office be determined (by death, retirement, removal or otherwise). Governing Benchers alone are eligible for election as Trustees. Upon a Trustee ceasing to be a Governing Bencher (or in the event of suspension as a Bencher), he shall continue in office but shall retire if so requested in writing by the Treasurer. A vacancy occurring among the Trustees shall be filled as soon as may be. Until it is filled the continuing Trustees for the time being shall have full power to act. The formal appointment of a new Trustee shall be made by deed executed in the manner provided by Section 36 of the Trustee Act 1925.
- 36.2 The following property of the Society shall be vested in the Trustees:
- (1) The freehold and leasehold land of the Society; and
  - (2) The investments and money of the Society (including all money on any current or other account with any bank); and
  - (3) The investments, money and other property from time to time representing any benefaction or other special fund held by the Society on trusts distinct from those affecting the Society's general funds.
- 36.3 The Trustees shall deal with the property vested in them under this Order only as authorised by the Executive Committee or the Bench, or by a Committee or Sub-Committee acting within the authority given to it by the Executive Committee or the Bench.
- 36.4 The Trustees and each of them may by power of attorney give to the Sub-Treasurer the power to execute deeds and other instruments as attorney for any one or two of the Trustees subject to such conditions as they shall consider conducive to the efficient conduct of the business of the Society, provided that they are executed by at least two of the Trustees in person.
- 36.5 The Trustees may by writing delegate to any two of their number authority in conjunction with the Collector to sign documents relating to the investments of the Society.

36.6 Further details of the Society's Constitution and Trustees are at Appendix 1.

### **37. METHOD OF VOTING**

- 37.1 The decision of the Parliament or Bench Table shall be that of the majority of Governing Benchers voting. The decision of a Committee or Sub-Committee shall be that of the majority of members voting. There shall be no casting vote except where specified in these Orders. This Order is subject to any provision in these Orders requiring a specified quorum or majority either generally or for a particular purpose.
- 37.2 The Treasurer or ten or more Governing Benchers present at a Parliament or Bench Table may require that any resolution proposed at such Parliament or Bench Table be determined by a ballot of all Governing Benchers. This shall be conducted and the vote shall be taken in such manner as the Treasurer shall direct but so that not more than three weeks shall elapse between the requisition and the conclusion of the vote.



## 38. EXTERNAL REGULATION<sup>1</sup>

- 38.1 The functions of the Society in relation to aspects of the education, training and qualification of barristers in England and Wales prior to being called to the Bar are subject to external regulation. Those functions are as follows:
- (1) student membership of the Society;
  - (2) the administration of checks to individuals (i) prior to admission to the Inn; (ii) whilst student members; and (iii) again, prior to being called to the Bar as to whether they are fit and proper persons to become practising barristers;
  - (3) the conduct of student members of the Society; and
  - (4) the provision of professional development events known as “Qualifying Sessions”.
- 38.2 The functions of the Society referred to in Order 38.1 are subject to regulation by the Bar Standards Board in:
- (i) the Bar Standards Board Handbook;
  - (ii) the Bar Qualification Manual; and
  - (iii) the Inns’ Conduct Committee rules.
- 38.3 Arrangements for implementing the regulations referred to in Order 38.2 are included in the following documents agreed between the Bar Standards Board, the Inns of Court and the Council of the Inns of Court:
- (i) the Memorandum of Understanding agreed between the Bar Standards Board, Inns of Court and Council of the Inns of Court (“the Memorandum of Understanding”); and
  - (ii) the Joint Inns of Court Qualification and Education Rules.
- 38.4 The regulations and arrangements set out in Orders 38.2-38.3 are referred to in these Orders as “the External Regulations”.
- 38.3 In respect of all functions of the Society, acts, things or matters to which the External Regulations apply, these Orders take effect subject to the External Regulations, and shall to the fullest extent possible be construed, and carried into effect, in conformity with the External Regulations.

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<sup>1</sup> Added by Bench Table on 23 January 2020

### 39. APPLICATIONS FOR ADMISSION

- 39.1 Subject to the External Regulations (Order 38), this Order shall apply to the admission of persons as student members of the Inn.
- 39.2 Applications for admission shall be made on a form provided by the Inn and shall include the Admission Declaration.
- 39.3 The Inn may make further enquiries or require the applicant to provide further information as may be necessary or expedient in order to determine whether the applicant is a fit and proper person to become a barrister.
- 39.4 All applications in respect of which:
- (1) There are any circumstances which in the opinion of the Inn causes doubt as to whether the applicant is a fit and proper person to become a practising barrister; or
  - (2) There are disclosed, whether on the Admission Declaration or otherwise, any other matters which the Inn is required to refer;
- shall be referred to the Inns' Conduct Committee and the applicant shall be notified of the reference.
- 39.5 Any applicant who is refused admission shall be notified in writing of the decision and the reasons for such refusal and that a review of the decision may be requested in writing to the Bar Standards Board within one month of the date when notice of the decision is given.

## 40. STUDENTS<sup>1</sup>

- 40.1 A person whom the Society admits as a student shall pay the prescribed fee.
- 40.2 The Inn shall inform every person admitted to the Society as a student (as to where access can be obtained to these Orders). The Inn shall publish comprehensive, accurate and up to date information in relation to:
- (i) Eligibility for and cost of membership;
  - (ii) The availability of, and procedures for applying for, scholarships and other possible contributions to costs of membership and qualification for the Bar;
  - (iii) The availability and cost of, and procedures for booking, Qualifying Sessions;
  - (iv) The availability of relevant collegiate activities in London and outside London;
  - (v) Feedback and complaints procedures for student members; and
  - (vi) Termination of membership<sup>2</sup>.
- 40.3 A student member of the Inn must notify the Inn in writing immediately of any matters relating to his conduct as prescribed by the External Regulations (Order 38).
- 40.4 If a student does not commence the vocational stage within six years of admission to the Society or has not completed that stage within five years of commencing that stage, the Bench may, after giving the student such opportunity to make oral and written submissions as it considers necessary, order his name to be removed from the roll of students of the Society.
- 40.5 If at any time a complaint is made or circumstances are disclosed concerning the conduct of a student member of the Inn (“the Complaint”) as to which the Society is required by the External Regulations (Order 38) to consider whether

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<sup>1</sup> Amended at Bench Table on 23 January 2020

the student member is a fit and proper person to become a practising barrister:

- (i) The Treasurer may make any enquiries and/or require the student to provide such information as the Treasurer may think necessary or expedient for the investigation;
- (ii) The Treasurer must consider whether the Complaint calls into question a student's fitness to become a practising barrister.

40.6 If after investigation the Treasurer decides that the Complaint is not sufficiently serious to call into question the fitness of the student to become a practising barrister, he may either:

- (i) dismiss the Complaint; or
- (ii) decide that it does not warrant further consideration, or
- (iii) advise the student as to future conduct; or
- (iv) reprimand him; or
- (v) suspend him from the use of the facilities of the Inn, or such as it may specify for such period as the Treasurer believe is fit.

The student may request a review of the decision by writing to the Inns' Conduct Committee within one month of the date when the Society gave notice of the decision.

40.7 If the Treasurer decides that it is unclear whether the Complaint is sufficiently serious to call into question a student's fitness to become a practising barrister, then the matter shall be referred to a Panel for determination. The Treasurer shall refer the Complaint to be considered and dealt with by a Panel constituted under Part 1 of the Schedule to these Orders, and the provisions thereof shall apply.

40.8 If the Treasurer decides that the Complaint if established will or may call into question a student's fitness to become a practising barrister, it shall be referred to the Inns' Conduct Committee for determination. The student may be represented before the Inns' Conduct Committee and may ask the Inn to find suitable representation for him through Advocate.

- 40.9 Where the Inns' Conduct Committee finds that the student is not fit to become a practising barrister:
- (1) A report of its findings and reasons shall be sent to the student and to the Inn which shall give effect to the findings in accordance with such directions as the Inns' Conduct Committee may give;
  - (2) The Inns' Conduct Committee may (i) advise the student as to future conduct; or (ii) reprimand the student; or (iii) order that the student's call to the Bar be postponed for a specified period; or (iv) direct that the student be expelled from the Inn;
  - (3) The student may request a review of the decision provided that the request is made in writing to the Bar Standards Board within one month of the date when notice of the decision is given.
- 40.10 Without prejudice to Order 40.9(2) (iv), where Order 40.5 applies to a student, the student's call shall be postponed (1) until the Inn has decided that the Complaint does not call into question the student's fitness to practise or (2) if a reference is made to the Inns' Conduct Committee until the matter is determined; or (3) if an order is made that the student's call be postponed for a specified period, until that period has expired.
- 40.11 The Inn may, if it thinks fit, inform a person who has made a Complaint of any decision made and any action taken regarding it in such detail as it considers appropriate.
- 40.12 A student who wishes to withdraw from membership of the Society shall advise the Inn in writing.
- 40.13 The Bench may, on such conditions as it may think reasonably necessary to impose, re-admit to the Society as a student a person who as a student has ceased to be a member thereof unless he was expelled by the Society following a determination by the Inns' Conduct Committee or, upon review, by the Bar Standards Board.

## 41. CALL TO THE BAR<sup>1</sup>

- 41.1 Subject to the External Regulations (Order 38), this Order shall apply to Call to the Bar.
- 41.2 A student shall be eligible to be Called to the Bar provided that:
- (i) They are considered fit and proper for the purposes of the External Regulations (Order 38); and
  - (ii) in reference to Order 40.10, there are no outstanding Complaints being considered by the Society or the Inns' Conduct Committee, nor any order made that the student's Call be postponed for a specified period (unless that period has expired); and
  - (iii) they have completed the vocational component.
- 41.3 In order to ensure that only those who are fit and proper persons to practise as barristers are called to the Bar, the Inns undertake checks and seek declarations from each student prior to Call. The same requirement applies to those seeking re-admission. A student who wishes to be called on any scheduled Call Day shall comply with such checks and complete such declarations by the published deadline.
- 41.4 Any Governing Benchers or Senior Benchers may propose one or more students of the Society for Call to the Bar.
- 41.5 The proposal shall be in writing and shall contain the proposer's assessment of the student's fitness to become a practising barrister with reference to the relevant External Regulations (Order 38). Before deciding whether the student is entitled to be called to the Bar, the proposer may request that the Society undertake further enquiries.
- 41.6 If the Society decides that there is doubt as to a student's fitness to become a practising barrister, the matter shall be referred to the Inns' Conduct Committee,

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<sup>1</sup> Amended at Bench Table on 23 January 2020

which will determine by reference to the External Regulations (Order 38) whether a referred student is a fit and proper person to become a practising barrister.

41.7 If it is decided that a student has not met the requirements to be called to Bar as prescribed by the External Regulations (Order 38), the Inn shall inform the student, who shall have a right of appeal to the Bar Standards Board, provided that the request is made in writing within one month of the date when notice of the Inns' Conduct Committee decision is given.

41.8 A student may apply for a modification or waiver to the requirements to be called to the Bar. No student shall be called in his absence unless a waiver application has been duly made to, and granted by, the Society.

41.9 In every term, a list shall be prepared of all the students for Call in that Term. The list shall specify their names, descriptions, university qualifications (if any) and any other material qualifications.

41.10 The list shall be considered at Bench Table held on or before Call Day at which Bench Table shall authorise the Treasurer to call those students whose call is approved.

41.11 A student shall before the day of Call pay a fee of such sum as the Bench may from time to time prescribe.

41.12 Unless agreed in advance with the Sub-Treasurer, a student shall before the day of Call clear any debt to the Inn.

41.13 A student may be called to the Bar at a Parliament specially convened for the purpose.

## **42. COMPLAINTS AND DISCIPLINE: MEMBERS OTHER THAN STUDENTS**

- 42.1 This Order relates to the conduct of members of the Society other than student members.
- 42.2 “Relevant Misconduct” for the purposes of these Orders consists of any conduct of a member of the Society (other than a student member) which is either:
- (1) A breach of any regulations of the Society; or
  - (2) Conduct inconsistent with membership of the Society
- but excludes:
- (i) conduct within the scope of the Complaints Regulations (except where it is referred back by the Professional Conduct Committee to the Inn to deal with);
  - (ii) any act or omission of a salaried judge acting in his capacity as a judge.
- 42.3 If a complaint is made or circumstances are disclosed concerning the conduct of a member of the Society other than a student (“the Complaint”), which it appears may amount to Relevant Misconduct or may fall within the scope of the Complaints Regulations, the Treasurer shall refer it to a Panel constituted under Part 2 of the Schedule.
- 42.4 The provisions of Part 2 of the Second Schedule shall then apply and the Complaint shall be dealt with accordingly.
- 42.5 The penalty of suspension or deprivation of rights as a member of the Society does not remove a barrister’s right to practise, either in independent practice or in employment.



## 43. BENCHERS: DISCIPLINE AND SANCTIONS

43.1 If any Master of the Bench is:

- (1) found by a Disciplinary Panel appointed on a reference under Order 42.3 to be guilty of Relevant Misconduct; or
- (2) found by a Disciplinary Tribunal to be guilty of misconduct in contravention of the Bar Standards Board Handbook; or
- (3) found by a Disciplinary Panel of the Judicial Conduct Investigations Office to be guilty of misconduct in contravention of The Judicial Discipline (Prescribed Procedures) Regulations 2014; or
- (4) found by a duly constituted Disciplinary Tribunal of any other professional regulatory body having authority over that Master of the Bench to be guilty of misconduct in contravention of the rules of that body;

the Treasurer shall refer the matter to a panel of five Governing Benchers nominated for the purpose by the Treasurer, of whom two (including the chairman) shall be Judicial Governing Benchers.

43.2 Such panel shall give to the Master of the Bench an opportunity both to make written submissions and to appear before and make oral submissions to the panel (either in person or represented by any person of his choice, whether a member of the Society or not).

43.3 Without prejudice to any sanctions imposed by any other body, such panel shall have power to order that:

- (1) no further steps be taken; or
- (2) the Master of the Bench be reprimanded or advised as to his future conduct by the Treasurer; or
- (3) the Master of the Bench be suspended from the exercise of his rights as a Master of the Bench for a period not exceeding five years; or
- (4) the Master of the Bench be deprived permanently of his rights as a Master of the Bench.

Reasons for the making of any such order shall be given in writing.

- 43.4 Any such order of the panel shall be referred to a Bench Table. Not less than two members of the panel shall attend such Bench Table. The Bench Table shall have power either to confirm the order or to refer it back to the same or a differently constituted panel for further consideration. In either case the Sub-Treasurer shall furnish in writing the reasons of the Bench Table for the exercise of such power.

#### 44. ADMISSION AD EUNDEM GRADUM

- 44.1 Where a Barrister of one of the other Inns of Court applies for admission to the Society, he shall specify in writing the reasons for his application. He must supply a certificate from the Inn by which he was called to the Bar, confirming that he was so called, that he has paid all sums due to that Inn, and that he is a person of good standing.
- 44.2 The applicant's name shall be screened in Hall and the Benchers' Rooms.
- 44.3 Six days after the applicant's name has been so screened and on his paying the prescribed fee, the Bench may admit him as a member of Hall in the Society.
- 44.4 The seniority of a member of the Society so admitted shall date from such admission.

## 45. DISBARRING AT REQUEST

45. If any Barrister who is admitted as a member of the Society desires to be disbarred at his own request, then unless the Barrister is or is likely to be the subject of any disciplinary proceedings of the Society or the Bar Standards Board, or there is any other circumstance relating to the Barrister which in the opinion of a Bench Table makes it reasonably necessary not to disbar the Barrister, a Bench Table to which the Treasurer shall have referred the request shall disbar the Barrister. If a Bench Table decides not to disbar the Barrister as requested, reasons in writing for such decision shall be given to the Barrister.

## 46. REGULATIONS

46. The Executive Committee may from time to time make regulations concerning the affairs of the Society, provided that:

- (1) no regulations shall be made concerning matters already provided for in these Orders; and
- (2) if there be any inconsistency between these Orders and any such regulations, these Orders shall prevail; and
- (3) any such regulations shall be reported to the Bench Table, and may be revoked or amended if notice of the proposed revocation or amendment has been included in the agenda.

## 47. FEES, CHARGES AND SUBSCRIPTIONS

- 47.1 The Bench may, on a proposal by the Executive Committee, prescribe such fees, charges and subscriptions payable to the Society and may from time to time vary the same in such manner as it thinks fit.
- 47.2 Members of the Society shall duly pay the appropriate fees, charges and subscriptions so prescribed.
- 47.3 On election, a Governing Bencher is required to pay a prescribed fee in accordance with Orders 5.14, 6.6 and 7.5.
- 47.4 Governing and Senior Benchers of the Society are required to pay Bench Commons, a termly fee invoicing system.
- 47.5 Bench Commons entitle Governing and Senior Benchers of the Society:
- (1) to attend a number of events as set out on the term notices (subject to exclusions);
  - (2) to charge the purchasing of merchandise, tickets for events and parking permits to Bench Commons.
- 47.6 Bench Commons' bills will be issued retrospectively at the end of each quarter in March, June, September and December and can be paid by direct debit.
- 47.7 Bench Commons may be increased at annual intervals as determined by the Finance Committee.
- 47.8 Bench Commons are not applicable to Academic, Honorary, Overseas, Supernumerary or Royal Benchers.

## 48. SUB-TREASURER

- 48.1 On a vacancy in the office of Sub-Treasurer the Bench shall appoint his successor on the recommendation of the Treasurer and the Executive Committee. Such appointment shall be made at Bench Table and confirmed by Parliament under Order 16.
- 48.2 The Sub-Treasurer shall attend every Parliament and Bench Table and Executive Committee meeting and shall make a minute of the business there transacted. If the Sub-Treasurer is unable to attend, the Sub-Treasurer shall with the consent of the Treasurer arrange for a senior member of the staff of the Society to attend and make a minute.
- 48.3 The Sub-Treasurer may, after consultation with the Treasurer and with the Master of the Bench or the Chairman of the Committee or Sub-Committee responsible for a particular department's activities, engage on behalf of the Society such staff as are necessary to conduct the business of the Society.
- 48.4 The Sub-Treasurer shall supervise the members of the staff of the Society and report to the Treasurer or to the relevant Master of the Bench or Chairman of a Committee or Sub-Committee referred to in the preceding paragraph of this Order any breach by them of their duties.

## **49. EQUAL OPPORTUNITIES**

49. The officers, staff, Masters, Committees, Sub-Committees and Panels of the Society shall, whenever material, comply with or take due account of the Society's Diversity and Equality Policy (Appendix 4) and legislation pertaining to equal rights and diversity.



## **REGULATIONS**

**(MADE BY THE EXECUTIVE COMMITTEE UNDER BENCH TABLE ORDER 46)**

### **INN'S POLICIES**

- 1.1 All aspects of the life and work of the Inn should be undertaken with due regard and adherence to such policies as the Inn may from time to time adopt on matters including:
- Conflicts of Interest (Appendix 2);
  - Anti-Bribery (Appendix 3)
  - Diversity and Equality (Appendix 4);
- 1.2 The Inn's policies are applicable to all members and staff.

### **JUDGES WHO ARE NOT BENCHERS**

- 2.1 Any salaried holder of a judicial office who is a member of the Society and not a Bencher may at the invitation of the Treasurer:
- (1) Dine with the Bench on occasions when students dine in Hall;
  - (2) Lunch at the Benchers' Table in Hall.

### **READER'S ARMS**

- 3.1 The Reader's Arms shall be displayed in Hall at the beginning of Michaelmas term before the Reader takes up office as Treasurer. The date under the Arms shall be the year of office as Reader.

### **GUESTS**

- 4.1 Arrangements shall be made each year by the Treasurer for the invitation, introduction and entertainment of guests on Grand Day, Private Guest Days and other occasions.

## THE SCHEDULE: COMPLAINTS AND DISCIPLINE: STUDENT MEMBERS AND MEMBERS OF THE SOCIETY<sup>1</sup>

### PART 1: COMPLAINTS AGAINST STUDENT MEMBERS

1. This Part of the Schedule applies to a Complaint concerning a student member of the Society in respect of which a reference is made under Order 40.7.
2. The Complaint shall be considered by a Panel consisting of two Governing Benchers nominated for the purpose by the Treasurer, one of whom shall be nominated by the Treasurer as Chairman of the Panel, and at least one of whom shall at the time of nomination be a practising barrister. A third member of the Panel shall be a member of Hall, nominated by the Chairman of the Bar Liaison Committee.
3. On a reference under Order 40.7 the Panel shall first determine whether the Complaint is sufficiently serious to call into question the student's fitness to become a practising barrister. For this purpose:
  - (i) The Panel may make any enquiries and/or require the student to provide such information as it may think fit;
  - (ii) The student shall be given an opportunity to make written and oral representations.
4. If the Panel decides that the Complaint is sufficiently serious to call into question the student's fitness to become a practising barrister, it shall be referred to the Inns' Conduct Committee for determination as provided in Order 40.8.
5. If the Panel decides that the Complaint is not sufficiently serious to call into question the student's fitness to become a practising barrister, it shall proceed to hear and determine the Complaint.

The provisions of Part 3 of the Schedule (other than paragraphs 16 and 20-21) shall apply to the hearing and determination of the Complaint; unless the Panel with the student's consent decides that a summary hearing and determination is appropriate, in which case the Panel shall proceed to determine the complaint without a full hearing, provided

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<sup>1</sup> Amended at Bench Table on 23 January 2020

that (a) it ensures that the student is fully informed of the detailed nature of the complaint and has a proper opportunity to make written and oral representations; and (b) it considers the complaint in accordance with the rules of natural justice.

6. Having considered the Complaint the Panel may:
  - (1) Decide to take no further action; or
  - (2) Dismiss the Complaint; or
  - (3) Advise the student as to future conduct; or
  - (4) Reprimand him; or
  - (5) Suspend him from the use of the facilities of the Inn, or such as it may specify, for such period as it thinks fit.
7. Any suspension of the student shall be reported to Bench Table.
8. Any penalty imposed shall take effect on the date on which the time within which the student may appeal to the Inns' Conduct Committee expires or the date on which any such appeal is finally disposed of.
9. The student shall be notified in writing of the right to appeal to the Inns' Conduct Committee against any decision of the Treasurer or the Panel.

## **PART 2: COMPLAINTS AGAINST MEMBERS OF THE SOCIETY OTHER THAN STUDENT MEMBERS**

1. This Part of the Schedule applies to a Complaint concerning a member of the Society in respect of which a reference is made under Order 42.3.
2. The Complaint shall be considered by a Panel consisting of two Governing Benchers nominated for the purpose by the Treasurer, one of whom shall be nominated by the Treasurer as Chairman of the Panel, and at least one of whom shall at the time of nomination be a practising barrister. A third member of the Panel shall be a member of Hall, nominated by the Chairman of the Bar Liaison Committee.
3. The Panel shall first decide whether the Complaint falls or may fall within the scope of the Complaints Regulations.

4. Where the Panel decides that the Complaint does or may fall within the scope of the Complaints Regulations, it must be referred to the Bar Standards Board and the Inn shall not take any further action in respect of the Complaint unless and until it is referred back to the Inn to deal with. Where the Bar Standards Board subsequently refers the Complaint back to the Inn to deal with, it shall be referred back (at the Treasurer's discretion) either to the original Panel or to a freshly constituted Panel which shall then have jurisdiction to hear and determine the Complaint as a Complaint of Relevant Misconduct.
5. Where the Panel decides that the Complaint does not fall within the Complaints Regulations, it must advise the Treasurer whether there is a case to answer in respect of Relevant Misconduct. Where the Panel advises the Treasurer that there is no case to answer in respect of Relevant Misconduct, the Treasurer shall dismiss the Complaint. Where the Panel advises that there is a case to answer, it shall proceed to hear and determine the Complaint.
6. The provisions of Part 3 of the Schedule shall apply to the proceedings.

### **PART 3: GENERAL PROVISIONS**

1. This Part of the Schedule contains general provisions governing the hearing and determination of a Complaint to which Part 1 or Part 2 of the Schedule applies.

#### **Constitution of the Panel**

2. If at any time before the pronouncement of the sanction the Chairman of the Panel becomes unable to act, the Panel shall be dissolved and the Complaint shall be heard and determined by another Panel constituted in the same manner as the original Panel.
3. If any member of the Panel other than the Chairman becomes unable to act before the commencement of the hearing a replacement shall be nominated to act in his place by the Treasurer or the Chairman of the Bar Liaison Committee as appropriate in accordance with paragraph 1 of Part 1 or paragraph 1 of Part 2 as applicable. If one (but not more than one) such member of the Panel becomes unable to continue to act after the commencement of the hearing;

- (1) The remaining members of the Panel may (having regard to the gravity of the complaint) and, if the member charged so requests, must decide to dissolve the Panel, in which case the Complaint shall be heard and determined by another Panel constituted in the same manner as the original Panel.
  - (2) Subject to (1), the remaining members of the Panel shall be entitled but not obliged to proceed with the hearing, and no objection shall be competent on the ground that the number of members of the Panel is reduced to two. A member of the Panel who has been absent during a sitting shall take no further part in the proceedings.
4. Any objection to any member of the Panel shall be made with written reasons within 14 days after the member of the Society is given written notice of the membership of the Panel. The Treasurer in his sole discretion shall decide whether or not any such objection is well founded.

#### **Preparation and Presentation of Case**

5. The Treasurer shall appoint a member of the Society to formulate the charge or charges and to present the case before the Panel. If at any time before the proceedings are concluded the member so appointed becomes unable to act the Treasurer shall appoint another member of the Society to act in his place.
6. When a member of the Society is to be charged before a Panel he shall be so informed by the Sub-Treasurer as soon as reasonably practicable. He shall be supplied with a copy of the charge or charges and shall be informed that he may deliver a written answer to the Panel. He shall be given reasonable notice in writing in due course of the constitution of the Panel and the time and place at which the Panel proposes to hear the complaint and that he may appear at the hearing and may be represented by any person of his choice, whether a member of the Society or not. He may request the Inn to provide the services of counsel pro bono. He shall also before the date of the hearing be allowed to inspect any documents that are intended to be given in evidence and he shall be given copies of such of those documents as he shall request, together with a copy of a statement of the evidence of every witness intended to be called in support of the charge or charges.
7. If it shall be impracticable to comply with paragraph 6 the Panel may nevertheless proceed to hear and determine the complaint provided that the Panel is satisfied this course will be consistent with the principles of natural justice.

## Procedure

8. The proceedings of the Panel shall be governed by the principles of natural justice, subject to which the Chairman may before or at the hearing give all such directions with regard to the conduct of and procedure at the hearing and with regard to the admission of evidence thereat as he considers necessary for securing that the member charged has a proper opportunity of answering the complaint.
9. The hearing before the Panel shall be in private unless the Chairman at the request of the member charged directs that it shall be held in public.
10. The Panel shall not be bound by any enactment or rule of law relating to the admissibility of evidence in proceedings before any court. A criminal conviction of the member charged, which has not been set aside on appeal or otherwise, shall be conclusive evidence of the commission of the offence in question, as shall be any finding of misconduct by a body exercising a regulatory or disciplinary jurisdiction.
11. If the procedure in paragraph 6 has been complied with, or the Panel is satisfied under paragraph 7 that it may proceed, and the member charged has failed to attend at the time and place appointed for the hearing, the Panel may:
  - (a) proceed to hear and determine the complaint subject to compliance with paragraph 18 in the event of any charge being found proved; or
  - (b) adjourn the hearing with or without making an order suspending the member from the enjoyment of all or any of the rights as a member of the Society, until the adjourned hearing takes place, whereupon paragraphs 6 and 7 shall apply as if the adjourned hearing were an original hearing.
12. The Chairman of the Panel shall take a note of the hearing or cause a note to be taken in such manner as he may direct.
13. The Panel may at any time before or during the hearing direct that the charge or charges shall be amended provided always that:
  - (a) the Panel is satisfied that the member charged cannot be substantially prejudiced in the conduct of his defence by the making of such an amendment; and

- (b) the Panel may, if requested by the member charged, adjourn for such time as it considers necessary, to enable him to meet the charge or charges as so amended.

### **Finding and Sanction**

- 14. At the conclusion of the hearing the finding of the Panel on each charge shall be set down in writing and signed by all the members of the Panel (other than any member who has been unable to act). The Chairman shall then announce the Panel's finding on the charge or charges. If the members of the Panel are not unanimous as to the findings on any charge, the findings to be recorded on that charge shall be that of the majority. If the Panel is reduced to two and does not agree, the Panel shall be dissolved and the Complaint heard and determined by another Panel constituted in the same manner as the original Panel.
- 15. If the Panel shall have found the charge or any of the charges proved, evidence may be given of any previous criminal conviction or finding of professional misconduct against the member charged or finding of misconduct in the course of academic or professional study. After permitting the opportunity for any representations by or on behalf of the member charged to be heard, the Panel shall set down in writing its decision as to sanction. The Chairman shall then announce the Panel's decision as to sanction.

If the members of the Panel are not unanimous as to a sanction, the sanction to be recorded shall be that decided by the majority. If the Panel is reduced to two, the lesser sanction shall apply.

- 16. If the Panel shall have found the charge or any of the charges proved, the Panel may make an order or declaration under one or more of the following heads:
  - (a) order that the member be reprimanded or advised as to his future conduct by the Treasurer;
  - (b) order that the member be suspended from the exercise of all, or such of his rights as a member of the Society as the Panel may specify, for such period as it shall determine;
  - (c) order that the member be deprived of his rights as a member of the Society;
  - (d) declare that the matter complained of merits no action by the Bench.

17. In considering what sanction to apply or decision to make, the Panel shall have regard to any guidelines provided by COIC and the Bar Council for the assistance of Disciplinary Tribunals.

#### **Absence of the Member Charged**

18. If the member charged has not been present throughout the proceedings, the announcement of the decision shall include one of the following two statements:
  - (a) If the procedure in paragraph 6 has been complied with, that the finding and sanction were made in the absence of the member charged;
  - (b) If the procedure in paragraph 6 has not been complied with, that the finding was made and sanction imposed in the absence of the member charged and that he has the right to apply, by notice in writing given to the Sub-Treasurer within fourteen days following notification of the decision, to a further Panel, to be convened for the purpose, to have the finding and/or sanction set aside or varied.

#### **Report of Finding and Sanction**

19. As soon as practicable after the conclusion of the proceedings, the Chairman shall send a report in writing of the finding and, where applicable, the sanction to the Treasurer, and the Sub-Treasurer shall supply a copy of the report to the member.

#### **Appeal**

20. If a sanction is imposed on a member under sub-paragraph (a), (b) or (c) of paragraph 16, the member may give notice in writing to the Sub-Treasurer within twenty-one days following notification of the decision that he appeals against the decision.
21. Where a member has given notice of appeal under paragraph 20 it will be forwarded for hearing before an Appeal Panel constituted in the same manner as the original Panel

#### **Publication of Finding and Sanction**

22. Where one or more charges have been found proved, and a sanction under paragraph 16(a), (b) or (c) has been imposed by the Panel, or on appeal by the Appeal Panel or the Inns' Conduct Committee as appropriate, the Treasurer shall publish the charges found proved and the sentence of the Panel or the Appeal Panel or the Inns' Conduct Committee by screening in the Hall and the Benchers' Rooms and by sending it to the other Inns of Court and the Bar Council, and also to other bodies if the Treasurer shall think fit.



23. In any other case the charges and the sanction or decision shall not be published unless the member so requests.
24. Publication under paragraph 22 of the findings and sanction or decision of the Panel shall not be made before the expiry of the time fixed for giving notice of appeal to the Appeal Panel or the Inns' Conduct Committee as appropriate, and if notice of appeal is given, shall not be made before the appeal has been concluded and the decision of the Appeal Panel or the Inns' Conduct Committee handed down.

### **Costs**

25. (a) Subject to sub-paragraph (c), all costs and expenses incurred by the Society in connection with or preparatory to a hearing before a Panel (including an Appeal Panel) shall be borne by the Society.

(b) The Panel (including an Appeal Panel) shall have discretion to direct that a member of the Society against whom charges have been made and found not proved shall be paid by the Society such sum in respect of the costs and expenses incurred by him in connection with or preparatory to the hearing as the Panel thinks fit.

(c) The Panel (including an Appeal Panel) shall have power, if of the opinion that the member of the Society has acted unreasonably in connection with the proceedings, to direct that the member of the Society, against whom charges have been found proved, shall pay a reasonable contribution to the costs and expenses incurred by the Society in connection with or preparatory to the hearing.

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## A NOTE ON THE CONSTITUTION AND TRUSTEES OF THE INNER TEMPLE

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1. The Inner Temple is an unincorporated charitable association. The full title of the governing body, which constitutes the "charity trustees" within the meaning of Charities Act 1993 s.97(1), is "The Treasurer and Masters of the Bench of the Honourable Society of the Inner Temple". By Letters Patent dated 13 August 1608 King James I granted the land and buildings of the Inner and Middle Temple to the then Treasurers and Masters of the Bench of the two Societies, naming them all individually, to serve for the accommodation and education of the students and practitioners of the law residing in the same Inns for ever (*pro hospitacione & educacione studencium & professorum legum praedictarum in eisdem hospitiiis perpetuis temporibus futuris commorantium deservire*). The land - with the exception of the Church and the Master's House, which are still held by the two Societies jointly - was partitioned between the Inner and Middle Temples by a Deed of Partition dated 2 November 1732, to which the Treasurers and Masters of the Bench of the two Societies were parties: for further details, see the Appendix to the judgement of Sachs LJ. in *Incorporated Council of Law Reporting v A. - G.*, [1972] Ch. 73 at pp. 96-99. In addition to the land, the property of the Society includes investments and money derived mainly from rents, chattels such as the library books, silver and pictures, and a number of benefactors' funds held on special trusts for scholarships or the library.
2. The Constitution of the Society is contained in the Bench Table Orders, which can be altered by a resolution of the Bench Table passed by an appropriate majority. There are currently (2018) about 550 Benchers, including Honorary Benchers, Senior Benchers and Supernumerary Benchers. The functions of the Treasurer and Masters of the Bench as charity trustees have necessarily been devolved in a number of ways:
  - (a) The legal title to the land and investments of the Society, including the investments of special funds such as the benefactors' scholarship funds,

which can only be dealt with by an instrument in writing, is vested in four Governing Benchers known as the Trustees, under BTO 36.

- (b) The legal title to the other assets of the Society which do not require a written instrument for their disposition, such as the library books, silver and pictures, remains vested in the Bench as a whole, and they can be dealt with by a resolution of the Bench Table.
  - (c) The business of the Society is transacted in Parliament (for certain important matters specified in BTO 16.1) or in Bench Table (BTO 17) or in the appropriate committee or sub-committee. Most of the decisions relating to the investment and expenditure of the Society's general funds, the letting of chambers and the allocation of scholarships are made by the appropriate committee or sub-committee rather than by the Bench Table as a whole.
3. The relationship between the four Trustees and the decision-making bodies of the Society is similar to that which exists between a custodian trustee and the managing trustees under Public Trustee Act 1906 s.4(2), or between the trustees of an unincorporated association such as a members' club and the committee or the general meeting of the association. As in the case of custodian or other holding trustees whose function is to hold property on behalf of a larger decision-making body, the Trustees do not have independent management duties to perform: their duty is to deal with the assets vested in them in accordance with the decisions of the Bench.
  4. Where the Bench has entrusted the making of decisions to a committee of the Bench, the Trustees must give effect to the decisions of the committee, provided they are satisfied that those decisions have been properly reached and are within the powers of the committee. Thus the grant of tenancies of professional or residential chambers is a matter for the Estates Committee (BTO 22), and if the Trustees are satisfied that a lease or tenancy agreement which they are asked to execute gives effect to a decision of the Estates Committee, they are bound to execute it. It is not part of their responsibility to consider whether the terms on which the tenancy is granted are the best terms that could have been obtained.

They should, however, verify that the decision of the Committee has been properly made, and for this purpose a copy of the relevant Committee minute or other evidence should be produced to them.

5. Formal instruments such as chambers leases need to be executed by all four Trustees. It is sometimes difficult to obtain their execution within a reasonable time, for example when one or more of the Trustees is out of London or abroad. Since the Trustees are not in general exercising discretions of their own, but are giving effect to decisions made by the Bench Table or the Executive Committee or other organs of the Society, BTO 36.4 authorises them to delegate their functions to a limited extent; and the current trustees have executed a power of attorney which enables the Sub-Treasurer to execute deeds and other instruments as attorney for up to two of them, provided that at least two of the Trustees execute them in person, and that he and they are satisfied that the absent Trustee or Trustees are unable to execute them within a reasonable time. BTO 36.5 similarly authorises the Trustees to delegate to two of their number the power of dealing with the investments of the Society in conjunction with the Collector.
  
6. The funds held on special trusts connected with the Society include funds given by members of the Society to provide named scholarships or prizes, which are administered together as one charity under the name of The Inner Temple Benefactors' Scholarship Fund, pursuant to a Scheme made by the Charity Commissioners on 14 August 1995, and the income of which is applied in accordance with the decisions of the Scholarships Committee; the Pegasus Scholarship Trust, which is administered by a Council of Management established under a Trust Deed dated 30 March 1988; the Marshall Hall Trust, established under the Will of Sir Edward Marshall Hall with separate trustees and a separate committee, to provide for the relief of such members of the Society as may be in need of pecuniary assistance from time to time; The Honourable Society of The Inner Temple Pension and Life Assurance Scheme, established for the benefit of employees of the Society by a Trust Deed dated 30 March 1988, also with separate trustees; and a small number of trust funds established for purposes connected with the Library and other charitable purposes.

## CONFLICT OF INTEREST POLICY

### SECTION 1: PURPOSE OF THIS POLICY

1. As charity trustees, the Treasurer and Masters of the Bench (collectively “the Benchers”) of the Honourable Society of the Inner Temple (“the Inn”) have a legal duty to act only in the best interests of the Inn, and must not put themselves in any position where their duties as trustees may conflict with any personal interest they may have. The purpose of this conflict of interest policy (“the Policy”) is to provide guidance on the definition of a conflict of interest; and to explain how the Benchers and others should deal with such a conflict. Although each Benchers has a personal responsibility to comply with this Policy, it shall be the responsibility of the Treasurer to monitor and enforce the Policy. This Policy also applies to members of Inn committees who are not Benchers, as well as to officers of the Inn when discharging responsibilities on behalf of the Inn.
  
2. This paragraph summarises the structure of the Inn and the conduct of its affairs, to serve as a brief context for the Policy. The Inn is an unincorporated charitable association. The full title of the governing body, which constitutes the "charity trustees" within the meaning of Charities Act 1993 s.97(1), is "The Treasurer and Masters of the Bench of the Honourable Society of the Inner Temple". The affairs of the Inn are conducted by or under the authority of the Masters of the Bench with the assistance of other members of the Inn as provided in Bench Table Orders. Subject to the directions of the Bench, the Executive Committee is responsible for determining the financial and other policies of the Inn. The legal title to the land and investments of the Inn is vested in four Governing Benchers known as the Trustees, under BTO 36. The legal title to the other assets of the Inn which do not require a written instrument for their disposition, such as the library books, silver and pictures, remains vested in the Bench as a whole, and they can be dealt with by a resolution of the Bench Table. The business of the Inn is transacted in Parliament (for certain important matters specified in BTO 14.1) or in Bench Table (BTO15) or in the appropriate committee or sub-committee. Most of the decisions relating to the investment and expenditure of the Inn's general funds, the letting of chambers and the allocation of scholarships are made by the appropriate committee or sub-committee rather than by the Bench Table as a whole.

## SECTION 2: PERSONS AFFECTED BY THIS POLICY

3. Although this Policy is primarily directed to the Benchers, it also affects other members of the Inn who are involved in the governance of the Inn, for example as committee members, and the Inn's staff. The Benchers should ensure that the Policy is applied in such a way that conflicts of interest that may affect other members of the Inn and its staff are dealt with in accordance with the Policy. Accordingly, where appropriate, references below to "Bencher" should be understood as references to other members of the Inn who are involved in its governance and the Inn's staff.

## SECTION 3: DEFINITION OF A CONFLICT OF INTEREST

4. A conflict of interest is any situation in which a Bencher's personal interests or loyalties might, viewed objectively, prevent them from making a decision only in the best interests of the Inn.
5. Examples of potential conflicts of interest are:
  - (a) where a Bencher or a person connected with the Bencher (for example a family member, friend or business acquaintance) has a significant financial or other interest in an organisation with which the Inn proposes to do business;
  - (b) where a Bencher or a person connected with the Bencher would receive a personal benefit as a result of a transaction into which the Inn proposes to enter;
  - (c) where a Bencher or a person connected with the Bencher has a conflict of duty or loyalty concerning the Inn.
6. It should be emphasised that these examples are illustrative, and not exhaustive. They should be applied sensibly and reasonably. By way of further example:
  - (a) If the Inn is proposing to change its telecoms supplier to BT, and one of the Benchers owns 25 shares in BT, that involvement would not be a conflict of interest, because the shareholding is so small that its value would not be affected by the transaction. Conversely, if the Bencher owned 100,000 shares, there might be a conflict.
  - (b) If the Bencher is a director of BT, the decision to change suppliers to BT would almost certainly involve a conflict of interest. This might also be the case if the Bencher had been a director of BT within (say) the previous 5 years.

#### SECTION 4: ACTION IN THE EVENT OF A POSSIBLE CONFLICT OF INTEREST

7. It shall be the continuing personal responsibility of the Benchers to scrutinise their transactions and outside business interests and relationships for potential conflicts, and to make any disclosures where their interests might lead to a conflict in any given situation concerning the Inn.
8. Disclosure in such a case must be made to the Treasurer or, if absent, the Reader or the chairman of the appropriate committee. The Treasurer or alternate shall make a ruling as to whether a conflict of interest exists, and if so whether that conflict should be dealt with by:
  - (a) the disclosing Bencher withdrawing from discussion and approval of the transaction; or
  - (b) the Benchers adopting another course of action to avoid the conflict arising.
9. It would be good practice for the agenda for any meeting to pose a preliminary question whether any Bencher envisages any conflict of interest arising as a result of any agenda item. This should not substitute for the duty of the Benchers to keep the Policy under scrutiny, but may serve to remind the Benchers of the Policy.

#### SECTION 5: RECORD KEEPING

10. The Charity Commission recommends that formal records should be kept by charity trustees of any conflicts of interest and how they were handled. Given the limited size and scope of the Inn, it is considered that a proportionate method of dealing with this will be for such matters to be recorded in the minutes of any meeting where a conflict is disclosed. If a conflict is disclosed other than during the course of a minuted meeting, it shall be referred to in the minutes of the next meeting.

#### SECTION 6: OTHER RELEVANT MATTERS

11. Given the particular circumstances, purposes and size of the Inn, it is not considered that the Benchers are likely to be placed in circumstances where other difficulties are likely to arise. Nevertheless, Benchers are asked to be familiar with the following additional rules, in accordance with Charity Commission guidance.
12. First, Benchers cannot receive a benefit from the Inn (aside from proper out of pocket expenses), whether directly or indirectly, unless they have an adequate legal authority

to do so. A relevant example would be where a Bencher receives payment for work at the Inn's trading company (if one is formed).

13. Secondly, it is recommended by the Charity Commission that trustees establish a register to record all their other interests openly, in order to provide for easier identification of any actual or potential conflicts of interest. This recommendation would be onerous in the circumstances of the Inn, and will not be followed.
14. This Policy is designed to be straightforward and easy to implement. It should be reviewed on a regular basis to assess whether it remains fit for purpose.

14 April 2015



## INNER TEMPLE ANTI-BRIBERY POLICY

1. The Honourable Society of the Inner Temple ("Inner Temple" and "the Inn") is an Inn of Court. It is an unincorporated association with over 8,000 qualified members, including Judges, Barristers (both practising and non-practising), Pupils and Students. The Inn plays a central role in the recruitment and training of students, their Call, as well as in the training and continued professional development of established barristers; it (together with the other Inns of Court) holds the exclusive right to call candidates to practise law at the Bar of England and Wales; and it is the employer of approximately 65 staff.
2. Bribery is a criminal offence and the Inner Temple is committed to a Policy that the Inn does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.

### Bribery

3. Is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
4. It is a criminal offence to:
  - a. Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
  - b. Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
  - c. Accept payment from a third party that you know or suspect is offered or paid with the expectation that it will obtain a business advantage for them;
  - d. Accept a gift or hospitality from a third party if you know or suspect that it is offered or paid with an expectation that a business advantage will be provided by the Inn in return.

5. It is unacceptable to:
  - a. Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this Policy;
  - b. Engage in activity in breach of this Policy.

#### **Objective of this Policy**

6. This Policy provides a coherent and consistent framework to enable the Inn's Governing Benchers, committee members and employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable Governing Benchers, committee members and employees to identify and effectively report a potential breach.
7. We require that all Governing Benchers, committee members and employees of the Inn, including temporary or agency staff and volunteers:
  - a. Act honestly and with integrity at all times and safeguard the Inn's resources for which they are responsible;
  - b. Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Inn operates, in respect of the lawful and responsible conduct of activities.

#### **Scope of this Policy**

8. This Policy applies to all of the Inn's activities. For suppliers and related organisations, we will seek to promote the adoption of policies consistent with the principles set out in this Policy.
9. The responsibility to control the risk of bribery occurring resides at all levels and in all committees and departments.

#### **The Inn's commitment to action**

10. The Inn commits to:
  - a. Setting out a clear anti-bribery policy and keeping it up to date;

- b. Making all Governing Benchers, committee members and employees aware of their responsibilities to adhere to this Policy at all times;
- c. Training all relevant officers and employees so that they can recognise and avoid the use of bribery by themselves and others;
- d. Encouraging its Governing Benchers, committee members and employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- e. Thoroughly investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
- f. Taking action against any individual involved in bribery;
- g. Providing information to all Governing Benchers, committee members and employees to report breaches and suspected breaches of this Policy;

### **Gifts and hospitality**

- 11. Sample tokens of modest value bearing the name or insignia of the organisation giving them (for example, pens, diaries or calendars) whether given personally, or received in the post, may be retained unless they could be regarded as an inducement or reward.
- 12. Gifts and hospitality are not prohibited under the Bribery Act. Genuine hospitality or similar business expenditure that is reasonable and proportionate will not be caught by the Act, so you can continue to provide and receive bona fide hospitality. In the same way, ordinary, reasonable gratuities paid to or received by catering staff are not prohibited. You can continue to provide tickets to sporting events, take clients to dinner, offer gifts to clients as a reflection of your good relations, or pay for reasonable travel expenses in order to demonstrate goods or services to clients if that is reasonable and proportionate for our business, and vice versa.
- 13. However, any gifts or hospitality that give someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so are bribes. This could cover

seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender process.

#### **Benchers', Committee Members' and Staff responsibilities**

14. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those Benchers and committee members involved in the governance and management of the Inn and of those working for the Inn or under its control. This includes Benchers, committee members and employees who are involved, in their capacity with the Inn, in:
  - a. Any function of a public nature;
  - b. Any activity connected with the Inn as a business;
  - c. Any activity performed in the course of a person's employment by the Inn;
  - d. Any activity performed by or on behalf of a body of persons (whether corporate or unincorporate).
15. A person performing the function or activity is expected to perform it in good faith.
16. All Governing Benchers, committee members and staff are required to avoid activity that breaches this Policy.
17. You must:
  - a. Ensure that you read, understand and comply with this Policy;
  - b. Raise concerns as soon as possible if you believe or suspect that a conflict with this Policy has occurred, or may occur in the future;
  - c. As well as the possibility of civil and criminal prosecution, staff that breach this Policy will face disciplinary action, which could result in summary dismissal for gross misconduct.

## 18. Raising a concern

- a. This Inn is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every Governing Benchers, committee member and member of staff to know how they can raise concerns.
- b. We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, you are expected to report it in accordance with the Policy.
- c. Under the Public Interest Disclosure Act 1999, protection is given to those making certain “qualifying disclosures” in good faith and not for personal gain. A qualifying disclosure is any information, which in the reasonable opinion of the worker, shows a relevant failure. Relevant failures include:
  - i. That a criminal offence has been committed or is likely to be committed;
  - ii. That a miscarriage of justice has occurred, is occurring or is likely to occur;
  - iii. That someone has failed, is failing or is likely to fail to comply with a legal obligation to which they are subject;
- d. There are multiple channels to help you raise concerns. Members and staff should contact whomever they feel is most appropriate and able to take action. In most circumstances, we would expect this to be the Treasurer or Sub-Treasurer, any member of the Finance Sub-Committee or any Head of Department.
- e. There may however be circumstances where it is appropriate to raise concerns externally with a relevant professional body, regulatory organisation or the police for example. This course of action may be appropriate if the employee reasonably believes that if they make a disclosure to someone within the Inner Temple, they will be subject to a detriment, or that the evidence will be concealed or destroyed, or they have previously made a similar disclosure without action.

- f. You should not raise concerns publicly, e.g. with the media or using social media like Twitter, Facebook, blogs or chatrooms.
- g. Concerns may be raised anonymously and we welcome any information provided in this way. A full and prompt investigation may be easier if information is provided by named individuals but this is not mandatory. In the event that an incident of bribery, corruption or wrongdoing is reported, we will take the information seriously, investigate the allegations and take action on what we find.
- h. There will be no victimisation, harassment or bullying as a result of a disclosure made under this Policy. We are committed to ensuring that nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or as a result of reporting a concern in good faith.
- i. Governing Benchers, committee members and staff who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing could be worried about potential repercussions. The Inn encourages openness and will support anyone who raises a genuine concern in good faith under this Policy, even if the allegations turn out to be mistaken.

If you have any questions about these procedures, please contact the Sub-Treasurer or the Collector.

## Appendix 1

### The Bribery Act 2010

There are four key offences under the Act:

- Bribery of another person (Section 1)
- Accepting a bribe (Section 2)
- Bribing a foreign official (Section 6)
- Failing to prevent bribery (Section 7)

The Bribery Act 2010 ([http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100023\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1)) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to, receive or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

### Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000, or to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

Employees will face disciplinary action if there is evidence that employees have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

### **Adequate procedures**

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focussed, allowing for the different circumstances of organisations.

Small organisations will, for example, face different challenges to those faced by large multinational enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

### **Proportionate procedures**

An organisation's procedures to prevent bribery by persons associated with it need to be proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities.

They should be clear, practical, accessible, effectively implemented and enforced, and guided by the following principles:

### **Top level commitment**

The top-level management (be it a board of directors, the owners or any other equivalent body or person) must be committed to preventing bribery by persons associated with it. They should foster a culture within the organisation in which bribery is never acceptable.

### **Risk assessment**

The organisation needs to assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment should be periodic, informed and documented. It should include not only financial risks but also other risks such as reputational damage.



### **Due diligence**

The organisation should apply due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

### **Communication (including training)**

The organisation should seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

### **Monitoring and review**

The organisation should monitor and review procedures designed to prevent bribery by persons associated with it and make improvements where necessary.

The Inner Temple is committed to the implementation of these principles.

## INNER TEMPLE DIVERSITY & EQUALITY POLICY

1. The Honourable Society of the Inner Temple ("Inner Temple" and "the Inn") is an Inn of Court. It is an unincorporated association with over 8,000 qualified members, including Judges, Barristers (both practising and non-practising), Pupils and Students. The Inn plays a central role in the recruitment and training of student barristers, as well as in the training and continued professional development of established barristers; it (together with the other Inns of Court) holds the exclusive right to call candidates to practise law at the Bar of England and Wales; and it is the employer of approximately 65 staff.
2. Inner Temple is committed to a policy of fairness and equality of opportunity. The Inn's aim is to promote diversity, inclusion and equality of opportunity for all individuals, regardless of sex, marital status, race, colour, nationality, ethnic or national origins, sexual orientation, disability, religion or belief, age and social background, in relation to the performance of all its functions and roles. Diversity involves recognising and respecting individual differences and treating people according to their individual needs. It includes visible and non-visible differences. Equality of opportunity involves the creation of an organisation where employment and membership decisions are made by reference to sound, objective criteria and are based on merit, personal skill and ability, and potential contribution.
3. In each of its roles, the Inn is covered by anti-discrimination legislation which protects employees, members and service users against discrimination on the grounds of age, disability, gender, race, religion or belief and sexual orientation. Those categories are referred to in this Policy as 'the prohibited grounds'.
4. This Policy applies to all members and staff in all parts of Inner Temple and at all levels of the organisation. It applies to all Inn functions, including recruitment and selection, training, commercial functions, pay and conditions of employment for staff, discipline and termination of employment or membership. It also applies to those who apply for employment or appointment.
5. In adopting this Policy, the Inn does not intend to confer or limit any legal rights or expectations, whether contractual or otherwise. This Policy may be withdrawn or amended at any time.

## PRINCIPLES

### General

6. Every member and employee of Inner Temple is responsible for upholding the Inn's commitment to this Policy. Ultimate responsibility for the operation of this Policy rests with the Sub-Treasurer and the Executive Committee of the Governing Benchers.
7. All members and employees involved in the employment and management of staff are responsible for ensuring that this Policy is consistently and fairly applied within their respective areas of responsibility.
8. All members and employees of the Inn are required to observe and apply this Policy when carrying out functions and activities on behalf of the Inn, including:
  - Policy decision-making by Committees
  - recruitment of students
  - Admissions
  - Provision of scholarships and awards
  - Allocation of student mentors
  - Education and training
  - Call to the Bar
  - Dealing with complaints and discipline
  - Appointment to membership of committees
  - Election to the Bench
  - Allocation of professional and residential accommodation
  - Arrangements for dining
  - Provisions of facilities such as the use of the Library, Garden, Car Park and Rooms for functions

### Harassment

9. Harassment is unwanted and unsolicited conduct falling within any of the prohibited grounds which is personally offensive to the recipient and therefore fails to respect the rights and dignity of others. The effect of the unwanted behaviour on the person who claims to have been harassed will be an important factor to be taken into account, whether or not the behaviour was intended to be harmful. Harassment may consist of a single act or a series of acts.

## Implementing the Policy

10. Inner Temple will provide committee members and employees with the knowledge, skills and confidence that they need to implement and promote equality and diversity in their work. The Inn will endeavour to ensure that the principles of equality and diversity are embedded, as appropriate, into training and development. The effectiveness of training and development programmes on equality and diversity will be reviewed to ensure that they meet the needs of members and employees.
11. The Inn will assess the impact of its strategies, policies, procedures and functions, to ensure that they do not have an unjustifiable adverse impact on equality and diversity.
12. In order to review the effectiveness of this Policy and to progress the promotion of diversity, the Inn monitors its staff and members in areas such as age, disability, ethnicity, gender, and religion or belief and sexual orientation, to ensure that there is no unlawful discrimination. The data in that regard is held according to data protection legislation.

## Monitoring

13. The Inn will monitor the effectiveness of this Policy by collecting monitoring data to measure its progress and judge its effectiveness on a regular basis. In particular, the Inn will, as appropriate, monitor:
  - the age, ethnicity, disability, gender, religion or belief and sexual orientation composition of its membership and workforce at different levels;
  - for each major selection exercise it undertakes, the age, ethnicity, gender, disability, religion or belief and sexual orientation of all applicants, short-listed applicants and successful applicants;
  - the age, ethnicity, gender, disability, religion or belief and sexual orientation of all applicants for promotion;
  - The number and outcome of complaints of discrimination made by staff, members, and third parties; disciplinary action (if any) taken against employees or members, by the age, ethnicity, gender, disability, religion or belief and sexual orientation.
14. The Inn will take reasonable steps to collect monitoring data in respect of staff, selection exercises and in respect of Benchers. Statistical summaries of monitoring

data (which do not identify individuals) will (so far as reasonably practicable) be compiled, in order to review equality objectives as identified above, and considered by the Executive Committee and/or the Diversity & Inclusivity Panel on a reasonably regular basis.

15. Where under-representation is identified in the monitoring data the Inn will consider steps to address such under-representation.

## **MEMBERS ACTING ON BEHALF OF THE INN**

### **Taking action against Discrimination**

16. Inner Temple will support an individual who is subjected to unacceptable or unlawful discrimination arising out of or in connection with the activities of the Inner Temple. If an individual is unable to resolve informally a problem concerning discrimination or harassment, a formal grievance can be raised with the Sub-Treasurer.
17. If, when acting on the Inn's behalf, a member encounters what he or she reasonably believes to be an act of discrimination on prohibited grounds, committed by any other member or employee, it is the duty of the member holding that belief to report it to the Treasurer, Master of Equality and Diversity, or the Head of Treasury Office as soon as reasonably practicable.
18. If a member suffers intimidation, victimisation or discrimination for making a complaint of discrimination, filing a grievance or assisting another to do so, or in an investigation, disciplinary action may be taken against the alleged perpetrator.
19. The Inn's Education and Training Department is available to assist students, and the Bar Council's Equality & Diversity Advisers have a confidential help-line on 020 7611 1321.
20. Failure to comply with and/or breach of this Policy may, in an appropriate case, be regarded as inappropriate behaviour or serious misconduct within the meaning of Bench Table Order 40 and 42 and could result in disciplinary action being taken in accordance with Bench Table Orders 40, 42 and 43, and the Schedule.
21. Members who make bona fide complaints that are not upheld will be protected so far as is reasonably practicable from victimisation of any kind.

## Education & Training and Outreach

22. In addition to the general principles stated above:

- The Inn will take active steps to reach out to a broad range of schools and higher education institutions, to try to ensure that its student intake is drawn from as wide a pool as is reasonably practicable;
- There will be no discrimination in the provision of education and training facilities and services by the Inn or in the procedures adopted by the Inn for the approval of Pupil Supervisors;
- The Inn will provide training for those who become Pupil Supervisors, including training in relation to this Policy;
- The Inn will have regard to the diverse needs of its student and member population in the arrangements (for example, as to place and timing) that it makes for education and training and will seek to avoid or minimise any adverse impact of such arrangements on any particular group;
- The Inn will seek, so far as is reasonably practicable, to ensure that its facilities and services are accessible to all users. In particular, reasonable adjustments will be made in that regard to enable access by disabled users to the Library, Rooms for training and other functions, the Garden and the Car Park.

23. In addition to the general principles stated above:

- The Inn will encourage suitable members from as broad a range of practice and Chambers as is reasonably practicable to become student mentors. Student mentors and advocacy trainers will receive guidance and/or training in relation to this Policy.

## Scholarships

24. In addition to the general principles stated above:

- The Inn will take all reasonably practicable steps to ensure that the assessment of candidates by reference to published criteria for scholarships and awards is fair, objective and free from discrimination on any of the prohibited grounds identified in this Policy. The Inn will make reasonable adjustments in that regard for any candidate requiring such an adjustment by reason of a disability;
- The Inn will use a standard application form, in preference to curriculum vitae, for scholarships and awards, to ensure that all relevant information is presented to selectors in a standard form and to assist in making fair comparisons between candidates;

- The Inn will ensure, wherever reasonably practicable, that more than one person will be involved in any short-listing process adopted for interviews and in interviewing candidates for scholarships and awards;
- The Inn will identify and publish the criteria that it uses for selection for scholarships and awards;
- The Inn will ensure that the criteria adopted are reasonable and appropriate in relation to the award of scholarships and awards, having regard to the Inn's objectives in making those scholarships and awards, and that the assessment of candidates is made against its published criteria at each stage of the process;
- Those involved in selection for scholarships and awards will, so far as is reasonably practicable, receive guidance and/or training on best practice in selection and interviewing and in relation to this Policy;
- Interviews will be structured so that (so far as is reasonably practicable) the same broad areas are covered in questions to all candidates;
- Written records will be made of the decision taken at the short-listing and interviewing stages in respect of each candidate. Those records will be retained for at least 12 months;
- Candidates will be asked to complete monitoring forms, to enable the Inn to review the selection process by reference to reliable statistics. Those forms will be detached from the application form and will play no part in the selection process;
- The Inn will monitor the results of each selection process and the records in that regard will be retained for 12 months. Where there are significant discrepancies between proportions of applicants from a particular group and proportions of successful candidates from that group, the process will be reviewed with a view to addressing the observed discrepancy and ensuring that any inappropriate barriers to selection are removed.

### Hall & Dining Facilities

25. In addition to the general principles stated above:

- The Inn will have regard to the diverse needs (including specific dietary requirements) of its student and member population in the Hall and Dining facilities that it provides;
- The Inn will seek, so far as is reasonably practicable, to ensure that its Hall and Dining facilities are accessible to all users.

## PROVISION OF SERVICES

26. The Inn will take steps to meet the different needs of those who use its services and facilities (including but not limited to the library and the car-park and other premises) and will not unlawfully discriminate on any of the prohibited grounds.
27. In addition, where necessary and appropriate, the Inn will seek to provide services which meet specific needs and requests arising from a person's ethnic or cultural background, gender, disability, caring responsibilities, religion or belief, sexual orientation or any other relevant factor.
28. All of those who act on the Inn's behalf will be informed of this Policy and will be expected to pay due regard to it when providing services or conducting business on the Inn's behalf.
29. In all of its dealings (including those with suppliers, contractors and recruitment agencies) the Inn will seek to promote the principles of equality and diversity. The Inn will make all reasonable efforts to reflect its commitment to this Policy in its marketing and communication activities.

## EMPLOYMENT

### Taking action against Discrimination

30. Inner Temple will support an individual employee who is subject to unacceptable or unlawful discrimination. If an individual employee is unable to resolve informally a problem concerning discrimination or harassment, a formal grievance can be raised in accordance with the Employee Grievance Policy.
31. If an employee suffers intimidation, victimisation or discrimination for making a complaint of discrimination, filing a grievance or assisting another to do so, or in an investigation, disciplinary action may be taken against the alleged perpetrator.
32. Breach of this Policy may result in disciplinary action being taken, which could result in dismissal.
33. Employees who make bona fide complaints that are not upheld will be protected so far as is reasonably practicable from victimisation of any kind.



## Recruitment

34. The Inn employs a broad spectrum of staff, across a range of activities, requiring different qualifications and experience. The aim of the Inn is to select the best individual for each position and in order to achieve that objective the following guidance applies in relation to recruitment:

- The Inn will recruit from the widest pool of qualified candidates reasonably practicable;
- The Inn will ensure that employment opportunities are open and accessible to all on the basis of individual qualities and personal merit;
- Assessment of candidates for vacancies within the Inn will be fair, objective and free from discrimination on any of the prohibited grounds identified in this Policy, and reasonable adjustments will be made for any candidate requiring such an adjustment by reason of a disability;
- All vacancies, but not internal promotions, will be advertised internally and externally and the Inn will have regard to the encouragement of applications from groups which are under-represented within the Inn in deciding where and how it advertises;
- All advertisements will include a reference to this Policy and to the Inn's preparedness to make reasonable adjustments for candidates with disabilities;
- Where recruitment agencies are used, this Policy will be included within the instructions to any such agency;
- Application forms will be used in preference to curriculum vitae;
- All jobs within the Inn will have a job description and person specification; the job description will identify (at least) the job purpose, primary responsibilities and key activities; the person specification will identify (at least) the knowledge, skills and other abilities required; each time a vacancy occurs, the job description and person specification will be reviewed to ensure that it is up-to-date;
- Selection panels (consisting of two or more people) will be responsible for drawing up objective selection criteria based on the job description and person specification for the vacancy concerned; these will be applied consistently throughout the process and advertised in so far as is reasonably practicable;
- Those members and employees involved in selection will receive guidance and/or training on best practice in selection and interviewing, and in relation to this Policy;

- Interviews will be structured so that, as far as is reasonably practicable, the same broad areas are covered in questions to all candidates and all questions will relate to the selection criteria for the vacancy;
- Written records will be made of decisions taken at the short-listing and interviewing stages in respect of each candidate, and those records will be retained for at least 12 months;
- Where references are sought, a standard form will be used in so far as is reasonably practicable; alternatively, referees will be directed as to the selection criteria applicable to the vacancy and as to the information required from them;
- Candidates for appointment will be asked to complete monitoring forms, to enable the Inn to review the selection process by reference to reliable statistics, and those forms will be detached from the application form and will play no part in the selection process;
- The Inn will monitor the results of each selection process and the records in this regard will be retained for 12 months.

#### **Training, Promotion and other terms and conditions during employment**

35. The Inn recognises and respects individual differences and treats employees according to their individual needs. Employment decisions will be made by reference to sound, objective criteria and based on merit, personal skill and ability, and potential contribution. The object is to create a working environment that is free from unlawful discrimination and harassment and which respects the diverse backgrounds and beliefs of employees.
36. Terms and conditions of service for employees will comply with anti-discrimination legislation. The provision of benefits such as pay, working hours, maternity and other leave arrangements, and performance appraisal systems, dress code, bonus schemes where applicable and any other conditions of employment will not unlawfully discriminate against any employee on any prohibited ground.
37. Where appropriate and necessary, the Inn will endeavour to provide appropriate facilities and conditions of service to take account of the specific needs of employees arising from their ethnic or cultural background, gender, disability, caring responsibilities, religion or belief, or sexual orientation.

38. All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. Support for groups which are under-represented within the Inn may be provided to encourage such groups to take up training and career development opportunities, but recruitment or promotion to all jobs will be based solely on merit, skill and potential contribution.
39. Promotion will be determined without reference to any prohibited ground and decisions in that regard will be based on merit, personal skill and ability, and potential contribution.

### **Grievance and Discipline**

40. Employees of the Inn may raise any complaint relating to their employment with the Inn in accordance with the provisions of the Employee Grievance Policy.
41. All employees of the Inn are subject to the provisions of the Inn's disciplinary policy.
42. All employees of the Inn will, at the commencement of their employment, be provided with a copy of the Employee Grievance Policy and the disciplinary policy. Copies of these policies will also be obtainable from the Collector's department.

## CRITERIA FOR THE ELECTION OF BENCHERS

### 1. The Inn's Requirements for Benchers

The primary function of the Inn is the provision of first class training in advocacy and other professional skills for its students and young practitioners and of high quality continuing education for its more experienced barrister members. The Inn needs a sizeable pool of Benchers who possess the appropriate skills and commitment to assist in planning, devising and delivering training and continuing education both in London and on the circuits.

The Inn also undertakes a full programme of work designed to encourage and facilitate entry to the Bar by persons from a diverse range of backgrounds and cultures. This work includes the implementation of a Schools Project, the organisation of events such as debating workshops, open days, dinners for university students and schemes such as the Mentoring Scheme for students and the forging of links with schools, colleges, university academics and BPTC providers. In addition, the Inn provides scholarships and other awards of varying value to students who would not otherwise have the means to enter the profession. Benchers play a large part in the planning and execution of these activities.

In addition, Benchers with appropriate skills and interests are required to direct and/or support the Inn's full-time staff in a range of tasks, including:

- The provision and allocation of scholarships and other funding to assist students wishing to go to the Bar;
- The management of the Inn's assets, including its finances;
- The operation of the Inn's library and archives;
- The commercial use of the Inn's facilities for private, corporate and other events and for other purposes such as filming;
- The maintenance, upkeep and improvement of the Inn's historic buildings and gardens;
- The discharge of the Inn's responsibilities as a commercial and residential landlord and as an employer;
- The planning and organisation of the day-to-day activities of the Inn and of its musical and ecclesiastical life;

## 2. Types of Benchers

Generally, new Benchers are elected as **Barrister Governing Benchers** and it is the primary task of the Bencher Nomination Committee to assess candidates proposed by existing Benchers to determine whether they meet the criteria for election. Thereafter, suitable candidates are put forward for election by a ballot of the Benchers or direct election in accordance with BTO 5.

There are however other categories of Benchers who can be elected, particularly Judicial, Overseas, Academic and Honorary Benchers together with “Other Governing Benchers”.

Many **Judicial Governing Benchers** are Barrister Governing Benchers who have subsequently been appointed. Additionally a member of the Inn appointed to the High Court Bench who is not a Governing Bencher will usually be elected as a Judicial Governing Bencher following his/her appointment. (An exception may be where the member is a Governing Bencher of another Inn).

In addition, a limited number of Circuit Judges are elected in a manner analogous to that of Barrister Governing Benchers; proposal by existing Benchers, nomination by the Bencher Nomination Committee and then by a vote at Bench Table. There is no fixed number of Judicial Governing Benchers.

**Other Governing Benchers** are members of the Inn who have achieved distinction in areas of professional/political/public life outside of the law. They are also proposed and then elected in the same way as Judicial Governing Benchers. The category also applies Barrister or Judicial Governing Benchers who have retired.

**Academic Benchers** may be, but need not be, members of the Inn who have achieved high standing as an academic. Academic Benchers are also proposed and then elected in the same way as Judicial Governing Benchers.

**Overseas Benchers** are members of the Inn who have achieved high legal or public distinction in their home jurisdiction. They are proposed and then elected in the same way as Judicial Governing Benchers.

**Honorary Benchers** come from a wide variety of professional backgrounds and distinctions – many of whom provide valuable service to the Inn because of the specialist advice which

they can give. The Treasurer may propose three candidates for consideration by the Benchers Nomination Committee and election by Bench Table. Governing Benchers are welcome to submit nominations.

### **3. Criteria for Election as Governing and Academic Benchers**

The Benchers Nomination Committee has drawn up criteria to assist in deciding which candidates should be nominated for consideration for election as Barrister, Judicial and Academic Benchers.

#### **Barrister Governing Benchers**

A candidate qualifies for selection as a Barrister Governing Benchers if he/she has shown ability and distinction in his/her profession.

In addition, when selecting candidates to become Barrister Governing Benchers, the Committee shall have regard to the following:

- (a) Any specific need(s) that the Inn may have at that time for Benchers who possess the skills and interests necessary to perform one or more of its functions;
- (b) The extent to which the candidate appears to possess skills and interests required by the Inn either generally or in relation to any specific need(s) identified under (a) above;
- (c) The extent to which the candidate has demonstrated a strong likelihood that, as a Barrister Governing Benchers, he or she will make a positive contribution to the affairs of the Inn;
- (d) The extent to which the candidate has taken, or is taking, any significant part in the affairs of the Inn or, more generally in the affairs of the legal profession, whether on the Bar Council, on circuit, in a specialist Bar association or otherwise.

As to (c), a strong likelihood that a candidate will make a positive contribution to the affairs of the Inn is best evidenced by previous participation in the affairs of the Inn or of the legal profession. However, it is recognised that, on occasion, circumstances may have prevented the candidate from such previous participation. In such cases, the Committee will take the candidate's particular circumstances fully into account and will look for evidence of a real intention on the part of the candidate, if elected, to play an active part in the Inn's affairs.

### **Judicial Governing Benchers**

A candidate from the Circuit Bench or the holder of another judicial office qualifies for selection as a Judicial Governing Bencher if he/she has shown ability and distinction in practice and/or in judicial office.

In addition, when selecting candidates to become Judicial Governing Benchers, the Committee shall have regard to the following:

- (a) Any specific need(s) that the Inn may have at that time for Benchers who possess the skills and interests necessary to perform one or more of its functions;
- (b) The extent to which the candidate appears to possess skills and interests required by the Inn either generally or in relation to any specific need(s) identified under (a) above;
- (c) The extent to which the candidate has demonstrated a strong likelihood that, as a Judicial Governing Bencher, he or she will make a positive contribution to the affairs of the Inn;
- (d) The extent to which the candidate has taken, or is taking, any significant part in the affairs of the Inn or, more generally, in the affairs of the legal profession or the Judicial College.

As to (c), a strong likelihood that a candidate will make a positive contribution to the affairs of the Inn is best evidenced by previous participation in the affairs of the Inn or of the legal profession. However, it is recognised that, on occasion, circumstances may have prevented the candidate from such previous participation. In such cases, the Committee will take the candidate's particular circumstances fully into account and will look for evidence of a real intention on the part of the candidate, if elected, to play an active part in the Inn's affairs.

### **Academic Benchers**

The Inn seeks to form stronger links with higher education institutions across the UK and internationally by recognising academics of outstanding ability and distinction and, in doing so, produce an even stronger academic ethos to the Inn.

A candidate qualifies for selection as an Academic Bencher if he/she has shown outstanding ability and distinction as an academic. A candidate may come from any academic discipline but his/her work must contribute to the study of law and to the education of future legal

practitioners. An Academic Benchers should be prepared to contribute positively to the work and ethos of the Inn.

In addition, when selecting candidates for Academic Benchers, the Committee shall have, inter alia, regard to the following:

- (a) Any specific need(s) that the Inn may have at that time for Benchers who possess the skills and interests necessary to perform one or more of its functions;
- (b) The extent to which the candidate appears to possess skills and interests required by the Inn either generally or in relation to any specific need(s) identified under (a) above;
- (c) The extent to which the candidate has demonstrated a strong likelihood that, as an Academic Benchers, he or she will make a positive contribution to the affairs of the Inn;
- (d) The extent to which the candidate has taken, or is taking, any significant part in the affairs of the Inn or, more generally, in the affairs of the legal profession.

As to (c), a strong likelihood that a candidate will make a positive contribution to the affairs of the Inn is best evidenced by previous participation in the affairs of the Inn or of the legal profession. However, it is recognised that, on occasion, circumstances may have prevented the candidate from such previous participation. In such cases, the Committee will take the candidate's particular circumstances fully into account and will look for evidence of a real intention on the part of the candidate, if elected, to play an active part in the Inn's affairs.





THE HONOURABLE SOCIETY OF  
THE INNER TEMPLE

## CONSTITUTION OF THE BAR LIAISON COMMITTEE

### A. CONSTITUTION AND INTRODUCTORY ARTICLES

#### Constitution of the Bar Liaison Committee

1. There shall be constituted a committee called “the Bar Liaison Committee”.
2. The Committee shall consist of members of Hall, whether in practice as self-employed or employed barristers.

#### General Interpretation

3. In this constitution–
  - “additional members” means members appointed under articles 5, 36 and 37;
  - “the Committee” means the committee established under article 1;
  - “co-opted members” means members appointed under articles 34 and 35;
  - “elected members” means members appointed under articles 31 to 33;
  - “the Inn” means the Honourable Society of the Inner Temple;
  - “members of the Committee” means all elected members, co-opted members and additional members;
  - “members of Hall” means members of the Inn who have been called to the Bar but are not Masters of the Bench of the Inn;
  - “Sub-Treasurer” means the Sub-Treasurer of the Inn or any member of staff of the Inn to whom the Sub-Treasurer has delegated functions under this constitution;
  - “in writing” includes by email or other electronic methods of communication.

### Members of the Committee

4. The Committee shall have no more than twenty-nine elected and co-opted members, of whom–
  - (1) up to seventeen shall be elected by members of Hall; and
  - (2) the remainder shall be co-opted by the Committee.
5. The following are appointed additional members of the Committee–
  - (1) the Bar Auditors, *ex officio*, for their duration of their appointment;
  - (2) the Yearbook Editor, *ex officio*, for the duration of their appointment;
  - (3) the President of the Inn's Junior Bar Association, *ex officio*, for the duration of their appointment;
  - (4) A representative nominated by each Circuit, *ex officio*, for the duration of their nomination; and
  - (5) Such further additional members as may be appointed under articles 36 and 37.

### Advertisement of Membership

6. A list of the names and professional addresses of the members of the Committee must be made available to be viewed by members of the Inn on the Inn's website.

## B. FUNCTIONS AND RESPONSIBILITIES

### Functions of the Committee

7. The functions of the Committee are–
  - (1) to ascertain the views of the members of Hall on matters concerning the Inn and its administration;
  - (2) to represent those views to the Masters of the Bench;
  - (3) to obtain information and views on matters concerning the Inn and its administration from the Masters of the Bench and from the staff of the Inn;
  - (4) to pass that information and those views on to members of Hall; and
  - (5) to promote the interests of the Inn and of the members of Hall.

### Chair and Vice-Chair of the Committee

8. The Committee shall elect a Chair of the Committee and a Vice-Chair of the Committee at its first meeting following elections to the Committee, and thereafter at any time when either or both of these positions are vacant.
9. The Chair of the Committee (or, in their absence, the Vice-Chair of the Committee) shall preside at meetings; if both are absent, the members of the Committee present shall appoint one of their number to preside at that meeting.

10. The Chair and the Vice-Chair must be either–
  - (1) an elected member
  - (2) a co-opted member, or
  - (3) appointed as an additional member under article 36 (appointment of former member for sake of continuity).
11. The Committee shall invite the outgoing Chair of the Committee to preside at the first meeting after elections to the Committee to oversee the election of the new Chair (whether or not the Chair has been elected or co-opted to the new Committee), and may otherwise regulate its own procedure for the election of a Chair.

#### Committee Nominations

12. For the purposes of fulfilling its functions, the Committee must nominate–
  - (1) three members of the Committee to attend each of the following Bench Committees–
    - (a) the Executive Committee,
    - (b) the Estates Committee,
    - (c) the Library Committee,
    - (d) the Scholarships Committee, and
    - (e) the Education and Training Committee;
  - (2) at least one member of the Committee to attend each of the following Bench Committees–
    - (a) the Student Societies Sub-Committee,
    - (b) the International Committee, and
    - (c) the Advocacy Training Committee;
  - (3) one Bar Auditor to attend the Investment Committee;
  - (4) both Bar Auditors to attend the Finance Committee; and
  - (5) such further members to attend any Bench Committees or Sub Committees or to assist any Masters of the Bench as the Committee may from time to time be asked to arrange.
13. These nominations continue to have effect notwithstanding any election under article 23 until such time as fresh nominations are made by the new Committee.

#### Requirement to hold Meetings

14. The Committee must meet as often as the Committee deem necessary or desirable and must meet at least once each term of the legal year; the quorum of the Committee is six members of the Committee.

### Administration of Meetings

15. The Head of Treasury Office (or another member of the Inn's staff appointed by the Sub-Treasurer) shall act as Secretary to the Committee.
16. The Secretary to the Committee must attend at meetings of the Committee and take minutes, or cause minutes to be taken, of each meeting.
17. The Secretary to the Committee must, no later than 6pm on the business day before each meeting–
  - (1) prepare and circulate an agenda for the meeting;
  - (2) circulate any papers available at that time relating to the business of the meeting;
  - (3) circulate the minutes of the previous meeting; and
  - (4) invite any members who are unable to attend the meeting to send their apologies.

### Responsibilities of Members of the Committee

18. Each member of the Committee must–
  - (1) attend meetings of the Committee;
  - (2) send apologies to the Secretary to the Committee, if they are unable to attend a meeting;
  - (3) keep up to date with the Inn's activities and facilities;
  - (4) keep up to date with all current topics of interest relating to the Inn or of concern to the Bar;
  - (5) discuss with and seek the views of members of hall on topics of interest relating to the Inn or of concern to the Bar; and
  - (6) inform the Committee of such views.

### Responsibilities of Committee Nominees

19. Each member of the Committee nominated to attend a Bench Committee must–
  - (1) attend meetings of the Bench Committee;
  - (2) abide by such rules, requirements or other conditions of attendance as members or officers of the Bench Committee may impose;
  - (3) ensure that they are properly informed as to the work of the Bench Committee;
  - (4) make themselves available to play a full part in the work of that Bench Committee;
  - (5) keep up to date with all current topics of interest relating to the work of the Bench Committee;
  - (6) discuss with and seek the views of members of hall on topics of interest relating to the work of the Bench Committee;
  - (7) inform the Bench Committee of such views;
  - (8) inform the Committee of any work of the Bench Committee relevant to members of hall; and

- (9) must continue to attend the Bench Committee following their resignation or retirement from the Committee, until the Committee nominates a replacement.

20. Each member of the Committee nominated to assist a Master of the Bench must-

- (1) attend any meetings arranged by the Master for that purpose;
- (2) carry out such tasks as may be agreed with the Master;
- (3) keep up to date with all current topics of interest relating to the role of the Master;
- (4) discuss with and seek the views of members of hall on topics of interest relating to the role of the Master;
- (5) inform the Master of such views;
- (6) inform the Committee of any work of the Master relevant to members of hall;  
and
- (7) must continue in this role following their resignation or retirement from the Committee, until the Committee nominates a replacement.

#### Attendance at Meetings

- 21. The Sub-Treasurer must be invited to each meeting of the Committee to report on matters relevant to the Committee.
- 22. Meetings may be also attended by–
  - (1) Masters of the Bench who are members of the Executive Committee, and
  - (2) any other person if, in the opinion of the Chair, the Sub-Treasurer or the Secretary to the Committee, it is desirable that that person should attend.

### C. APPOINTMENT BY ELECTION

#### Timing and Administration of Elections

- 23. An election must be held every three years in the Michaelmas term.
- 24. The Sub-Treasurer must act as returning officer in the election.
- 25. The Sub-Treasurer must provide the facility for members of hall to vote electronically in the election.
- 26. Each member of hall may cast up to seventeen votes, but no more than one vote for any candidate.
- 27. The Sub-Treasurer may make rules regulating the conduct and administration of the election and may take any steps deemed necessary to ensure the election leads to the appointment of elected members in accordance with this constitution.

#### Nomination for Election

- 28. The Sub-Treasurer must prepare a list of the members of hall who are nominated for election.

29. A member of hall must be nominated for election in writing by no fewer than six other members of hall and must notify the Sub-Treasurer in writing of their willingness to stand for election.
30. A member of hall is not eligible for nomination for election if they have been elected to the Committee in both of the two immediately preceding elections.

#### Result of Election

31. If fewer than seventeen members of hall are nominated for election, there shall be no election and the members of hall nominated for election shall be appointed the elected members.
32. When an election takes place, the Sub-Treasurer must appoint as the elected members the seventeen members of hall nominated for election who receive the greatest number of votes.
33. In the event that a member of the Hall appointed to the Committee resigns or retires in the six months following the election, the member of Hall nominated for election with the greatest number of votes who is not at that time an elected member shall be appointed as an elected member.

#### D. APPOINTMENT OTHER THAN BY ELECTION

##### Appointment by Co-option

34. As soon as is reasonably practicable following the appointment of elected members under article 31 or 32, or in the event of any resignation or retirement from the Committee, the Committee must co-opt such further members as it deems desirable to carry out its work, provided that the total of elected and co-opted members of the Committee does not exceed twenty-nine.
35. When co-opting members, the Committee must ensure that:
  - (1) there is at least one member of the Committee who is (or who was at the time of their election or co-option) an employed barrister;
  - (2) there is at least one member of the Committee, in addition to the President of the Junior Bar Association, who is (or who was at the time of their election or co-option) under seven years' call;
  - (3) there are sufficient members of the Committee to carry out the work of the Committee effectively; and
  - (4) the members of the Committee fully represent the interests of the whole spectrum of the members of hall.

##### Appointment of Further Additional Members

36. Former members of the Committee may be appointed as additional members for a term of one year by the Committee if, in the opinion of the Committee, it is desirable to appoint those members.

37. If the Committee is of the opinion that it is necessary to increase the number of members of the Committee in order to fulfill the functions of the Committee or to comply with any requirement under this constitution, the Committee may appoint further additional members for such periods as it may determine.

#### E. RESIGNATION AND RETIREMENT

##### Resignation at Any Time

38. A member of the Committee may resign membership of the Committee at any time by giving notice in writing, or verbally at a meeting, to the Chair.

##### Retirement

39. If any member of the Committee without good reason regularly fails to attend meetings of the Committee, or to assist the work of any Bench Committee or Master of the Bench as has been allocated to them, the Chair shall enquire whether the member is willing and able to continue on the Committee, and may thereafter propose at the next meeting of the Committee a resolution that the member be deemed to have retired from the Committee.
40. If any member of the Committee ceases to be a member of hall, that member shall be deemed to have retired.

#### F. AMENDMENT

41. The Committee may amend this constitution by a two-thirds majority vote of the members of the whole Committee.

November 1984

As amended December 1996

As amended December 2000

As amended October 2017