THE CRIMINAL BAR ASSOCIATION

GOVERNANCE PAPER

Standing Orders

Made under Parts 6 and 7 of the Constitution

1. Application

1.1 These Standing Orders govern the practical conduct of meetings of the Executive Committee, Subcommittees, and General Meetings of the Criminal Bar Association.

1.2 They are made under Parts 6 and 7 of the Constitution and shall be read alongside the Constitution. In the event of any inconsistency, the Constitution shall prevail.

1.3 These Standing Orders may be amended from time to time by resolution of the Executive Committee passed by a simple majority.

2. Executive Committee Meetings

Convening and notice

2.1 The Executive Committee shall meet not fewer than six times in each calendar year, and shall not ordinarily meet during August.

2.2 Meetings shall be convened by the Secretary on the instructions of the Chair, or on the request of any three members of the Executive Committee.

2.3 Notice of meetings shall be circulated by the Secretary, with the Administrator's assistance, not less than seven days before the date of the meeting, save that:

(a) urgent meetings may be convened on shorter notice where the Chair, or in the Chair's absence the Vice Chair, considers it reasonably necessary;

(b) meetings to consider an Exceptional Decision under clauses 6.18 to 6.20 of the Constitution require not less than twenty-four hours' notice with the substance of the proposed decision.

Agenda and papers

2.4 The Secretary, in consultation with the Chair and the Administrator, shall prepare an agenda for each meeting and shall circulate it not less than forty-eight hours before the meeting, together with all papers to be considered. 2.5 Items for the agenda may be proposed by any Officer or member of the Executive Committee. Items not on the circulated agenda may be considered with the consent of the Chair, save that no Exceptional Decision may be added to the agenda after notice has been given.

2.6 The Executive Committee may waive the forty-eight hour requirement at clause 2.4 with retrospective effect.

Chairing of meetings

2.7 The Chair shall preside at meetings of the Executive Committee. In the absence of the Chair, the Vice Chair shall preside. In the absence of both, those present shall elect one of their number to preside for the meeting.

2.8 The Chair shall:

(a) ensure that the meeting is conducted in accordance with the Constitution and these Standing Orders;

(b) maintain order and ensure that members are heard fairly;

(c) have a casting vote in the event of a tie, save in respect of an Exceptional Decision.

Quorum and voting

2.9 The quorum for a meeting of the Executive Committee shall be ten voting members, in accordance with clause 6.7 of the Constitution.

2.10 Voting shall ordinarily be by show of hands or its electronic equivalent. The Chair, or any two members present, may require a secret ballot.

2.11 Resolutions shall be passed by a simple majority of those present and voting, save where the Constitution requires a higher majority.

2.12 Members may vote by proxy in accordance with clauses 7.9 and 7.10 of the Constitution. Notice of the appointment of a proxy, and the name of the proxy, shall be given to the Secretary in time to be tallied in the vote on the question at issue.

Hybrid and remote attendance

2.13 Meetings may be held in person, by electronic means, or by a combination of both. All meetings shall include the option of attending remotely.

2.14 A member attending by electronic means is to be treated as present for all purposes including the calculation of the quorum.

2.15 In the event that the technology fails during a meeting, the Officers present shall determine whether the meeting should continue, be adjourned, or be postponed. No decision shall be taken at a meeting which is no longer quorate.

Attendance and removal

2.16 Members of the Executive Committee shall prioritise attendance, in accordance with clause 6.13(a) of the Constitution. Failure to attend three consecutive meetings, absent exceptional circumstances, may lead to removal from the Executive Committee. Such a decision falls within the remit of the Officers; the Secretary is responsible for monitoring attendance.

2.17 Where a resolution recommends that any Officer or member of the Executive Committee shall cease to hold office, the matter shall be conducted in accordance with clause 6.15 of the Constitution. The Executive Committee's decision shall be binding unless set aside by resolution of the Voting Members at a General Meeting.

Minutes

2.18 The Secretary shall ensure that minutes of every meeting are kept, including the outcome of any votes taken. If the Secretary is unavailable, this task shall be delegated to the Assistant Secretary.

2.19 Minutes shall be circulated for comment within fourteen days of the meeting and shall be considered for approval at the next meeting of the Executive Committee.

2.20 Approved minutes shall be retained by the Administrator within the Association's dedicated storage systems.

Written resolutions

2.21 Pursuant to clause 6.16 of the Constitution, the Executive Committee may make decisions by written resolution circulated to all voting members.

2.22 A written resolution shall:

(a) be circulated by the Secretary or the Administrator to all voting members of the Executive Committee;

(b) specify the period within which voting members may signify their agreement, which shall be not less than seven days save in cases of urgency;

(c) be effective only if not fewer than two-thirds of voting members signify their agreement in writing within the specified period.

2.23 A written resolution shall not be used in respect of an Exceptional Decision.

Decisions by the officers

2.24 Pursuant to clause 6.17 of the Constitution, the Officers may, in the absence of a decision of the Executive Committee and save in the case of an Exceptional Decision, make any decision the Executive Committee could have made at a meeting if the decision is supported by at least two-thirds of the Officers.

2.25 Any decision so made shall be reported to the Executive Committee within forty-eight hours, and may be reversed at the following meeting by a majority of two-thirds of those present and voting.

3. Exceptional Decisions

3.1 An Exceptional Decision is a decision designated as such by the Executive Committee in advance, in accordance with clause 6.18 of the Constitution, or a decision involving the acceptance of a Government offer in respect of fees, which is automatically deemed an Exceptional Decision under clause 6.19.

3.2 An Exceptional Decision requires:

(a) a meeting of the full Executive Committee;

(b) not less than twenty-four hours' notice of the meeting at which the decision is to be made;

(c) that notice to contain the substance of the proposed Exceptional Decision; and

(d) a majority of not less than two-thirds of those present and voting.

3.3 Where the membership has been balloted in relation to any action to be taken in respect of fees, any decision to cease such action shall itself be subject to a ballot of the membership, in accordance with clause 6.20 of the Constitution.

3.4 A decision purporting to be made other than in accordance with this Section is of no effect.

4. Subcommittees and Working Groups

Subcommittee meetings

4.1 Subcommittees shall ordinarily meet not fewer than three times per year.

4.2 Subcommittee Chairs are responsible for the convening of meetings, in conjunction with the Subcommittee Secretary and the Administrator.

4.3 Subcommittee Secretaries shall arrange meetings through the Administrator and shall ensure that agendas, papers and minutes are retained within the Association's dedicated storage systems.

Subcommittee quorum and voting

4.4 The quorum for a meeting of a Subcommittee shall be one third of its members or three members, whichever is the greater, save as the Terms of Reference of the Subcommittee otherwise provide.

4.5 Subcommittees may regulate their own procedures consistent with the Constitution, the Terms of Reference and these Standing Orders.

Working groups

4.6 Working Groups operate informally under the direction of their Chair, who shall ensure that the Working Group reports to the body that established it on a regular basis.

5. General Meetings

Annual general meeting

5.1 The Annual General Meeting shall be called by the Executive Committee at the conclusion of every financial year and in any event not later than six weeks after the end of the financial year.

5.2 Notice of not less than twenty-one days shall be given to all Voting Members. The notice shall set out the time, date, place (or means of attendance) and the business to be transacted.

5.3 The agenda for the Annual General Meeting shall include:

(a) the receipt of the Chair's report;

(b) the receipt of the Treasurer's report and the accounts of the Association;

(c) the announcement of the results of any elections;

(d) the consideration of any proposed amendments to the Constitution or Terms of Reference;

(e) any other business of which due notice has been given.

Extraordinary general meeting

5.4 An Extraordinary General Meeting may be called by the Executive Committee at any time, or upon written request to the Secretary by not fewer than fifty Voting Members, in accordance with clause 7.3 of the Constitution.

5.5 A requisitioned Extraordinary General Meeting shall be convened within twenty-eight days of receipt of the requisition.

5.6 The notice and quorum requirements for an Extraordinary General Meeting are the same as for the Annual General Meeting.

Quorum and voting at general meetings

by electronic means, in accordance with clause 7.6 of the Constitution.

5.8 Voting shall be:

(a) by show of hands or its electronic equivalent in the first instance; and

(b) by ballot if demanded by the Chair or by not fewer than ten Voting Members present.

5.9 Resolutions shall be passed by a simple majority of those present and voting, save where the Constitution requires a higher majority (in particular, two-thirds for ordinary amendments to the Constitution and three-quarters for amendments to Part 5 or for dissolution). 5.7 The quorum for a General Meeting shall be fifteen Voting Members present in person or

Conduct of general meetings

5.10 The Chair, or in their absence the Vice Chair, shall preside. In the absence of both, the Voting Members present shall elect one of their number to preside.

5.11 A record shall be kept of the business of every General Meeting, maintained by the Administrator, and made available for inspection by Voting Members on reasonable notice.

6. Membership Ballots

6.1 The decision to ballot the full membership lies with the Executive Committee.

6.2 Notice of any ballot shall be given to the membership in good time, and the ballot shall be conducted electronically. The window for voting shall not be less than five working days, save where the Officers determine that for exceptional reasons a shorter period should apply, in accordance with clause 7.12 of the Constitution.

6.3 Membership ballots are governed in detail by the Election Procedures (in respect of elections) and by such other procedures as the Executive Committee may from time to time adopt (in respect of policy ballots).

7. Records

7.1 The Administrator shall maintain proper records of all meetings within the Association's dedicated storage systems, including:

(a) agendas;

(b) papers circulated;

(c) minutes;

(d) the outcome of any votes taken;

(e) any written resolutions and Officer decisions made between meetings.

7.2 Retention of records shall be in accordance with the Information Governance Policy.

8. Amendment

8.1 These Standing Orders may be amended by resolution of the Executive Committee passed by a simple majority.

8.2 No amendment shall be inconsistent with the Constitution.

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