THE SOUTH EASTERN CIRCUIT

SEC · BAR MESS CONSTITUTION · KENT

Constitution of the Kent Bar Mess

As adopted by the Mess

Part 1: GENERAL

1. The Kent Bar Mess shall be a Constituent Bar Mess of the South Eastern Circuit as defined by Paragraph 14 of the Circuit Constitution.

2. No amendment shall be made to this Constitution except at a General Meeting where at least two thirds of the Members are present and two thirds of them vote to amend it.

3. Amendments required or requested by the South Eastern Circuit are an exception to the rule in paragraph 2.

Part 2: AIMS AND OBJECTIVES

4. The aims and objectives of the Kent Bar Mess are:

a. to promote and represent professional interests of its members

b. to assist with consultation undertaken in connection with the law and/or the legal profession

c. to provide information and/or assistance in matters of professional training, behaviour and continuing professional development

d. to promote and maintain the highest professional standards in the practice of law

e. to liaise with the judiciary in Kent over matters of mutual concern and interest

f. to provide opportunities for social exchange involving members and others concerned with the practice of law

PART 3: MEMBERSHIP

Eligibility

5. The categories of membership shall be as follows:

a. Ordinary Members

b. Honorary Members

c. Judicial Members

Ordinary members

6. No person shall be eligible to become or remain an Ordinary Member unless he/she/they are:

a. a practising barrister as defined by the Code of Conduct of the Bar of England and Wales; and

b. a member of the South Eastern Circuit

7. A barrister who is not practising is not eligible for membership.

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

9. A person who is eligible to be an Ordinary Member shall not be debarred by reason only of membership of any other Circuit or Constituent Bar Mess.

Honorary members

10. The Committee may in its discretion elect as an Honorary Member, any person who has been called to the Bar of England and Wales, subject to the right of the Mess in a general meeting to refuse to ratify such an election.

Judicial members

11. An Ordinary or Honorary Member who is appointed to a full time judicial appointment shall automatically become a Judicial Member.

12. The Committee may in its discretion elect as a Judicial Member any person who holds or has held a full-time judicial appointment, subject to the right of the Mess in a general meeting to refuse to ratify such an election.

Application for membership

13. Applications for membership shall be made by email using the prescribed form, which can be obtained from the Junior.

14. Applications must be submitted to the Junior.

15. Every candidate must have the signatures of two Members of the Mess on their application form, one of whom must be at least 3 years call.

16. The Committee may in its discretion accept a proposal which is supported in writing by the candidate's head of chambers or by a barrister who has been in independent practice for at least 10 years.

17. Every application for membership shall be screened in the Bar Library or the Robing Room at Maidstone Crown Court for at least 14 days prior to election.

18. Membership shall take effect once the application has been accepted, subscription arrangements have been confirmed, and payment of the 1st year's subscription has been received.

19. The Committee may in its discretion elect a candidate who is not a member of the South Eastern Circuit but is a bona fide candidate for membership thereof. Such election shall be conditional upon his/her joining the South Eastern Circuit within 3 months of election to the Mess. If such a candidate does not join the South Eastern Circuit, his/her election to the Mess shall ipso facto be deemed null and void. The Junior shall so inform such a candidate and repay without interest any subscription received.

20. The Committee may in its discretion defer a decision on an application for membership for a period not exceeding 3 months or refer it to a general meeting of the Mess.

21. Should an application to join the Mess be refused, an Extraordinary General Meeting of the Mess may be requested by the two members of the Bar named on the application form. Such a demand must be in writing and made within one month of the decision being communicated to the candidate.

22. A candidate whose application for membership has been rejected following such a meeting, shall have a right of appeal to the Circuit Committee of the South Eastern Circuit in accordance with the rules of the Circuit for the time being in force. Such an appeal must be made within the time prescribed by those rules.

23. A candidate whose application has been rejected by the Committee and upon whose behalf a meeting has not been demanded in accordance with paragraph 19 above, or whose application has been rejected and following such rejection has either not appealed to the Circuit Committee under Rule 22 or whose appeal has been rejected by the Circuit Committee shall not be eligible for admission within the next 3 years.

24. A Member who has resigned or whose membership has lapsed for any reason and who wishes to rejoin must apply again in the manner prescribed above.

Termination of membership

25. Circuit membership shall be terminated in the following circumstances:

a. upon commencement of any appointment which prevents practice at the Bar, except in the case of Honorary or Judicial Members as described by Rule 5;

b. upon disbarment;

c. upon resignation, by written notice to the Mess;

d. upon ceasing to practice at the Bar of England and Wales, except in the case of Honorary or Judicial membership;

e. where the Mess subscription owed by any member has remained outstanding for 12 months and it is considered that the default is unreasonable; and

f. 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.

26. A member whose membership has been terminated due to non-payment of fees, shall not be eligible for membership again unless past membership subscriptions owing are settled to the satisfaction of the Treasurer.

27. The Mess shall refer suspected breaches of policy on Harassment and Bullying to the South Eastern Circuit.

Rights of members

28. Members of all categories shall be entitled to attend dinners and other social functions upon payment of such charges as may be determined by Junior. Payment is due prior to the event.

29. For the purposes of rules, the expression "Member" means Ordinary Member and any reference to holding office includes membership of the Committee.

30. Ordinary Members shall be entitled to attend meetings other than Committee meetings, to speak and vote upon any business transacted there, to vote in elections of officers and the committee and to hold office if eligible.

31. Honorary Members shall be entitled to attend meetings other than Committee meetings and to give the meeting the benefit of their opinions upon any question but shall have no vote at meetings or in elections and shall not be eligible to hold office.

32. Judicial Members shall be entitled to attend meetings only by specific invitation from the Committee, subject to the right of the meeting to exclude them from all or any part of the business. They shall have no vote at meetings or in elections and shall not be eligible to hold office.

Subscriptions and Finance

Subscription

33. The annual subscription shall be £40 or such other amount as the Mess shall determine at a General Meeting.

34. The amount of the Mess subscription may be reviewed every 3 years.

35. Subscriptions are due to be paid yearly, by standing order, on the date that the person became a member of the Mess.

36. Payment of subscription should be made automatically by the member.

37. If any Member fails to pay his/her/their subscription the Junior shall send him/her/them a written reminder. If the Member then fails to pay within 3 months, he/she/they shall then cease to be a Member of the Mess, notwithstanding any other provision in the Constitution. The Junior shall send such a person a notice to this effect and inform the Committee of such action.

38. Any sum paid to the Mess by an Honorary or Judicial Member shall be treated as a donation to the Mess funds and shall not confer any additional rights on the payer.

Finance

39. The Treasurer shall oversee the finances of the Mess, in liaison with the Bar Mess Junior, Senior and Chair.

PART 4: OFFICERS AND COMMITTEE

40. The Officers of the Mess shall be

a. The Chairman

b. The Senior

c. The Junior

d. The First Circuit Representative

e. The Second Circuit Representative

and for the purposes of presiding at any meeting shall rank in that order.

41. In addition to the Officers there shall be a Committee of not more than 9 members. In the absence of all Officers their seniority shall be determined by the date of first election to the Committee.

42. No person may hold more than one of the offices of Chairman, Senior or Junior simultaneously, and not more than one of the Circuit Representatives' offices may be held by the Chairman, Senior or Junior. In that event the number of Committee Members may be increased by one.

43. No Member shall be eligible for election as an Officer or Committee Member unless at the date of election he/she/they has been an Ordinary Member for the qualifying term appropriate to the post.

44. The qualifying term is a continuous period of at least:

a. 7 years in the case of Chairman or Senior

b. 3 years in the case of Junior or First Circuit Representative

c. 1 year in the case of Second Circuit Representative or Committee Member

45. King's Counsel may not hold the office of Senior or Junior, and shall forthwith vacate the same upon taking silk.

46. The position of Chair should be held by King's Counsel.

47. Not more than 2 Committee Members may be King's Counsel, and at least 1 Committee Member shall be of 5 years call or less, at the date of election in either case, provided that the requirement to have a member of 5 years call or less shall not apply if no such candidate has been nominated.

48. Not more than 1 Circuit Representative may be King's Counsel, at the date of election.

49. The Officers and Committee shall be elected every three years at an Annual Meeting. Every candidate for election shall state in writing his/her/their willingness to be

nominated. Nominations must be received by the Junior at least 14 days before the meeting.

50. In the event of a contested election the Junior shall distribute postal ballot papers to all Members of the Mess. A vote shall not be valid unless received by the Junior not later than the commencement of business at the meeting.

51. If a vacancy arises from insufficiency of nomination at the meeting or occurs at any other time, the Committee may appoint any Member who is eligible. Such a Member so appointed shall hold office only until the next Annual General Meeting, but shall then be eligible for re-election.

52. In addition to filling vacancies, the Committee may co-opt not more than 2 Members on the same terms.

53. No Chairman, Senior, Junior or Circuit Representative may hold any one office for more than 3 years continuously.

PART 5: MEETINGS

Committee Meeting

54. Save as expressly provided in this Constitution, the business of the Mess shall be transacted by the Committee.

55. No business shall be transacted at any Committee Meeting unless at least 4 Officers or Committee Members are present.

56. Save as expressly provided in this Constitution, all questions at any General or Committee Meeting shall be decided by a simple majority of those present. Any member present may demand a ballot and in the event of a tied vote, the Officer or Committee Member presiding shall have a second and casting vote, but not in any case where a specified majority is required.

Annual General Meeting

57. The Annual General Meeting shall be held in February of each year, provided that no meeting shall be invalidated by reason only of being held later than that month.

58. The venue of the Annual General Meeting shall be such place as the Committee shall determine and may take place virtually.

59. At the Annual General Meeting the Officers and Committee shall report to the Members on all matters affecting the interests of the Mess.

60. Save as expressly provided in this Constitution, no business shall be transacted at any General Meeting unless at least 6 members are present.

61. Any Member wishing to place any business before the Annual General Meeting shall give written notice of the same to the Junior not later than 14 days before the meeting.

62. Notices and agenda of any General Meeting shall be sent to each Member at his/her/their last known professional address or email address at least 28 days before the date of the meeting, provided that failure to comply with this shall not invalidate such a meeting.

63. The agenda shall include the names of all candidates for election whose nominations have been received by the Junior.

64. No business other than that on the agenda shall be transacted at a General Meeting unless at least two thirds of the Members present and voting decide.

Extraordinary General Meeting

65. An Extraordinary General Meeting of the Mess shall be summoned by the Junior at the request of the Committee or on the written application of at least 20 members. The meeting shall be summoned within 6 weeks of the receipt of such request or application. The time and place of such a meeting shall be determined by the Committee.

66. Save as expressly provided in this Constitution, no business shall be transacted at any Extraordinary General Meeting unless at least 8 members are present.

Minutes

67. The Junior shall keep minutes of all Meetings and for the better performance of this duty may delegate all or part of the work to another. Any Member may inspect the minutes at the Junior's chambers upon reasonable notice.

Motions

68. No motion which has been submitted to any Meeting of the Mess and rejected or withdrawn shall again be brought forward either in form or in substance until the expiration of one year from the date when it was rejected or withdrawn, unless notice of it has been given in accordance with these Rules.

69. A meeting to determine a matter previously raised must have at least 12 Members present and any decision made must be agreed by at least two thirds of those attending.

PART 6: COMPLAINTS AND EXCLUSION

70. Any complaint about the conduct of any Member of the Mess shall be submitted in writing to the Junior who shall report the same to the Senior and/or Chair.

71. The Senior and/or Chair shall enquire into any complaints received and shall decide whether the complaint should be referred to a committee or a panel of the committee, made up of not less than 4 members. Their decision as to whether to refer the complaint to the committee is not open to appeal.

72. If referred to a committee, the committee will decide on the action to be taken. Their decision in this regard is not open to appeal, save as set out within the Anti-Bullying, Harassment and Sexual Harassment policy at paragraph 44.

73. No Member may be expelled from the Mess unless:

a. an Extraordinary General Meeting for this purpose has been called either by the Committee or 20 members who are dissatisfied with the Committee's decision, and

b. the Member has been given due notice of the meeting and due opportunity to be heard at the meeting; and

c. at least 12 members are present and vote; and

d. at least three-quarters of those present vote in favour of expulsion, or

e. expulsion results from decision made by the committee in determining the steps to be taken for a complaint made under the Anti-Bullying,, Harassment and Sexual Harassment policy at paragraph 45.

74. A Member who is expelled shall have a right of appeal to the Circuit Committee of the South Eastern Circuit in accordance with the rules of the Circuit for the time being in force. Such an appeal must be made within such time as the rules of the Circuit prescribe.

75. The Junior shall inform the Circuit Committee of the South Eastern Circuit of the name of any Member who has been expelled or whose membership has been terminated.

76. No member who has been expelled shall be eligible for re-election until at least 5 years after the date of such expulsion.

PART 7: DOCUMENTS

77. The Junior shall provide a List of Members upon request and for the better performance of this duty may delegate all or part of the work to another.

78. The List of Members shall be kept up to date and revised at intervals of not more than one year.

79. The List of Members shall not contain information beyond the name, professional address, Inn, date of Call and date of election to the Mess of each Member.

80. A copy of the Constitution and List of Members shall be made available on request.

81. A copy of the Constitution and List of Members shall be supplied free of charge to the Circuit Committee of the South Eastern Circuit upon request.

PART 8: HARASSMENT, GRIEVANCES AND CONDUCT

Harassment and Bullying

82. All members shall adhere to the KBM's Harassment and Bullying Complaints Policy.

83. Complaints of harassment or bullying may, in accordance with the written policy, be addressed to the Senior, Chair and or Committee.

PART 9: COMMENCEMENT AND TRANSITIONAL PROVISION

84. This Constitution shall take effect upon its adoption at a General Meeting and will replace all previous versions.

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

86. All existing liabilities to pay subscriptions at the date on which this Constitution is amended or comes into force shall continue.