



THE CONSTITUTION

- 1 (a) The Criminal Bar Association ("the Association") exists to represent the views and interests of the practising members of the criminal bar in England and Wales.
- (b) The objectives of the Association include:
 - (i) promoting and representing the professional interests of its members;
 - (ii) assisting with consultation undertaken in connection with the criminal law or the legal profession;
 - (iii) providing professional education and training and assisting with continuing professional development;
 - (iv) promoting and maintaining the highest professional standards in the practice of law;
- 2 (a) Membership of the Association shall be open to:
 - (i) All Queen's Counsel, barristers in independent practice, employed barristers and pupil barristers;
 - (ii) Individuals who are studying the Bar Vocational Course with a validated provider;
 - (iii) Individuals who have accepted an unconditional offer to study the Bar Vocational Course from a validated institution or who have accepted a conditional offer to study the Bar

Vocational Course from a validated institution and have fulfilled any conditions to that offer.

- (b) The Committee shall have power to admit as associate members non-practising barristers from the United Kingdom and practising and non-practising barristers from abroad who have an interest in the criminal bar and the administration of criminal justice.
 - (c) The Committee shall have power to admit as honorary members non-practising and academic lawyers and judges or other persons who have made an exceptional contribution to one or more of the objectives set out paragraph 1 above. Nominations for honorary membership should be submitted in writing to the Secretary of the Association and will be determined at the next Committee Meeting by a vote requiring a two thirds majority of those present and voting.
- 3 The governing body of the Association shall be a committee ("the Committee") all of whom must be members of the Association. Every candidate who consents to stand for election to the Committee shall be proposed and seconded in writing by members of the Association. In the event of a single candidate by the close of nominations there shall be no election and that candidate shall be duly considered elected. The Secretary to the Association shall decide consistent with this Constitution when the nominations and elections shall open and close.
- 4 The membership of the Committee shall be made up as follows:-

- (a) Five executive officers, namely the Association's Chair, Vice-Chair, Treasurer, Secretary and Assistant Secretary, of whom the Chair shall be either Queen's Counsel or Senior Treasury Counsel, and the Vice Chair shall be either Queen's Counsel or Senior Treasury Counsel. The executive officers shall be ex-officio members of the Committee.

- (b) The Chair and Vice-Chair shall hold office for one year. The office of Chair shall be assumed by the outgoing Vice-Chair subject only to paragraphs 4(c) and (d). The election for Vice-Chair shall take place in July with the successful candidate's term of office beginning on the first of September of that year.

- (c) If a resolution, proposed and seconded by two ex officio/ elected members is placed before the Committee recommending that the Vice-Chair shall not assume the office of Chair, or that any member of the Committee cease membership of it, that resolution shall be effective if passed by a majority of two thirds of the members of the Committee attending or voting by combined postal and electronic ballot at the Chair's (unless Chair is the subject of the resolution in which case the Vice-Chair shall make the decision) discretion. Such a resolution shall be delivered in writing to the Committee not less than seven days before the meeting. Any Committee vote shall be conducted by means of a secret ballot.

- (d) In the event of a resolution referred to in paragraph 4(c) above being passed, or a resignation or incapacity, in relation to the Vice-Chair, the post shall be filled by election by members of the

Association by combined postal and electronic ballot. In the event of any other resolution being passed, or upon a resignation or incapacity, in relation to the Chair the Vice-Chair shall assume the office of Chair (followed by an election by members of the Association by combined postal and electronic ballot for the office of Vice-Chair) and in relation to the Secretary the Assistant-Secretary shall assume the office of Secretary. In any other situation the Chair shall have power to appoint a person for the remainder of any office outstanding.

- (e) The Treasurer shall hold office for two years. The election for Treasurer shall take place in December every even second year with the successful candidate's term of office beginning on the first of January of the following year.
- (f) The Secretary and Assistant Secretary shall hold office for one year. The office of Secretary shall be assumed by the outgoing Assistant Secretary. The election for Assistant Secretary shall take place in December with the successful candidate's term of office beginning on the first of March of the following year. The Assistant Secretary elect shall be entitled to attend committee meetings.
- (g) Twelve elected members, not more than six of whom shall be Queen's Counsel at the time of election, and, at least three of whom shall be junior barristers of less than seven years' call at the time of election. Members of the Committee shall be elected for a period of three years. One-third of elected members, not more than two of whom shall be Queen's Counsel, and, at least one of whom shall be a junior barrister of less than seven years'

call shall be elected annually in December with the successful candidates' terms of office beginning on the first of January of the following year.

- (h) Up to ten co-opted members. Co-opted members shall be appointed for a period of one calendar year, renewable annually to a maximum of three calendar years. Any time spent as a member of the Committee by a person co-opted part way through a calendar year shall not be counted toward the maximum term a co-opted member may serve.
- (i) Up to three members from each Circuit who are members of the Association and who have been nominated by the Leader of that Circuit. Each nominated member's membership of the committee shall be for the three consecutive calendar years s/he is appointed for.
- (j) Those members of the Bar Council who have been elected as candidates of the Association. Their membership of the Committee shall coincide with their membership of the Bar Council.
- (k) The Association's Directors of Education, Equality and Diversity, International Affairs shall be appointed by the Committee in December and hold office, from the first of January, for two years. They shall be, ex officio, members of the Committee.
- (l) The Association's Editor of its Newsletter shall be appointed by the Committee in December and hold office, from the first of

January, for two years. Editor shall be, ex officio, a member of the Committee.

- (m) The immediate past Chair, Secretary and Treasurer of the Association, if they consent, shall be ex officio members of the Committee for a period of one year following the end of their term of office.
 - (n) A CBA nominated barrister members of the Criminal Procedure Rules Committee, if they consent, shall be ex officio members of the Committee until their membership of the Criminal Procedure Rules Committee expires.
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- (a) The Vice- Chair, Treasurer, Assistant Secretary and elected members shall be elected by members of the Association by combined electronic and postal ballot.
 - (b) If a member of the Committee is elected an officer during his term of office, the Chair shall have power, in his discretion, to co-opt an additional member of the Association to replace him subject to the provisions of paragraph 4 (h).
 - (c) The Chair shall have the power, in his/her discretion, to co-opt members of the Committee subject to the provisions of paragraph 4 (h).
 - (d) The Association's representative on the Bar Council shall be elected annually by the Committee from amongst the elected members of the Committee. S/he shall serve the date of his election for a term of one year up to a maximum of three years.

(e) Any time served by any person who is appointed or assumes any office part way through a term shall not count toward any term or maximum terms that may be served.

6 The Committee shall organise its business and meetings as it sees fit. There shall be three standing committees for Education, Diversity and Equality and International Affairs chaired by the relevant Director and whose membership shall be appointed by the Committee. Additionally each director shall have the power to co-opt members of their standing committee from the membership of the Association generally. The Committee may also from time to time establish further standing or sub-committees. The Committee shall have power to determine the level of subscriptions subject to ratification of the decision at the following general meeting. Monies raised by subscriptions shall be held in a bank account, in respect of which a signatory shall be the Treasurer. The Committee shall have the power to award an honorarium to the Chair and/or Vice Chair and/or the Secretary and/ or the Treasurer. The level of that honorarium is to be reviewed by the Committee every three years commencing from January 2009. Any honorarium shall be paid net of any tax to the relevant office holder. The existence and level of any honorarium shall be published on the Association's website.

7 The executive officers or the Chair shall, in the absence of a decision by the Committee, have the power to make any decision the Committee could have made at any normal Committee meeting and shall report any such decision to the

next Committee meeting. A vote to reverse any such decision may be taken at that meeting and shall only be passed by at least two-thirds of those members attending and voting. In the absence of a decision by the executive officers the Chair shall be empowered, if s/he considers it appropriate, to make the decision. In the absence of the Chair the Vice Chair shall be empowered, if s/he considers appropriate, to make the decision.

8 Accounts of the Association shall be published to the members to be considered at each Annual General Meeting, which shall be called by the Committee at the conclusion of every financial year and in any event not later than six weeks after that date.

9 The Committee shall have power in its discretion to call an Extraordinary General Meeting. The agenda for any general meeting shall be drawn by the Committee and notified to members of the Association within 4 weeks of the date of that meeting; alternatively the Committee shall call an Extraordinary General Meeting within 6 weeks of receipt by the Secretary of a written request to do so signed by at least 50 members of the Association and stating the subject matter of the meeting to members of the Association.

10 (a) A change to the constitution shall be made subject to (c) below only by resolution supported at an extraordinary general meeting by at least two-thirds of those members attending and voting.

- (b) A resolution to change the constitution shall be delivered in writing not later than twenty-one days before the date of the next general meeting. The Secretary shall circulate a copy of such resolution to all members of the Association not later than seven days before the meeting.

- (c) The Committee shall have power to authorise the Chair to call for a combined electronic and postal ballot of the whole Association in respect of any proposal to change the constitution. Any such change shall only be effective if supported by two-thirds of those voting in the ballot.