Constitution

The foundational instrument of the Circuit

Part 1 · General

1. Status of the Constitution

1.1 This Constitution governs the structure, governance and operation of the South Eastern Circuit ("the Circuit").

1.2 It is adopted by the Circuit 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.

1.3 This Constitution may be amended only by resolution of the Circuit in General Meeting.

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

Part 2 · Objects of the Circuit

2.1 The objects of the Circuit are:

- to represent and promote the professional interests of its members and of the legal profession in London and the South-East of England;
- to assist with any consultations undertaken in connection with the law or the legal profession;
- to provide professional education and training and assist with continuing professional development;
- to promote and maintain the highest professional standards;
- to promote a Circuit ethos and provide opportunities for professional and social exchange; and,
- to serve the public interest where appropriate.

Part 3 · Membership

3. Eligibility

3.1 Any practising barrister entitled to practise in England and Wales shall be eligible for membership of the Circuit, subject to Rule 3.4 below.

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

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

3.4 A barrister who has had their membership of the Circuit terminated in accordance with Rule 6.2(a) 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 Circuit.

4.2 Applications shall be submitted to the Circuit Administrator.

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. Honorary and Judicial Members

5.1 The Circuit may elect Honorary Members in recognition of exceptional contribution to the objects of the Circuit.

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

5.3 The Circuit may elect Judicial Members, who may be former members who have taken judicial appointment in England and Wales or another jurisdiction.

5.4 Judicial Members shall be non-voting members and shall pay such subscription as is determined in General Meeting.

6. Termination

6.1 Circuit membership shall terminate in the following circumstances:

- 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;
- upon disbarment;
- upon resignation, by written notice to the Circuit Administrator; or,
- upon ceasing to practise at the Bar of England and Wales, except in the case of Honorary or Judicial membership as described by Rule 5.

6.2 Circuit membership may also be terminated by resolution of the Executive Committee in the following cases:

(a) where the Circuit subscription owed by any member has remained outstanding for 12 months and it is considered that the default is unreasonable; or,

(b) where it is considered that a member has breached the Bar Standards Board Code of Conduct or the Circuit'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 Circuit's objectives. The Executive Committee shall, where applicable, act upon the advice of the Panel described in Rule 6.4 below.

6.3 In either case set out in 6.2(a) and (b) above, the Circuit shall invite representations from the member concerned.

6.4 The Executive Committee shall refer suspected breaches of Circuit policy on Harassment and Bullying to a Panel comprising the Equality and Diversity Director, the Recorder and the Bar Mess Chair for the geographic area most closely associated with the allegations or member in question, or an alternate if that is thought more appropriate by the Leader. The Panel shall consider such evidence and written representations as it considers necessary for the fair and proportionate assessment of the referral.

6.5 An appeal from the advisory conclusion reached by the Panel lies to the Leader of the Circuit. It will not be a re-hearing, but is to ensure the processes were followed correctly.

Part 4 · Subscriptions and Finance

7. The Circuit Subscription

7.1 The amount of the Circuit subscription shall be reviewed every three years.

7.2 Annual subscriptions shall be collected each October.

7.3 Subscriptions shall be collected either:

- through arrangements between the Circuit Administrator and each Chambers or entity to which members may belong; or
- by individual direct debit or other method determined by the Circuit Administrator.

8. Financial Management

8.1 The Treasurer shall oversee the finances of the Circuit, and appoint and liaise with the Circuit's accountants, auditors and asset management agencies.

8.2 Circuit funds may be applied to:

- reasonable expenses of Officers;
- administrative and secretarial support;
- support for Bar Messes;
- educational, charitable or representative activities;
- hardship awards; or
- any other expense deemed necessary and consistent with the objects of the Circuit, approved by the Executive Committee.

Part 5 · Circuit Structure and Bar Messes

9. Constituent Bar Messes

9.1 There shall be County and London Bar Messes covering all geographic areas of the Circuit.

9.2 The Circuit is comprised of the following Bar Messes:

- Cambridgeshire Bar Mess
- Central Criminal Court Bar Mess
- Central London Bar Mess
- East Anglian Bar Mess
- Essex Bar Mess
- Hertfordshire and Bedfordshire Bar Mess
- Kent Bar Mess
- North London Bar Mess
- Surrey and South London Bar Mess
- Sussex Bar Mess
- Thames Valley Bar Mess

9.3 To be recognised as a Constituent Bar Mess, a Bar Mess must:

- have a written constitution adopted by its members;
- be open to all members of the Circuit without restriction;
- maintain a list of members available to its members and the Circuit Committee;
- provide for election of officers and a governing body;
- elect a Chair, for a defined term length established by the Bar Mess Constitution;
- hold Annual General Meetings with officer reporting;
- permit members to propose resolutions and call Extraordinary General Meetings.

9.4 Constitutions of Bar Messes shall be supplied to the Circuit Administrator for filing.

10. Bar Mess Governance Standardisation

10.1 For Circuit governance purposes, each Bar Mess shall identify the following core officer roles:

- Chair
- Junior
- Treasurer
- Secretary

10.2 These roles constitute the Circuit-recognised governance structure of each Bar Mess but are not to the exclusion of other locally appropriate appointments, including but not limited to a further Circuit representative (and see Rule 12.2 below concerning the Circuit Committee), court representatives or other liaison roles.

Part 6 · Meetings

11. General Meetings

11.1 An Annual General Meeting ("AGM") shall be held once each year in November.

11.2 The AGM shall be held at the Chambers of the Leader or such other venue as the Leader determines.

11.3 An Extraordinary General Meeting ("EGM") may be convened by the Leader or upon written request of at least twenty-five members.

11.4 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.

11.5 A quorum for any General Meeting shall be fifteen members.

11.6 Members may attend and vote remotely or by proxy as permitted by the Circuit Committee.

11.7 Any member of the Circuit shall, upon reasonable notice, attend upon the Leader of the Circuit when requested so to do.

Part 7 · Governance

12. Circuit Committee

12.1 The governing body of the Circuit shall be the Circuit Committee.

12.2 The Circuit Committee shall consist of:

- the Officers of the Circuit;
- the immediate past Recorder;

- the immediate past Junior;
- the Chair of each Constituent Bar Mess;
- the Junior of each Constituent Bar Mess;
- one additional representative of each Constituent Bar Mess;
- twenty-one Elected Committee Members;
- Bar Council Members representing the Circuit;
- Chairs of Liaison Committees;
- members nominated by recognised Specialist Associations;
- co-opted members (non-voting).

12.3 The quorum for meetings of the Circuit Committee shall be fifteen voting members, including at least one of the Leader, Recorder or Treasurer.

12.4 For the avoidance of doubt, where a person holds more than one position giving rise to Circuit Committee membership, that person shall have one vote at any Committee meeting and shall count as one person attending for the purposes of assessing whether a quorum is present.

13. Executive Committee

13.1 There shall be an Executive Committee with power to act in the name of the Circuit.

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

13.3 The quorum shall be four, including at least one of the Leader, Recorder or Treasurer.

Part 8 · Officers

14. Officers

14.1 The Officers of the Circuit shall be:

- the Leader;
- the Recorder;
- the Treasurer;
- the Junior;
- the First and Second Assistant Juniors.

14.2 The Leader and Treasurer shall be a King’s Counsel throughout the term of office.

14.3 The Recorder, Junior and Assistant Juniors shall be juniors at the date of election.

14.4 No person shall hold office after ceasing to be a member of the Circuit.

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

15. Terms of Office

15.1 The Officers of the Circuit shall hold their respective positions as follows:

- Leader and Recorder: 2 years;
- Treasurer: 3 years;
- Junior and First and Second Assistant Juniors: 1 year.

15.2 After one year, the First Assistant Junior shall become the Junior, and the Second Assistant shall become the First Assistant, such that the vacant position each year shall be the Second Assistant Junior.

15.3 In the event that any Officer's term lapses before an election is able to be held, the incumbent shall remain acting in post until the process in Rule 16 is able to be completed.

Part 9 · Elections

16. Election Process

16.1 Nominations for Officer roles shall be called for by email at least two weeks before any election by the Circuit Administrator. The current Recorder will act as returning officer.

16.2 Nominees shall have one week to submit a written statement.

16.3 Elections shall then be conducted online or by email over a two-week period.

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

16.5 Nominations may be made without prior consent, but written consent from the nominated person must be obtained before any election.

16.6 Members of the Circuit Committee as described by Rule 12.2 shall be eligible to vote in an election.

16.7 For the avoidance of doubt, a person who holds two or more positions giving rise to Committee membership shall be entitled to one vote.

16.8 In the case of any doubt as to whether a person holds one of the positions described by Rule 12.2 and is therefore entitled to vote at the date of an election, this shall be resolved by the Recorder in consultation with the Circuit Administrator.

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

16.10 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 Recorder and Circuit Administrator.

17. Elected Committee Members

17.1 There shall be up to twenty-one members of the Circuit elected by its membership to the Circuit Committee, in accordance with Rule 12.2.

17.2 The Elected Committee Members shall hold their positions for a term length of 3 years, with four positions subject to election each year. At least one member elected each year shall be under 10 years' call.

17.3 Nominations for the Elected Committee Members shall be called each year at the time of giving notice of the Circuit AGM.

17.4 Nominations may be made without prior consent, but written consent from the nominated person must be obtained before the AGM.

17.5 Those nominated shall be confirmed and elected by the AGM, unless more nominations are received than the number of vacant positions, in which case an election will follow.

17.6 Election shall be by email ballot of members, with those receiving the greatest numbers of votes duly elected according to the number of vacancies. Each member may vote once for one candidate, from a professional email address associated with the Circuit membership.

Part 10 · Amendments

18. Amendments

18.1 Proposed amendments to these Rules must be submitted by email to the Circuit Administrator before the 21-day AGM notice period.

18.2 Amendments shall be circulated and considered at the AGM.

18.3 The same procedure applies to Bar Mess constitutions.

Part 11 · Harassment, Grievances and Conduct

19. Harassment and Bullying

19.1 All members, Officers, Committee members, the Administrator and the Leader's PA shall adhere to the Circuit's Harassment and Bullying Complaints Policy.

19.2 Complaints of harassment or bullying shall, in accordance with the written policy, be addressed to the Executive Committee. See also Rule 6.4 above as to referral of complaints to a Panel for assessment.

20. Grievances

20.1 Any grievance raised by the Administrator or PA shall follow the same procedures as for all members.

Part 12 · Administration

21. Leader's Personal Assistant

21.1 Each Leader shall have access to a Personal Assistant for hours to be agreed between the Leader and Personal Assistant.

21.2 The PA shall support scheduling, correspondence, meetings and administration.

22. Circuit Administrator

22.1 The Circuit Administrator is responsible for membership records, subscriptions, databases, meetings and communications.

22.2 The Administrator reports to the Leader and the Recorder.

22.3 The Administrator will maintain a list of members, officers, Executive Committee and 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.

Part 13 · Communications and Records

23. Communications

23.1 References to written communication include electronic communication and publication on the Circuit website.

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

24. Minutes

24.1 Minutes shall be taken by or on behalf of the Recorder and filed by the Circuit Administrator.

Part 14 · Commencement and Transition

25. Commencement

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

25.2 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.