

These notes refer to the Legal Complaints and Regulation Act (Northern Ireland) 2016 (c.14) which received Royal Assent on 11th April 2016

Legal Complaints and Regulation Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 19: Determination of complaints

Section 19 makes provision for the Bar Complaints Committee powers in making a determination.

Subsection (1) allows the Committee to uphold a complaint, or part of it, or dismiss a complaint, or part of it.

Subsection (2) sets out directions which the Committee may make in a determination, namely that the barrister make an apology to the complainant, or that the barrister's fees for the services to which the complaint relates are limited to a specified amount (if any) and further, under *subsection (3)*, any other action be taken, such as a refund, which may be necessary to give effect to this. Any apology made by a barrister shall not, of itself, amount to an admission of negligence for the purpose of any civil proceedings. Additional directions that can be made by the committee are that the barrister pay compensation for inconvenience, distress or loss (which is not categorised by the committee as negligence), the barrister pay compensation for any loss suffered, in the opinion of the committee as a result of a barrister's negligence, that the barrister secure rectification (at their own expense) of any specified error, omission or other deficiency in connection with the matter under complaint, that the barrister takes such steps to complete the matter within a reasonable time, or that the barrister, at their own expense, take such other action in the interests of the complainant as the direction may specify.

Subsection (4) allows for any amount payable pursuant to a determination to bear interest.

Subsections (5) and (6) relate to the limitation of fees where the fees of a barrister are subject to taxation.

Subsection (7) sets out the maximum amount of compensation the Committee may award in respect of any loss suffered by the complainant as a result of negligence at £5000. *Subsection (8)* sets the maximum amount of compensation payable for any other loss, inconvenience and distress at £5000.

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Subsection (9) provides that the failure of a barrister to comply with a direction made by the Complaints Committee is a disciplinary matter and can be complained about to the General Council of the Bar.