THE SOUTH EASTERN CIRCUIT

SEC · BAR MESS CONSTITUTION · CAMBRIDGESHIRE

Constitution of the Cambridgeshire Bar Mess

As adopted by the Mess

PART 1: GENERAL

1 Status of the Constitution

1.1 The Mess shall be a Constituent Bar Mess of the South Eastern Circuit ("the Circuit") as defined in Part 5 of the Circuit Constitution.

1.2 This Constitution governs the structure, governance and operation of the Cambridgeshire Bar Mess ("the Mess"); previously known as the Cambridge Bar Mess and the Cambridgeshire & Peterborough Bar Mess.

1.3 It is adopted by the Mess in General Meeting and shall be read subject to the regulatory framework governing barristers in England and Wales, including the rules and guidance of the Bar Standards Board and the General Council of the Bar.

1.4 This Constitution may be amended only by resolution of the Mess in General Meeting.

1.5 Membership of the Mess constitutes agreement to be bound by this Constitution and by any Rules made under it.

PART 2: OBJECTS OF THE MESS

2 The objects of the Mess are:

2.1 To represent and promote the professional interests of its members and of the legal profession in Cambridgeshire (including Peterborough and Huntingdon);

2.2 To provide professional education and training and assist with continuing professional development;

2.3 To promote and maintain the highest professional standards;

2.4 To promote a Mess ethos and provide opportunities for professional and social exchange; and,

2.5 To serve the public interest where appropriate.

PART 3: MEMBERSHIP

3 Eligibility

3.1 Ordinary Members:

3.1.1 Any practicing barrister who is a member of the Circuit, entitled to practise in England and Wales shall be eligible for membership of the Mess, subject to Rule 3.3.2 below.

3.1.2 A barrister who is not practising is not eligible for membership, subject to Rules 3.2 and 3.3 below.

3.1.3 A pupil who has secured a pupillage at a recognised set of Chambers or other recognised pupillage providing entity shall be eligible for membership from the commencement of that pupillage.

3.2 Honorary Members:

3.2.1 The Mess Executive Committee may at its discretion elect as an Honorary Member any person who has been called to the Bar of England and Wales.

3.2.2 Honorary Members shall be non-voting members and shall not be required to pay subscriptions.

3.3 Judicial Members:

3.3.1 These shall be ordinary or honorary members who are appointed to judicial office (and thereby debarred from continuing as ordinary or honorary members as the case may be) and any other persons who may be elected by the Mess Executive Committee at its discretion from amongst the holders or former holders of full-time judicial appointments.

3.3.2 A barrister who has had their membership of the Mess terminated in accordance with Rule 5.2.1 shall not be eligible for membership unless past membership subscriptions owing are settled to the satisfaction of the Treasurer.

4 Applications

4.1 Applications for membership shall be made by email using the form prescribed by the Mess.

4.2 Applications shall be submitted to the Mess Secretary.

4.3 Membership shall take effect once the application has been accepted and subscription arrangements confirmed.

4.4 Any doubt as to eligibility shall be referred to the Executive Committee for determination.

5 Termination

5.1 Mess membership shall terminate in the following circumstances:

5.1.1 upon commencement of any appointment which prevents practice at the Bar, except in the case of Honorary or Judicial Members as described by Rules 3.2 and 3.3;

5.1.2 Upon disbarment;

5.1.3 Upon resignation, by written notice to the Mess Secretary; or,

5.1.4 Upon ceasing to practice at the Bar of England and Wales, except in the case of Honorary or Judicial membership as described by Rules 3.2 and 3.3.

5.2 Mess membership may also be terminated by resolution of the Executive Committee in the following cases:

5.2.1 Where the Mess subscription owed by any member has remained outstanding for 12 months and it is considered that the default is unreasonable; or,

5.2.2 Where it is considered that a member has breached the Bar Standards Board Code of Conduct or the Mess's own policies in respect of expected conduct, including but not limited to the policy on Harassment and Bullying, and considers that the member's continued membership would be incompatible with the Mess's objectives. The Executive Committee shall, where applicable, act upon the advice of the Panel described in Rule 5.4 below.

5.3 In either case set out in 5.2.1 and 5.2.2 above, the Mess shall invite representations from the member concerned.

5.4 The Executive Committee shall refer suspected breaches of Mess policy on Harassment and Bullying to a Panel comprising the three members of the Executive Committee, selected by the Bar Mess Chair having regard to their experience, any

connection to the subject matter of the complaint, their availability and any other relevant matters.

5.5 In the event that the Bar Mess Chair is the subject of the complaint or is connected to the complaint (in the opinion of the majority of the members of the Executive Committee) then the most senior member of the Executive Committee by call shall take the place of the Bar Mess Chair and shall select the other members of the panel.

5.6 The Panel shall consider such evidence and written representations as it considers necessary for the fair and proportionate assessment of the referral.

5.7 An appeal from the advisory conclusion reached by the panel lies to the Bar Mess Chair, which will not be a re-hearing but to ensure the processes were followed correctly.

PART 4: SUBSCRIPTIONS AND FINANCE

6 The Mess Subscription

6.1 The amount of the Mess subscription shall be reviewed at the discretion of the Mess Executive Committee. Members shall be notified of any change to the subscription rate prior to their membership being renewed.

6.2 Subscriptions shall be collected annually.

6.3 Subscriptions shall be collected either:

6.3.1 Through arrangements between the Mess Secretary and/or Treasurer and each Chambers or entity to which members may belong; or

6.3.2 By individual direct debit or other method determined by the Mess Secretary and/or Treasurer.

7 Financial Management

7.1 The Treasurer shall oversee the finances of the Mess.

7.2 Mess funds may be applied to:

7.2.1 Reasonable expenses of Officers;

7.2.2 Administrative and secretarial support;

7.2.3 Educational, charitable or representative activities;

7.2.4 Professional or social events run by the Mess;

7.2.5 Any other expense deemed necessary and consistent with the objects of the Mess, approved by the Mess Executive Committee.

PART 5: MESS STRUCTURE

8 Governance

8.1 The governing body of the Mess shall be the Mess Executive Committee, the members of which shall be elected in accordance with Part 7.

8.2 The Mess Executive Committee shall comprise of the following Officers:

8.2.1 A Mess Chair person who shall serve for 3 years, and who shall have been a member of the Circuit for at least 7 years;

8.2.2 A Mess Junior (as per Rule 10.1 of the Circuit Constitution), who may also be the Mess Senior Circuit Representative and who shall represent the Mess on the Circuit Committee, and who shall serve for 3 years and who shall be over 10 years' call;

8.2.3 A Mess Junior Circuit Representative who shall represent the Mess on the Circuit Committee, and who shall serve for 3 years and who shall be under 10 years' call;

8.2.4 A Mess Treasurer who is responsible for membership records, subscriptions, and who shall serve for 3 years;

8.2.5 A Mess Secretary who shall serve for 3 years and who shall be under 10 years' call, and will maintain a list of members, Executive Committee members, which will be kept up to date, and will include contact details for use in calling any meetings or giving notice of elections.

8.3 The Mess Executive Committee shall consist of the Officers and such other members as approved from time to time by the Mess Executive Committee.

8.4 Any Officer who has served their 3-year term is eligible to be re-elected to a subsequent term, providing that they do not serve more than 3 consecutive terms in the same role.

8.5 No person shall hold office after ceasing to be a member of the Mess.

8.6 An Honorary or Judicial member of the Mess shall not be eligible to hold a position as an Officer.

PART 6: MEETINGS

9 General Meetings

9.1 An Annual General Meeting ("AGM") shall be held once each calendar year.

9.2 An Extraordinary General Meeting ("EGM") may be convened by the Chair or upon the written request of at least 8 members.

9.3 Notice of an AGM shall be given at least 21 days in advance; for an EGM this shall be at least 7 days. An agenda shall be circulated in advance of the meeting taking place which shall give notice of constitutional amendments if any are proposed for consideration at that meeting.

9.4 A quorum for any General Meeting shall be 10 members.

9.5 Members may attend and vote remotely or by proxy as permitted by the Mess Executive Committee.

PART 7: ELECTIONS

10 Election Process.

10.1 Nominations for Officer roles shall be called for by email at least two weeks before any election by the Mess Secretary.

10.2 Candidates for election must be proposed and seconded by ordinary members of the Mess, and Notice given in writing to the Mess Secretary.

10.3 Elections shall then be conducted online or via email over a two-week period.

10.4 If only one nomination is received, the candidate shall be deemed elected.

10.5 Members of the Mess Executive Committee shall be eligible to vote in an election.

10.6 Each Member, including Officers of the Mess Executive Committee, shall be entitled to one vote.

10.7 In any case where there are two eligible candidates at an election, the winner shall be determined by simple majority.

10.8 In any case where there are three or more eligible candidates at an election, the winner shall be determined by plurality, or by any other fair system selected as most appropriate by the Junior and Mess Chair.

PART 8: AMENDMENTS

11 Amendments

11.1 Proposed amendments to this Constitution must be submitted by email to the Mess Secretary before the 21-day AGM notice period.

11.2 Amendments shall be circulated and considered at the AGM or EGM, providing that any amendments to be considered at an EGM be circulated to members at least 14 days before the EGM is held.

11.3 Amendments may be passed at any such meeting by a two-thirds majority.

PART 9: HARASSMENT, GRIEVANCES AND CONDUCT

12 Harassment and Bullying

12.1 All members, Officers, Executive Committee members, shall adhere to the Mess's Harassment and Bullying Complaints Policy ("the Policy").

12.2 Complaints of harassment or bullying shall, in accordance with the Policy, be addressed to the Mess Committee. (See Rule 5.4 above.)

PART 10: COMMUNICATIONS AND RECORDS

13 Communications

13.1 References to written communication include electronic communication and publication on the Mess website.

13.2 The Mess Executive Committee may engage a member to arrange for the Mess's social media presence to be updated with news, events and other information likely to be of use to members.

14 Minutes

14.1 Minutes shall be taken and filed by the Mess Secretary.

PART 11: COMMENCEMENT AND TRANSITION

15 Commencement

15.1 This Constitution shall take effect upon its adoption in General Meeting and will replace all previous versions.

15.2 For the avoidance of doubt, Mess appointments, co-options, Executive Committee memberships, and other arrangements existing under previous versions shall be continued upon the commencement of this Constitution unless expressly indicated otherwise.

Mess contact: CBM@southeastcircuit.org.uk