

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Legal Complaints and Regulation Act (Northern Ireland) 2016, SCHEDULE 2. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 2

Section 12(2).

THE BAR COMPLAINTS COMMITTEE

Membership

1 The Bar Complaints Committee is to consist of the following members—

- (a) a chair appointed by the Benchers;
- (b) such number of other members appointed by the Benchers as the Benchers think fit.

2 The Benchers must consult the Legal Services Oversight Commissioner about the manner in which members of the Bar Complaints Committee are to be appointed.

3 The Benchers must consult the Legal Services Oversight Commissioner before appointing members of the Bar Complaints Committee.

4.—(1) In appointing members of the Bar Complaints Committee, the Benchers must ensure that—

- (a) a majority of the members of the Committee are lay persons; and
- (b) none of the members of the Committee are members of the General Council of the Bar.

(2) The chair of the Bar Complaints Committee must be a lay person.

(3) In this Schedule a reference to a lay person is a reference to a person who is not and has never been a solicitor or barrister.

Terms of office

5.—(1) Subject to the provisions of this Schedule, a member of the Bar Complaints Committee shall hold and vacate office in accordance with the terms of that member's appointment.

(2) A person shall not be appointed as a member for more than 5 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place that person is appointed.

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(3) A person who ceases to be a member on the expiration of that person's first term as a member shall be eligible for re-appointment, but a person who has been re-appointed as a member by virtue of this sub-paragraph shall not be eligible for appointment or re-appointment as a member at any time after the end of that person's second term as a member.

(4) A member may at any time—

- (a) resign by giving notice to the Benchers;
- (b) be removed from office by the Benchers.

(5) The Benchers may not under sub-paragraph (4)(b) remove a member (including the chair) from office unless the Benchers are satisfied that the member has—

- (a) failed to handle complaints in accordance with a plan submitted to the Legal Services Oversight Commissioner under section 2(1)(g);
- (b) failed to comply with any recommendation made by the Legal Services Oversight Commissioner in relation to the handling of complaints;
- (c) been convicted of a criminal offence;
- (d) become bankrupt or a composition or scheme proposed by the member has been approved under Chapter 2 of Part 8 of the Insolvency (Northern Ireland) Order 1989;
- (e) without reasonable excuse failed to exercise that member's functions for a continuous period of 6 months;
- (f) become unfit or unable to exercise that member's functions.

(6) The chair may only be removed from office under sub-paragraph (4)(b) with the consent of the Legal Services Oversight Commissioner.

(7) The Benchers must consult the chair and the Legal Services Oversight Commissioner before removing a member (other than the chair) under sub-paragraph (4)(b).

(8) A member (including the chair) may only be removed from office under sub-paragraph (4)(b) for a reason mentioned in sub-paragraph (5)(a) or (b) with the consent of the Legal Services Oversight Commissioner.

Remuneration, etc. of members

6.—(1) The Benchers must make arrangements for the payment to the members of the Bar Complaints Committee of such remuneration and allowances (if any) as the Benchers may determine.

(2) If—

- (a) a person ceases to be a member of the Committee; and

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(b) it appears to the Benchers that there are special circumstances which make it right that that person should receive compensation, the Benchers may make arrangements for that person to be paid such amount as the Benchers may determine.

Arrangements for assistance

7.—(1) The Bar Complaints Committee may make arrangements with such persons as it considers appropriate for assistance to be provided to it.
(2) Arrangements may include the paying of fees to such persons.

Sub-committees

8.—(1) The Bar Complaints Committee may establish sub-committees.
(2) Subject to the following provisions of this paragraph, the Committee may authorise a sub-committee to exercise, on behalf of the Committee, such of the Committee's functions, in such circumstances, as the Committee may determine.
(3) Only members of the Committee may be members of a sub-committee.
(4) A majority of the members of a sub-committee must be lay persons.

Proceedings

9 Subject to the provisions of this Schedule and Part 2 and any rules made under that Part, the Bar Complaints Committee may regulate its own procedure and the procedure of its sub-committees, including quorum.

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