

**THE INSTITUTE OF
BARRISTERS' CLERKS**

**RULES
THE INSTITUTE OF BARRISTERS' CLERKS**

INTERPRETATION

1. In these Rules, unless the context otherwise requires:

The "Management Committee" is formed of both elected and co-opted members of the IBC; and the "Executive Committee" shall mean the Committee comprising the Chair, the Vice-Chair, the Treasurer, the Vice-Treasurer, the Common Law Secretary, the Chancery Secretary, the Education Secretary, and the Criminal/Crime Secretary, also and otherwise known as Officers of the IBC and as constituted by these Rules.

Reference to "Member" or "Members" in these Rules shall mean all Members other than Honorary Members of The Institute unless otherwise stated.

NAME

2. The name shall be The Institute of Barristers' Clerks and known as the IBC

OBJECTS

- 3.(i) The main objectives of the IBC are for the advancement, education and guidance required for the proper performance by members of the IBC as they undertake their duties as barristers' clerks/practice managers/chambers' administration staff; and the maintenance and improvement of standards within the profession.

- (ii) In addition to the main objectives at 3 (i) above, the IBC has the further following secondary objectives:

- (a) to guide its members, through discussion and practical experience, on matters of

professional interest.

- (b) to educate its members, whether in general or legal matters; to provide assistance in enabling them to become proficient in the profession; , and to offer the opportunity to become a qualified member of the IBC.
- (c) to provide further education courses relevant to the management of barristers' practices.
- (d) to maintain the highest standards through its own Code of Conduct and that of the Bar.
- (e) to encourage and facilitate good working relations amongst its members; between its members and the Bar; and with members of other professions.
- (f) to ensure that its members are kept up to date with changes to practice directions across all divisions of the court and any information which may be relevant to the management of counsel's practice and/or chambers' business development

MEMBERSHIP

4A Membership of the IBC shall be confined to:

- (i) barristers' clerks; practice managers; chambers' administration staff or anybody involved in the running of chambers' business
- (ii) Honorary Members who have been Barrister Clerks and are former members of the IBC but who are now retired from the profession;

4B(i) Applications for Membership can be made using the application form on the IBC website www.ibc.org.uk, all applications will be referred to the Management Committee for consideration and are subject to approval by the Management Committee

(ii) Applications for qualified membership should be made to the Education Sub-Committee and

must be supported by a Proposer and Secunder who are fully paid up qualified members of the IBC.

The criteria for application for qualified membership is:

- (a) Associate Members who have completed five years in a set of Chambers and who have attained a minimum of 5 GCSEs grades A – C or equivalent, two of which should be English Language and Mathematics and who have taken and passed The IBC B/TEC Course.
- (b) Associate Members who hold higher qualifications than B/TEC (e.g. Degree, MBA) or have professional qualifications (e.g. solicitor, accountant) and who have completed five years in a set of Chambers.

The Education Sub-Committee will verify the qualification(s) and will, if satisfied under the rules, award qualification. In the event of any doubt or dispute the matter may be referred to the Management Committee.

The Management Committee shall have power to accept or reject any Membership Application without giving any reason thereto.

4C. The following categories of Membership of the IBC shall apply, namely:

- (i) *Qualified Members*, which category shall be limited to:
 - (a) Existing qualified Members at the date of the coming into force of these Rules;
 - (b) Associate Members who have attained the Qualifications as set by the IBC under Rules 4B (a) and (b).
 - (c) An Associate Member, who has not obtained a B/TEC qualification or higher, having been an Associate Member and Clerk for 10 years or more may apply

to the Management Committee for qualified status.

Such application must be supported by a Proposer and Secunder who are both qualified members of the IBC.

- (ii) *Associate Members*, which category shall be limited to:
 - (a) barristers' clerks/practice managers/chambers' administration staff who do not yet qualify as Qualified Members or are existing Associate Members of the IBC at the date of the coming into force of these Rules;
- (iii) *International Associate Members*, which category shall be limited to those working in other jurisdictions who qualify under clause 4A (i) or (ii) and shall be without voting rights.
- (iv) *Honorary Members*, which category shall be limited to Members who on retirement from chambers shall elect to become an Honorary Member without subscription or voting rights.

SUBSCRIPTIONS

5. The Annual Subscription shall be payable either by direct payment or bank transfer on 28th January each year.
 - (i) The AGM shall determine the annual subscription fees for all members to cover subscriptions to the next renewal date.
 - ii) Where a Member ceases to be employed as a barrister's clerk/practice manager but, in the opinion of the Management Committee is genuinely seeking re-employment as such, their membership shall not lapse but be permitted to continue for such period as the Management Committee may determine.

- (iii) Any member taking a career break may seek to have their membership held over until such time as they return to chambers; their annual subscription will not fall due until the January following their return
- (iv) Any member in the category of Senior Clerk of fifteen years standing suffering from financial hardship may apply to the Executive Committee for a reduction/suspension of their annual subscription.

FAILURE TO PAY SUBSCRIPTIONS

- 6. If any Member fails to pay their appropriate Annual Subscription by the date of the first AGM after 28th January (save as in 5 (b) above) , notice shall be given to the member via email allowing them 14 days to make the payment or to provide reasons for non-payment. If the member fails to respond, then their IBC membership will be terminated with immediate effect.

REGISTRATION OF MEMBERS

- 7A. A Register of Members shall be kept. The information will include only the member's name, current employing Chambers and email address. The Register shall include the names and professional addresses of the Heads of Chambers of such Members.
- 7B. In line with GDPR Requirements, the Data Controller for the information held on the Register will be the Chair of the IBC (on behalf of the IBC) and the Data Processor will be the Administrator of the IBC (on behalf of the IBC). This information will be accessible only by the Executive Committee Members and the Administrator of the IBC

MANAGEMENT

- 8A. The Management of the IBC shall be entrusted to the Executive Committee
- 8B. The Executive Committee will also form part of the Management Committee; which should be constituted as follows:
 - (i) Eight Senior Clerks/Senior Practice Managers from London sets

- (ii) Five Senior Clerks/Senior Practice Managers from regional sets
- (iii) Four London clerks
- (iv) co-opted members appointed as appropriate

SUB-COMMITTEES

9A At the first meeting of the Management Committee after the Annual General Meeting the composition of the following Sub-Committees shall be agreed:

- (i) Education;
- (ii) Chambers and Social;
- (iii) Etiquette and Discipline;
- (iv) Remuneration and Terms of Work.
- (v) Ethics Committee
- (vi) Legal Services Committee
- (vii) Equality, Diversity and Wellbeing
- (viii) International Business Development Strategy Group
- (ix) Bar Council Civil Public Panel
- (x) Career Development Committee

The Orders of Reference and Delegation of Duties to these Sub-Committees are annexed to these Rules as Appendix "A".

9B The Chair will appoint a Chair to each Sub-Committee.

9C Each member of the Management Committee is required to take an active role either in one of the IBC committees or as an IBC representative on a Bar Council Committee.

EXECUTIVE COMMITTEE

10. The Chairperson may convene a meeting of the Executive Committee at any time and shall report such meetings to the next meeting of the Management Committee. Five Members to form a quorum.

COMMITTEE EXPENSES

11. It is recognised that from time to time that Officers and Management Committee members of the Institute may incur expenses in the discharge of their responsibilities. The general expectation is that individuals will carry their own expenses save for where provided in the Institute's rules at Annexe C

ELECTION OF OFFICERS AND MANAGEMENT COMMITTEE

- 12.(i) The Office of Chair shall be limited to a tenure of three consecutive years. At the end of three years, the outgoing Chair shall not be eligible for re-election
- (ii) Any Member wishing to become an Officer or Committee Member of the IBC must have their application proposed by an existing member of the Management Committee and be seconded. Notice of such proposal, together with the consent of the candidate to act, if elected, shall be sent to the Chancery Secretary not less than fourteen days before the Annual General Meeting at which the election of Officers and Management Committee will take place.
- (iii) if a post is contested a ballot will be issued to the members by email seven days prior to the AGM

PRESIDENT, LIFE PRESIDENTS AND VICE PRESIDENTS

- 13A (i) The IBC may either at the Annual General Meeting or in General Meeting appoint a Life President(s), a President plus a maximum of twelve Vice Presidents (each of whom must satisfy the Terms of Membership @ 4A(i), who may be a former Chair of the IBC or a member appointed to be a Vice President in recognition of outstanding service to the IBC. In the latter circumstance, the member must be nominated and proposed by a member of the Executive Committee and approved by the Management Committee.
- (ii) Vice-Presidents who cease to satisfy or who do not satisfy the IBC Terms of Membership @ 4A(i) shall be appointed automatically Vice President Emeritus for life
- (iii) Such Life President, President, Vice President and each Vice President Emeritus shall have no voting rights at Committee Meetings.

- (iv) Whilst continuing as fully paid-up members such Life President, President, Vice President and any Vice President Emeritus on the recommendation of the Management Committee may be appointed Honorary Members of the IBC with no voting rights.
- 13B
- (i) Upon the next appointment (as of March AGM 2023) the President shall be limited to a tenure of three consecutive years. At the end of three years, the outgoing President shall not be eligible for re-election. On retiring from that office the President will then become a Life President.
 - (ii) The President will be elected at the Annual General Meeting on the recommendation of the Executive Committee with the approval of the Management Committee or in the same way at a General Meeting.
 - (iii) Vice Presidents will also be elected at the Annual General Meeting on the recommendation of the Executive Committee with the approval of the Management Committee or in the same way at a General Meeting.
 - (iv) For those appointed to the position of President and Vice President they will be expected to act as ambassadors to the IBC and continue to actively promote the IBC when requested to do so by the Chair of the IBC.
 - (v) Any member of the Management Committee who is elected as Vice President shall stand down from the Management Committee immediately upon appointment
 - (vi) The President and Vice Presidents must have served either as an Officer or as a Chair of a Sub-Committee for a period of three years; or be nominated in recognition of outstanding service to the IBC

- (vii) Such Life President, President, Vice President and Vice President Emeritus shall have no voting rights at Committee Meetings and may only attend management committee meetings at the request of the Chair
- (viii) Any President who leaves the profession in the term of their office shall stand down from that office either at the next Annual General Meeting or within 12 months (whichever event is the sooner) and will, per 13B(i) above, become Life President.

MEETINGS OF THE MANAGEMENT COMMITTEE

- 14.(i) The Management Committee shall meet regularly on the second Tuesday in each month (unless representatives are informed to the contrary) at such times and places as the Management Committee may determine, and be presided over by the Chair, or in their absence the Vice Chair, or such other member of the Executive Committee as nominated by the Chair or Vice-Chair. Minutes of the proceedings of the Management Committee shall be kept and signed by the Chair.
- (ii) Each member of the Management Committee is required to attend a minimum of 8 Management Committee meetings per year. Should a member not attend 8 meetings, the matter will be put before the Executive Committee for consideration. In the absence of an acceptable reason for not attending 8 meetings, the member may be removed from the Management Committee.
- (iii) In the case of equality of votes the Chair shall have a second or casting vote.

POWERS OF THE EXECUTIVE AND MANAGEMENT COMMITTEE

15A. The Executive Committee shall have power:

- (i) To refer to the Disciplinary Sub-Committee any complaint which is made to the IBC by an employer, or by any other person, of the conduct of a member. Such complaint shall be referred without discussion and before any action is taken to investigate the

complaint and shall be dealt with in accordance with the Disciplinary Rules and Regulations as set out at Appendix B of the Code of Conduct

- (ii) To appoint an Officer of The Institute to sign any documents on behalf of The Institute as may be necessary in the opinion of the Management Committee.
- (iii) To consider all questions arising from or connected with the Rules of the IBC
- (iv) To keep under review the administrative machinery and accommodation needs of the IBC
- (v) To consider all matters not specifically covered by the Orders of Reference to other Sub-Committees and to recommend variations to the Orders of Reference as situations demand.
- (vi) To advertise for, interview and appoint an Administrator for the IBC in the event that the position becomes vacant

15B. The Management Committee shall have power:

- (i) To carry into effect the objectives for which the IBC is constituted.
- (ii) To consider and advise on any matter(s) affecting the interests of its members.
- (iii) To elect one or more of its members to represent the IBC before or upon any other body.
- (iv) to consider all matters relating to the IBC's membership, including admission to the IBC, subscription and category of membership; the Rules; Secretariat and accommodation.
- (v) To consider, report and recommend to the Management Committee and/or Executive Committee: upon the acceptance into membership or otherwise of applicants seeking

admission to the IBC; the setting of levels of subscription; and the placing of candidates for admission to the IBC in the correct category of membership under the Rules.

- (iv) In the name of the IBC to promote or participate in the promotion or otherwise of any scheme with the object of raising funds for the IBC
- (v) To provide such amenities as may be possible for the benefit of members.
- (vi) To co-opt any Member of the IBC to serve on the Management Committee or on any Sub-Committee as they may think fit. Such co-opted members shall have the same powers in all respects as are conferred on elected Members of the Management Committee.

ANNUAL GENERAL MEETING

16. Notice of the Annual General Meeting will be given by the Chancery Secretary at least twenty-one days before the meeting and sent to every Member and Honorary Member at his registered address, stating the place and time at which it is to be held. The Annual General Meeting of the IBC shall be held in such place as may be determined by the Committee, in the month of March, in every year for the following purposes:

- (i) To receive a report and statement of accounts for the preceding year.
- (ii) To elect the Officers and Members of the Management Committee for the ensuing year in accordance with the foregoing Rules.
- (iii) To determine the annual subscription for the ensuing year.
- (iv) To consider any notice of motion or report appearing on the Agenda for the meeting.
- (v) To consider any proposal or matter or transact any other business of which at least fourteen days' notice in writing (before the AGM) shall have been given to the

Chancery Secretary by a Member. The Chair shall preside at the Annual General Meeting, or the Vice Chair, in the Chair's absence. Voting upon any resolution other than the election of Officers, shall be decided on a show of hands. No matters can be voted on unless the prescribed notice above has been given. However, this notice may be waived in urgent and exceptional circumstances and where the Executive Committee agree to include the matter in "any other business".

EXTRAORDINARY GENERAL MEETING

17. (a) The Chair or four Members of the Management Committee or the Management Committee shall at the written request of not less than ten Members, convene an Extraordinary General Meeting of The IBC. Any request for an Extraordinary General Meeting must state the objects of the meeting and must be signed by those making it.
- (b) The Chair may also request an Extraordinary General Meeting to be convened, in exceptional circumstances and with the agreement of 3 members of the Executive Committee

NOTICE OF GENERAL MEETINGS

18. The Chancery Secretary shall give at least twenty-one days' notice before any General Meeting and send to every Member and Honorary Member a notice of such meeting, stating the time and place at which it is to be held and the proposed agenda. Any proposal or resolution to be raised at a General Meeting must be lodged with the Chancery Secretary at least fourteen days before the General Meeting. No matters can be voted on unless the prescribed notice above has been given. However, this notice may be waived in urgent and exceptional circumstances and where the Executive Committee agree to include the matter in "any other business".

19. ABSENCE OF THE CHAIR

- (a) in the event that the Chair is temporarily unable to fulfil their IBC functions, the Vice Chair shall assume the role of Acting Chair

- (b) in the event that the Chair becomes permanently unable to continue in the role, before the end of the three year term, the Executive Committee will offer the role to the Vice Chair
- (c) If the Vice Chair does not wish to accept the position of Chair, then the matter of finding suitable candidates for the role shall fall to the Management Committee, under the guidance of the Executive Committee

RULES

- 19. These Rules may not be altered except at an Annual General Meeting or an Extraordinary General Meeting called for that purpose.

APPENDIX "A"

ORDERS OF REFERENCE AND DELEGATION OF DUTIES FOR SUB-COMMITTEES

(A) Education Sub-Committee

General reference:

All matters related to the education, recruitment and similar matters which may affect members of the IBC. To consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon all questions affecting the education of Members.
- (b) Upon the promotion and arrangement of educational courses for members of the IBC; to oversee the education and examination of Associate Members. To advise upon the level of attainment necessary to achieve Qualified Membership.
- (c) Upon all matters relating to the function of a Clerk and any legislation relevant to Members.
- (d) Upon matters regarding action with the General Council of the Bar upon all matters referred to above.
- (e) Award Qualified Membership.

(B) Chambers and Social Sub-Committee

General reference:

To organise IBC social events e.g. the bi-annual Ball and the Annual Dinner

(C) Disciplinary Sub-Committee

General reference:

All matters relating to the maintenance of high standards of professional conduct by Members of the IBC; and the general observance of the Code of Conduct by all members

Subject to the rules of this sub-committee to consider, report and recommend to the Management Committee and/or Executive Committee:

- (a) Upon any matters relating to the professional behaviour and discipline of barristers' clerks
- (b) Upon matters of complaint against any barrister's clerk referred by the Executive Committee and in line with the Disciplinary Committee Rules and Regulations as set out at Annex B of the Code of Conduct
- (c) Upon any question of professional conduct for barristers' clerks or of the Bar generally.
- (d) Upon all matters arising upon the appointment of new "Silks" and arrangements generally of pupillage at the Bar including participation in joint action with the General Council of the Bar.

(D) Remuneration and Terms of Work Sub-Committee

General reference:

All matters relating to the level of fees; the collection of fees; issues relating to Legal Aid fees; Contractual Terms of Work

To consider, report and recommend to the Management Committee and/or Executive Committee.

- (a) To provide information and updates on any suggested changes to matters relating to Counsel's fees
- b to monitor any amendments to proposed changes in the levels of Legal Aid fees, with particular reference to criminal and family work
- (c) to offer guidance to members of the IBC upon matters related to remuneration of barristers' clerks, including the holding of discussions with all relevant bodies.
- (d) to monitor the status of all current versions of the Contractual Terms of Work and advise the Management Committee of any updates or proposed changes which will affect Counsel or the payment of Counsel's fees

(E) Ethics Sub-Committee

General reference:

To attend meetings for the Bar Council Ethics Committee and report back to the Management Committee any changes in the rules and guidance governing practice as a Barrister

(F) Legal Services Sub-Committee

General Reference:

To attend meetings of the Bar Council Legal Services Committee and report back to the Management Committee on any matters affecting the administration of justice, rights of audience for people other than barristers and other matters affecting the interests of the Bar.

(G) Equality, Diversity and Wellbeing Sub-Committee

General reference:

To promote and enhance equality and diversity within the profession; and to support the promotion of Wellbeing

This sub-committee includes the following initiatives:

Access to Clerking

COCo

Wellbeing at the Bar

Mentoring Scheme

The aim of this committee is to promote equality and diversity within the profession by:

- (a) Ensuring that there is adequate training provision for members in relation to E&D;
- (b) Monitoring the diversity of the IBC and its members by sending an anonymised annual survey requesting information in relation to, amongst other things, gender, race, religion and sexual orientation;
- (c) Maintaining the functionality of the sub-groups within this sub-committee and providing support where needed;
- (d) Representing the IBC where appropriate at career fairs
- (e) Representing the IBC on relevant Equality and Diversity and Wellbeing Committees of the Bar Council/BSB, as invited
- (f) Promoting Equality and Diversity both within the profession and outside the profession at all times
- (g) Reporting to the Management Committee in any changes in law affecting Equality and Diversity in the workplace; and on any guidance on the same provided by either the Bar Council or the Bar Standards Board

(H) International Business Development Strategy Group

General Reference:

To attend meetings of the Bar Council's International Committee and report back to the

Management Committee on any plans or projects proposed by the Bar Council with the aim of improving and strengthening ties between the Bar and its international counterparts

[I] Bar Council Civil Public Panel

General reference:

To regularly attend meetings of the Bar Council Remuneration Committee's Civil Public Panel and to keep the IBC and its members updated with any changes or proposed changes to the Legal Aid system and particularly with regard to LASPO Act 2012

[J] Career Development Committee

General Reference:

To support the training, education and social wellbeing of those members of the IBC with less than 15 years' experience

- (a) to identify issues within clerking which relate to and affect clerks of less than 15 years' experience
- (b) to represent those members on the Management Committee and bring forward any issues raised by those members
- (c) in liaison with the Education Committee, to identify areas in which training would be helpful and to arrange the same
- (d) to organise social events for those members, specifically under the CDC banner, with the aim of one event per term

[K] Social Media and IT

General Reference:

To promote the work of the IBC via LinkedIn and Twitter

- (a) to monitor the IBC's social media offering, in conjunction with the Administrator, by ensuring that all notification of talks and events are publicised on all forms of social

media on which the IBC has a presence

APPENDIX "B"

RULES RELATING TO ELECTIONS

- (1) the Chancery Secretary shall advise the Chair of positions vacant in advance of advertising the agenda for the AGM
- (2) The Chancery Secretary shall then prepare a notice of candidates for each position; members will then have a time-limited opportunity to contest any of the positions or raise any concerns

APPENDIX "C"

RULES RELATING TO COMMITTEE EXPENSES

1) MANAGEMENT COMMITTEE MEETINGS

Should the Executive Committee deem it preferable for the regional committee representatives to attend any Management Committee meeting being held in London, then the IBC will cover the regional representatives' reasonable expenses, incurred to allow their attendance.

2A CHANGE OF CHAIR OF THE IBC

On the completion of a least two years in office, the IBC will host a dinner of thanks for the Chair, to which the following may be invited:

- i. The Life President

- ii. The President of the Institute
- iii. Vice-Presidents
- iv. The Officers of the Institute
- v. Members of the Management Committee of over twelve years' experience who have served during the relevant term of office
- vi. Members of the Management Committee of up to twelve years' experience who have served during the relevant term of office
- vii. The Administrator
- viii. the out-going Chair
- ix. Up to four guests identified by the outgoing Chair

2B The cost of this event is to be recovered on a per capita basis from those who confirm their attendance, save for:

- (i) the cost for those attendees who fall into category A (vi) above shall be subsidised by the IBC to the amount of 50%
- (ii) the cost of attendees who fall into categories A (vii), (viii) and (ix) shall be paid for by the IBC
- (iii) such exercise of discretion that the Treasurer may, in all circumstances, deem appropriate

ANNUAL CONFERENCE COMMITTEE

3. It is recognised that organising the Annual Conference requires a lot of effort and commitment from a small group of individuals, which benefits IBC members and which also brings revenue to the IBC itself. As a gesture of thanks from the members of the IBC, the organising committee are invited to arrange a dinner at a time and a place to suit them and, subject to confirmation from the Treasurer in advance, will be subsidised by the IBC to the maximum sum of:

- (i) an average of £75 per head; or
- (ii) £500 overall, subject to not exceeding the average figure in (i) above

The figures in (i) and (ii) above shall be index-linked to March 2019

BIENNIAL BALL COMMITTEE

4. As with the Annual Conference, the Executive Committee recognises that a lot of time and effort goes into organising the Biennial Ball and, as a gesture of thanks from the members of the IBC, would like to invite the organising committee to arrange a dinner at a time and place to suit them and, subject to confirmation from the Treasurer in advance, will subsidise the dinner to the maximum sum of:

- (i) an average of £60 per head; or
- (ii) £400 overall, subject to not exceeding the average figure in (i) above
- (iii) The profit from the Annual Ball, if this is less than the figures in (i) and (ii) above

The figures in (i) and (ii) above shall be index-linked to March 2019

EXECUTIVE COMMITTEE

5. It is anticipated that the Executive Committee shall meet from time to time in order to discuss matters of significance to the IBC. Save for travelling expenses (to be cleared with the Treasurer in advance) such costs as may be incurred by these meetings shall not be recoverable.

SUB-COMMITTEE/EVENT EXPENSES

6. Save where a budget has been specifically set by the Executive Committee, the Chair of each sub-committee must, *in advance of* any event related to the sub-committee, speak to the Treasurer and secure a budget for that event.

INCIDENTAL EXPENSES

7. Any incidental expenses not covered by points 1 – 6 above will only be refundable if cleared by the Treasurer in advance.

RECORD OF EXPENSES

8. A record of expenses paid out of the account will be kept by the Treasurer and the Administrator and will be available to view at any time