



MIDLAND CIRCUIT HARDSHIP FUND (“the Fund”)

RULES

1. The Midland Circuit (**“the Circuit”**) has decided to set-up the Fund from which it will be able to make grants to pupils and members of the Circuit to alleviate cases of serious unexpected financial hardship caused by the loss of work due to the Coronavirus-19 pandemicⁱ. This document (as may be amended from time to time) sets out the Rules applicable to the Fund.
 2. The Fund will be open to:
 - a. Any second six pupil or third six pupil:
 - i. in a Chambers located on Circuit; or
 - ii. whose pupil supervisor is not in a Chambers located on Circuit but the pupil supervisor is: authorised to practice as a barrister; a Member of Circuit who is up to date in the their subscriptions to the Circuit; and practices predominantly on Circuit.
- OR,
- b. a Member of Circuit who: currently practises ⁱⁱ predominantly on Circuit; is authorised by the Bar Council to practice as a barrister; and is up to date in the payment of their subscriptions to the Circuit;

who is:

- c. suffering genuine serious and unexpected financial hardship from a loss of work due to the Coronavirus pandemic; and
- d. not in receipt of any previous award from the Fund, or the Hardship Fund of equivalent of any other circuit.

(“the Conditions”)

- 3. It is not possible to define in advance what constitutes “*serious and unexpected financial hardship from a loss of work due to the Coronavirus pandemic*” save that the Fund is not a fee replacement fund.
- 4. The maximum award that can be made from the Fund is £1,500.
- 5. Funds to make the awards are necessarily limited and members must act reasonably in considering whether or not they satisfy Condition (c) and ought to make an application. The expectation is that applicants will have considered all other viable means of financial support prior to submitting an application to Circuit.
- 6. A member who wishes to make an application shall complete the attached application form (**“the Application”**) and submit the same via e-mail to hardship@midlandcircuit.co.uk. The e-mail subject-heading should be “*Private – Hardship Fund Application*”. A pupil or member making the Application is hereafter referred to as **“the Applicant”**.
- 7. In making an application, the Applicant is required to comply with the relevant duties imposed on them by the Bar Standards Board.
- 8. By making an application the Applicant agrees to the rules herein and any other rules that are made from time to time.
- 9.
 - a. Upon receipt, the Application will be considered by the Treasurer or Assistant Treasurer of the Circuit (or such other officer/person as shall be nominated by the Committee from time to time) to ensure that it has been fully completed and that Conditions (a) or (b) and (c) and (d) are satisfied;
 - b. If the Application has not been fully completed, then the Application shall be returned to the Applicant. The Applicant shall be free to submit a fully completed Application;
 - c. If the Application satisfies Conditions (a) or (b) and (c) and (d) then it shall be referred to be dealt with as hereinafter provided for;
 - d. If the Application does not satisfy Conditions (a) or (b) and (c) and (d) then it shall be rejected. The Applicant shall be informed in writing of the rejection and the reason(s) for the same;

- e. If the Applicant does not agree with the reason(s) given for the rejection of the Application then he/she may, within 7 days of receiving the written notification of the rejection of the application, write to the Committee of the Midland Circuit (**"the Committee"**) (via e-mail to circuitsecretary@midlandcircuit.co.uk), stating the reasons why he/she believes the rejection was wrong and requesting that the Committee reconsider the same;
- f. Upon receipt of such a request, the Committee shall consider and decide upon the same and notify the Applicant of its decision in writing;
- g. A decision under (f) is final and binding on the Member and the Circuit but shall not preclude a further Application by the Member if his/her financial hardship were to worsen.

10.

- a. The Application will thereafter be considered by a panel of 4 present or former members of the Circuit to be appointed from time to time by the Leader and Treasurer of the Circuit (**"the Panel"**) (**"the Panel Members"**).
- b. The Panel Members shall not be present members of the Executive Committee and shall (a) hold or have held judicial office at the level of at least or equivalent to a Circuit Judge, (b) be a QC, or (c) a junior barrister who has been practising/practised on Circuit for at least 12 years.

11. The Panel acting by the Panel Members shall make recommendations to the Committee as to the Applications that they believe should be rejected and those which should be granted an award and the amount of the same (**"the Recommendations"**) (**"the Award"**).

12. At the time of making the appointments provided for in paragraph 10 above, the Leader and the Treasurer of the Circuit shall appoint one of the Panel Members to act as Chair of the Panel (**"the Panel Chair"**).

13. The Panel Chair shall:

- a. Have responsibility for:
 - i. Liaising with the Committee through the Leader or Treasurer of the Circuit or such other officer as shall be nominated from time to time including communicating the Recommendations;
 - ii. Convening the Panel for the purposes of considering and making the Recommendations;

iii. The further particular matters specified herein.

b. Insofar as is necessary, have a casting vote on any decisions to be taken by the Panel.

14. The Panel shall, subject to direction from time to time by the Committee, decide on its own procedures.

15. The present directions to the Panel are the following:

a. If a Panel Member has any material connection ⁱⁱⁱ with the Member, then he/she shall declare that connection to the Panel Chairman.

b. Unless the Panel Chairman decides to the contrary, the declaring Panel Member shall not be prevented from being involved in the Panel's consideration of and decision on the Application.

16. The Panel shall have an absolute unfettered discretion in making the Recommendations.

17. In making the Recommendations the Panel may, but is not obliged to, provide reasons for their decisions and inform the Committee of any factors that they believe are relevant in the event that there is a need for the Committee to prioritise those Applications that are recommended to be granted an award.

18. Each Financial Year the Committee shall consider and decide on what (if any) amount it will allocate to the Fund. The Committee is not obliged to allocate any amount to the Fund.

19. In considering and deciding on what (if any) amount it will allocate to the Fund the Committee will have regard to (among other things) the present and future financial position of the Circuit, the present amount of the Fund, the present and future actual/potential calls on the Fund, the purpose of the Fund, any known factors that could impact on demand being made on the Fund and the proper stewardship of the Circuit's finances.

20. The Committee shall convene, in such form and as often as is considered necessary, in order to consider the Recommendations and to decide upon what Award(s) to make and the amount(s) of the same.

21. The Committee shall be free, at its discretion, to set specific dates in each year when Applications can be made and/or Recommendations will be considered.

22. The Committee is not obliged to follow the Recommendations nor is it bound to make any Award to all or any of the Applicants(s).

23. In considering and deciding whether or not to make Awards and the amount of the same, the Committee shall have regard to (among other things) the amount of the Fund, the present and future actual/potential calls upon the same, the purpose of the Fund and the proper stewardship of the Circuit's finances.

24. If the Committee decides to make an Award, then it may make the Award subject to such conditions ^{iv} as it deems appropriate.
25. The decision on the Application shall be communicated in writing by the Secretary to the Circuit (on behalf of the Committee) to the member.
26. In the event that an Award is to be made then the same shall be paid by the Circuit to the Applicant by cheque until such time as the Circuit's internet banking facility is established whereupon it will be paid into the Applicant's present bank account the details of which are held by the Circuit for the purposes of paying Circuit Subscriptions. If, for any reason, no such details are held, then the Applicant shall be asked to provide the details for a bank account in their name.
27. In the event that an Award is to be made subject to conditions then the Award shall not be paid to the Applicant unless and until the Applicant has confirmed in writing that they accept the conditions.

Annexures

1. Committee Resolution
2. Application Form

ⁱ The Circuit will consider in the future whether or not to expand the operation of the Fund beyond these parameters

ⁱⁱ This would include a barrister who is currently unable to accept work due to ill-health, maternity/paternity leave or caring responsibilities but who intends to accept work within a period of 18 months from the date of the application

ⁱⁱⁱ A material connection is one which could be viewed by an objective bystander as potentially impacting on a person's consideration of the Application. It does not include (for example) the fact that the member concerned may have appeared before a Panel Member (acting in a judicial capacity) or been the junior to or acted for opposing parties in a case in which a Panel Member appeared.

^{iv} Appropriate conditions may be (for example) as to the use of the Award and/or the recipient of the same.