
CRIMINAL LAW SOLICITORS ASSOCIATION

RULES

[Adopted by the AGM of the Association on 11 Novmeber 2011]

1. Interpretation

1.1 In these Rules, unless the context otherwise requires –

“associate member” means an associate member who is in good standing;

“Association” means the Criminal Law Solicitors Association regulated by this Constitution;

“Chairman” means the Chairman of the Association;

“Committee” means the Committee of the Association;

“general meeting” includes any adjourned meeting;

“good standing” means a member who is not arrears with annual subscription;

“member” means a member of the Association elected in accordance with Rule 4 who has not ceased to be a member and who is in good standing;

“officers” means the officers of the Association;

“Secretary” means the Secretary of the Association;

“Treasurer” means the Treasurer of the Association;

“Vice-Chairman” means the Vice-Chairman of the Association;

1.2 Any reference in these Rules to a numbered rule or paragraph within a rule is to the correspondingly numbered rule or paragraph of these Rules.

1.3 The Interpretation Act 1978 applies to these Rules as it does to an Act of Parliament.

1.4 Subject to Rule 1.5, any question of interpretation of these Rules shall be determined conclusively by the Committee.

1.5 Any question of interpretation of these Rules arising at or in relation to a general meeting shall be determined conclusively by the Chairman of the meeting.

2. Title

2.1 The name of the Association shall be the “Criminal Law Solicitors Association”.

3. Objects

- 3.1 The objects of the Association shall be –
- (1) To encourage and maintain the highest standards of practice in the criminal courts in England and Wales;
 - (2) To participate in discussions on developments in the criminal process;
 - (3) To represent and further the interests of the members on any matters which may affect those who practise in criminal law and their firms;
and
 - (4) To improve, develop and maintain the education and knowledge of those actively concerned in the practice of criminal law in those Courts and those who are in the course of their training.
 - (5) To provide, either directly or through a subsidiary company, conferences and other events for members.
- 3.2 Without prejudice to the generality of Rule 3.1, the Association may affiliate itself on a reciprocal basis to international, local or regional criminal law solicitors associations which have broadly the same or similar objects to those of the Association.

4. Membership

- 4.1 Any practising solicitor of the Supreme Court of England and Wales practising in, or with an interest in, criminal law (an “applicant”) may apply for election to membership in such manner as the Committee shall decide.
- 4.2 Subject to Rule 4.3, an applicant shall be deemed to be duly elected as a member on payment of his or her first annual subscription and shall by applying for election be taken to agree to abide by the provisions of these Rules.
- 4.3 The Committee may in its absolute discretion refuse an application within 14 days of its receipt, and shall not be required to give any reasons for such a refusal.

5. Associate membership of the Association

- 5.1 Any person in the permanent employ of a firm of solicitors who is engaged in, or with an interest in, the practice of criminal law, whether or not he or she is also eligible for membership, may apply for associate membership of the Association in such manner as the Committee shall decide.
- 5.2 No person may be elected as an associate member unless –
- (1) he or she is proposed and seconded by two members; and
 - (2) he or she has satisfied the Committee in such manner as it shall decide from time to time that he or she is a fit and proper person to be elected.

5.3 An associate member shall be entitled to attend and receive notices for general meetings of the Association but shall not be entitled to speak or vote, or to be counted as part of the quorum.

6. Honorary members

6.1 Any person, whether or not eligible for membership in accordance with Rule 4.1, may be elected as an honorary member of the Association, but no person shall be so elected unless he or she is proposed and seconded by two members, either or both of whom are members of the Committee.

6.2 Honorary members shall not be required to pay any subscription.

7. Register of members

7.1 The Secretary shall maintain an up to date Register of Members.

8. Subscriptions

8.1 Each member and associate member shall pay such annual subscription as is specified by the Committee for members and associate members respectively.

8.2 The Committee shall specify the level of subscriptions on the recommendation of the Treasurer and which shall take effect at the next subscription renewal date. The Treasurer shall notify the subscription to the Annual General Meeting.

8.3 All annual subscriptions shall be due and payable in advance on 1 October in each year.

9. Resignation

9.1 Any member or associate member may resign at any time by giving written notice to the Secretary, and shall cease to be a member or associate member, as the case may be, on receipt by the Secretary of the resignation.

9.2 The resignation of a member or associate member shall be without prejudice to the right of the Association to collect any outstanding subscription due as at the immediately preceding 1 October.

10. Expulsion

10.1 The Committee may expel any member or associate member who is three months or more in arrears with his or her subscription, so long as –

(1) written notice has been given to the member or associate member concerned of the fact that he or she will be expelled unless the arrears are paid; and

(2) the member or associate member is given the period of 28 days from the date of the notice referred to in (1) in which to pay the arrears.

10.2 The Committee may, subject to the succeeding paragraphs of this Rule, expel any member or associate member if in its opinion that member or associate

member has been guilty of conduct which renders him or her unfit to be a member or associate member of the Association.

- 10.3 The Committee may not expel a member or associate member under Rule 10.2 unless he or she has been given 21 days' written notice of the decision to do so, and of the grounds for the proposed expulsion, and has been given a reasonable opportunity to make written representations to the Committee on the subject of the proposed expulsion.
- 10.4 The Committee shall consider any representations made by the member or associate member on the subject of his or her expulsion and may either affirm its original decision or reverse it.
- 10.5 Where the Committee has affirmed its decision to expel a member or associate member, the Secretary shall give him or her written notice to that effect, and the expulsion shall take effect on receipt by the member or associate member of the notice.
- 10.6 The notice of the Secretary informing the member or associate member that the Committee has affirmed its decision to expel him or her shall state the reasons for doing so.
- 10.7 The expulsion of a member or associate member shall be without prejudice to the right of the Association to collect any outstanding subscription due as at the immediately preceding 1 October.

11. General meetings of the Association

- 11.1 The Annual General Meeting of the members shall be held in each year not later than six months after the end of the financial year ending on 1 June in that year.
- 11.2 The Committee may convene an Extraordinary General Meeting at any time to consider such business as it shall specify in the notice of meeting.
- 11.3 The Committee shall convene an Extraordinary General Meeting on receipt of a requisition signed by not less than 50 members, for the purpose of considering any motion set out in the requisition.
- 11.4 Where a requisition for an Extraordinary General Meeting has been received and the Committee does not cause the meeting to be convened to be held within 42 days of the date of receipt, the Secretary shall convene the meeting on his or her own authority.
- 11.5 Not less than 28 days' notice of every general meeting shall be given, by such means as the Secretary shall decide, which may include publication by electronic means.
- 11.6 Any twenty members may give notice in writing, not later than 21 days before the date of the meeting, to the Secretary of any motion they propose to move at a general meeting.
- 11.7 Where notice of motion has been received in accordance with Rule 11.6, the Secretary shall within seven days of its receipt circulate the text of the motion to members or draw it to the attention of members by electronic means.

- 11.8 At any general meeting, the quorum shall be ten members personally present, provided that if a quorum be not present after thirty minutes from the time appointed for the meeting, such number of members as are then present being above five shall be a quorum in any event.
- 11.9 The Chair at every general meeting shall be taken by the Chairman or, in his or her absence or unwillingness to act, by the Vice-Chairman. If both the Chairman and the Vice-Chairman are absent or unwilling to act, those members present shall elect one of their number to take the Chair.
- 11.10 Subject to Rules 11.1 and 18.1, any motion or proposition at a general meeting shall be considered decided if a majority of the members present and voting are in favour of it.
- 11.11 The Committee may make arrangements for postal voting on any question before a general meeting, and in that event the result of the postal vote shall be treated as if it was a vote by members present at the meeting.

12. Officers

- 12.1 The officers shall be –
- (1) Chairman;
 - (2) Vice-Chairman;
 - (3) Secretary; and
 - (4) Treasurer.
- 12.2 Each of the officers shall be elected at the Annual General Meeting and hold office until the conclusion of the immediately next following Annual General Meeting.
- 12.3(a) The Chairman and Vice-Chairman shall not be eligible for election to their respective offices on more than three consecutive occasions.
- 12.3(b) The Secretary and Treasurer shall be eligible for re-election at the conclusion of their periods of office.
- 12.4 In the event of a casual vacancy occurring in any office, the Committee shall appoint one of its number to hold the office concerned until the conclusion of the immediately next following Annual General Meeting.
- 12.6 The officers shall be elected in the same manner as members of the Committee, with the necessary adaptations.

13. Committee

- 13.1 The affairs of the Association shall be managed by a Committee constituted in accordance with this Rule.
- 13.2 The Committee shall consist of –
- (1) the officers;

- (2) not more than 15 elected members.
 - (3) one from each of the following and who shall not be entitled to vote:
 - (a) the Crown Prosecution Service,
 - (b) the members of the London Criminal Courts Solicitors' Association, and
 - (c) the Justices' Clerks' Society;
 - (4) the most recently retired Chairman, Vice-Chairman, Secretary and Treasurer, *ex officio*;
 - (5) up to five members co-opted by the Committee, who shall serve until the next Annual General Meeting.
- 13.3 Not less than 14 days' notice of any meeting of the Committee shall be given by the Secretary.
- 13.4 The Chair at any meeting of the Committee shall be taken by the Chairman or, in his or her absence or unwillingness to act, by the Vice-Chairman. If both the Chairman and the Vice-Chairman are absent or unwilling to act, those members of the Committee present shall elect one of their number to take the Chair.
- 13.5 The chairman of any meeting of the Committee shall in the event of a tie, have a second or casting vote.
- 13.6 The quorum for any meeting of the Committee shall be five.
- 13.7 The Committee may appoint one or more sub-committees for such purposes as it thinks fit.
- 13.8 The Committee shall have power to nominate any member (whether or not a member of the Committee) as a delegate to any professional body and may confer on such a delegate any power to vote on behalf of the Association.
- 13.9 The members of the Committee shall be jointly and severally liable for the conduct of the finances of the Association and shall be liable for any shortfall, misappropriation or other financial misconduct of whatever nature carried out by or on behalf of the Committee, but they shall not be so liable where it is shown to the members or to any committee or sub-committee established by or on behalf of the members to enquire into any allegations of such financial impropriety that the members of the Committee acted in accordance with generally accepted practice.
- 13.10 The Committee may insure against any liability, whether in defamation or otherwise, arising from any act or omission on the part of any officer or member of the Committee.
- 13.11 The officers, members of the Committee and staff of the Association shall be indemnified by the Association from and against all claims, liabilities and

demands in respect of all acts in good faith done or purporting to be done on behalf of the Association.

14. Election of the Committee

- 14.1 One-third of the elected members of the Committee shall retire in rotation at the conclusion of the Annual General Meeting in each year, being eligible for re-election.
- 14.2 Any casual vacancy among the elected members of the Committee shall be filled by the Committee until the conclusion of the immediately next following Annual General Meeting.
- 14.3 Nominations of candidates for election to the Committee must be made in writing signed by a member and accompanied by a statement from the member nominated that he or she consents to serve.
- 14.4 Subject to paragraph 14.5, a nomination of a member for election shall be valid only if it is received by the Secretary not later than 21 days before the date of the Annual General Meeting.
- 14.5 If no or insufficient candidates have been nominated to fill the places on the Committee which are the subject of the election, nominations may be made at the Annual General Meeting by members then present.
- 14.6 Members of the Committee shall be elected at the Annual General Meeting by ballot or by show of hands, as the chairman of the meeting shall determine in his or her absolute discretion, provided that no ballot or vote by show of hands shall take place if the number of candidates duly nominated equals the number of places on the Committee to be filled in the election, in which event the members nominated shall then be declared elected unopposed by the Chairman.
- 14.7 The method of voting for members of the Committee shall be the "first past the post" system, with each member having one vote for each vacancy that is to be filled.
- 14.8 Scrutineers shall be appointed by the chairman to count the votes where the election is carried out by ballot using voting papers. The scrutineers shall exclude any voting paper which –
 - (1) has no votes recorded for any candidate;
 - (2) has more votes recorded than the number of vacancies to be filled; or
 - (3) is ambiguous or otherwise spoiled.
- 14.9 Where there is a tie between any two or more candidates in the ballot, the chairman of the meeting shall have a casting vote.

15. Removal of a Committee member

- 15.1 The Committee may, subject to the succeeding paragraphs of this Rule, by three-quarters majority of the members present and voting (excluding the member concerned) remove any member of the Committee from office if in its opinion the continuation of that member in office is not in the best interests of the Association.
- 15.2 The Committee may not remove a member from office under paragraph (1) unless he or she has been given 21 days' written notice of the decision to do so, and of the grounds for the proposed removal, and has been given a reasonable opportunity to make written representations to the Committee on the subject of the proposed removal.
- 15.3 The Committee shall consider any representations made by the member on the subject of the proposed removal, before exercising the power of removal conferred by this Rule. The Committee shall give reasons for its decision to remove a member of the Committee from office.

16. Accounts

- 16.1 The Committee shall cause to be kept true accounts of the monies received and expended for or on behalf of the Association, and of the assets and liabilities of the Association.
- 16.2 The accounts shall be closed on 30 June in each year, and a cash account showing receipts and expenditure, together with a balance sheet containing a summary of the assets and liabilities as at that date, drawn up by the Auditors and certified by them. The accounts as so drawn and certified shall be presented at the following Annual General Meeting.
- 16.3 The Auditors shall be a firm of registered auditors appointed by the Committee.
- 16.4 The Committee shall be empowered to fix the remuneration of the Auditors, which shall be met from the general funds of the Association.

17. Assets

- 17.1 The assets of the Association of whatever nature shall be vested on trust in a company limited by guarantee established for the purpose (insert name) for the benefit of the Association.

18. Alteration of Rules

- 18.1 No alteration shall be made to these Rules, or new Rules adopted in substitution of them, other than by a vote of two-thirds of the members present and voting at a general meeting, following notice of the proposed alteration or new Rules with the notice convening the meeting.