

## **Response from BACFI to Bar Council Consultation Paper on separation of functions of the Bar Council**

BACFI welcomes and supports the separation of the regulatory and representative functions of the Bar Council.

We have the following comments on the proposals:

1. We are concerned that the new structure should not be “over-bureaucratic” with layers of Committees. The present elaborate Committee structure often creates delays in making changes and this is an opportunity for streamlining the processes.
2. The Appointments Body will be a critical element in the process of setting up the new Board and Committees. It is envisaged that the Appointments Body will be a senior Committee of the Bar Council albeit with representation from a number of bodies. We think it would be preferable for the Appointments Body to be completely separate from the Bar Council.
3. There should be a balanced membership of the new regulatory committees, representing the different constituencies at the Bar.
4. Para 21 states that existing Bar Council members should not be excluded from appointment to the new regulatory committees. Whilst we support the view that members of the Bar Council should not be members of a regulatory committee, there would be no objection to former Bar Council members being eligible for appointment to regulatory committees.
5. The Consultation Paper does not go into detail on the proposals for an effective representative function. BACFI, representing employed and “non-practising” barristers, has a strong interest in ensuring that the new structure is truly representative of all constituents. The right to vote in Bar Council elections should be restored to “non-practising barrister” subscribers and they should have the right to sit on the Council and its representative committees.

Bar Association for Commerce Finance and Industry  
April 2005