

THE CONSTITUTION OF THE
FAMILY LAW BAR ASSOCIATION
OF ENGLAND AND WALES

1. **Objects**

The objects of the Family Law Bar Association of England and Wales are:-

- (a) to take appropriate steps to uphold and improve family law and its administration;
- (b) to promote the interests of the Family Law Bar;
- (c) to consider and report on the working of the law relating to family matters;
- (d) to consult and/or make representations, in so far as it may be desirable, with the legislature, executive and judiciary concerning matters pertaining to family law and those who administer it;
- (e) to distribute information which may be of assistance and interest to members;
- (f) to provide continuing education for those members of the Bar engaged in family law work;
- (g) to foster good relations and understanding between all professionals involved in family law work and between those members of the Bar engaged in the work; and
- (h) to represent those members of the Bar engaged in family law work in dealings with the General Council of the Bar, the Law Society, the Legal Services Commission, the Government or any other body of relevance to the membership of the Association.

2. **Membership**

- (a) Full membership of the Association shall be limited to the following categories of Barrister:-
 - (i) those in independent practice in England and Wales;
 - (ii) those employed in a firm of solicitors in England and Wales;
 - (iii) those employed in the Government Legal Service or for a Local Authority in England and Wales;
 - (iv) those working in academia in England and Wales; or
 - (v) any other Barrister approved by the Committee.
- (b) Associate membership of the Association shall be available to the following categories of Barrister:-
 - (i) those who are retired;
 - (ii) those who are taking a career break; or

- (iii) any other Barrister approved by the Committee.
- (c) Student membership of the Association shall be available to the following:
 - (i) those who are enrolled full or part-time with a recognised educational establishment (tertiary education or higher) in England and Wales and are members or student members of an Inn of Court; or
 - (ii) any other student approved by the Committee.
- (d) Student membership is a limited membership of the Association and student members shall not be entitled to:
 - (i) stand for election to the Committee; or
 - (ii) vote in any election.
- (e) Any Barrister or student fulfilling the above criteria shall be entitled to either full or associate or student membership as of right provided they pay their subscriptions to the Association promptly in accordance with the terms set out in this Constitution and are not in breach of any material rule of this Constitution.
- (f) In the event of any Barrister or student failing to comply with sub-paragraph (e) above, the decision of the Committee of the Association as to whether or not to terminate the Barrister's or student's membership shall be final.

3. Subscriptions

- (a) Subscriptions to the Association shall be paid annually by standing order although the Committee shall be entitled to amend this requirement to provide that subscriptions be paid by direct debit.
- (b) The Committee shall determine the level of subscription from time to time and shall be entitled to set a different level of subscription for each of the three categories of membership and also for those who have been called to the Bar for under 5 years.

1. Officers of the Association

- (a) The Association shall have the following Officers:-
 - (i) Chairman;
 - (ii) Vice-Chairman;
 - (iii) Secretary; and
 - (iv) Treasurer.

- (b) The Officers shall be elected to serve for a period of two years from 1st January of the year following their election and shall be eligible to stand for re-election.
- (c) The election of the Officers shall be by a secret postal ballot of all full or associate members and shall be conducted by the alternate vote system unless there is only one nomination for any post, in which case that person shall be declared elected unopposed.
- (d) Only members of the Committee or former members of the Committee who have served on the Committee for at least two years (whether elected, co-opted or as a Regional Representative) shall be entitled to stand for any of the four Officer's posts.
- (e) The Secretary shall give not less than 21 days written notice to the membership of the closing date for nominations and the ballot papers shall be sent out not less than 21 days before the close of voting.
- (f) Each candidate shall be proposed and seconded by members of the Association (whether full or associate, but not student) and shall countersign the proposal to certify willingness to serve and to provide the time and commitment required for the post for which they are standing.
- (g) Each candidate shall be entitled to include with the ballot papers a brief personal profile of not more than 100 words.
- (h) The results of the elections shall be announced at the Annual General Meeting next following the poll.
- (i) In the event of the resignation of an Officer during his or her period of office, the Committee shall elect (by the alternate vote system in a secret ballot if there is more than one candidate) a replacement, provided they qualify under (d) above, to serve until the next set of elections, at which time the membership shall elect a replacement to serve until the conclusion of the term of office of the person who resigned.

5. **The Committee of the Association**

- (a) The day to day affairs of the Association shall be managed by the Committee.
- (b) The Committee shall consist of:-
 - (i) The Officers of the Association;
 - (ii) 18 elected members of the Association (whether full or associate, but not student members);
 - (iii) One representative from each accredited Region;
 - (iv) Any former Officer of the Association who remains a member of the

- (v) Association and desires to serve; and
 - (v) Any member co-opted to the Committee.
- (c) The following persons shall be automatically co-opted to the Committee:-
- (i) The Association's elected representative on the General Council of the Bar;
 - (ii) Any member of the Association (whether full or associate) who is an elected member of the General Council of the Bar; and
 - (iii) The barrister members of the Family Justice Council.
- (d) Other co-options:-
- (i) The Committee shall also be entitled to co-opt any other Member, limited to seven such co-options per annum for a maximum of one year each; such co-options may either be made generally or for a limited purpose but with no requirement that all such places are filled every year and no prohibition on the same Member being co-opted again in the following years;
 - (ii) Three of the above co-options shall be available to be filled by any Member of the Association;
 - (iii) At least three of the co-options shall be available to be filled only by Members who are tenants in a set of Chambers that does not have an existing member of the Committee at the time of co-option;
 - (iv) At least one of the co-options shall be available to be filled only by a Member who is in employment;
 - (v) In filling the co-options pursuant to (iii) above, the Committee shall specifically have regard to the need for equality and diversity amongst the membership of the Committee.
- (e) The Association's permanent Administrator shall attend each Committee and take the Minutes.

6. **The elected members of the Committee**

- (a) The 18 elected members of the Committee shall be elected to serve for a period of three years from 1st January of the year following their election; one third of the Committee shall retire annually in rotation but shall be eligible to stand for re-election.
- (b) The election shall be by a secret postal ballot of all members (whether full or associate, but not student) and shall be conducted by the single transferable vote system, unless

the number of people nominated does not exceed the number of vacancies in which case those people shall be declared elected unopposed.

- (c) The Secretary shall give not less than 21 days written notice to the membership of the closing date for nominations and the ballot papers shall be sent out not less than 21 days before the close of voting. In the event that a candidate is standing for re-election, the number of Committee Meetings attended by such candidate in the previous twelve months prior to the date on which the ballot papers are issued shall be placed on the ballot paper. For the purposes of this rule, attendance at a meeting shall include telephone attendance.
- (d) Each candidate shall be proposed and seconded by members of the Association (whether full or associate, but not student) and shall countersign the proposal to certify willingness to serve and to provide the time and commitment required to play a full part on the Committee.
- (e) Each candidate shall be entitled to include with the ballot papers a brief personal profile of not more than 100 words.
- (f) Each year, there shall be at least one member of the Committee elected who was under 7 years' call at the date of close of nominations.
- (g) The results of the elections shall be announced at the Annual General Meeting next following the poll.
- (h) In the event of any elected member resigning from the Committee (or being appointed an Officer) during their period of office, the Committee shall co-opt as a replacement the candidate finishing next highest but not being elected in the previous year's election; in such circumstances, the co-opted member shall serve until the end of the term of service of the elected member who was replaced.
- (i) In the event of an elected member of the Committee missing at least six Committee Meetings in the course of a calendar year, he or she shall be required to resign forthwith from the Committee.

7. **The Association's representative on the Bar Council**

- (a) The Association's subscriber representative on the Bar Council shall be elected to serve for a period of three years from 1st January of the year following the election but shall be eligible to stand for re-election.
- (b) The election shall be by a secret postal ballot of all members (whether full or associate) and shall be conducted by the alternate vote system unless there is only one nomination for the post, in which case that person shall be declared elected unopposed.

- (c) The Secretary shall give not less than 21 days written notice to the membership of the closing date for nominations and the ballot papers shall be sent out not less than 21 days before the close of voting.
- (d) Each candidate shall be proposed and seconded by members of the Association (whether full or associate) and shall countersign the proposal to certify willingness to serve and to provide the time and commitment required to play a full part on the Bar Council.
- (e) Each candidate shall be entitled to include with the ballot papers a brief personal profile of not more than 100 words.
- (f) The results of the election shall be announced at the Annual General Meeting next following the poll.
- (g) In the event of the resignation of the representative during his or her period of office, the Committee shall elect (by alternate vote in a secret ballot if there is more than one candidate) a replacement to serve until the conclusion of the term of office of the person who resigned.
- (h) In the event that no nominations are received by the due date, the Committee may nominate a representative who, in its absolute discretion, is best suited to fulfil the requirements of the role.¹

8. **Other posts**

- (a) The Committee shall elect (by alternate vote in a secret ballot if there is more than one candidate) for a period of two years from 1st January of the year following the election a Continuing Education Officer, an Editor for Family Affairs and an Equality and Diversity Officer.
- (b) The posts shall be filled by existing members (whether elected or co-opted) of the Committee at the date of the election.
- (c) The Continuing Education Officer shall have responsibility for running the Association's courses for the New Practitioners Programme and the Established Practitioners Programme. Other conferences shall remain the responsibility of the Secretary.
- (d) The Editor shall have responsibility for ensuring the publication of at least three issues of Family Affairs per annum.
- (e) In consultation with the Editor, the Committee shall be entitled to appoint an Editorial

¹ Amendment added AGM 2015

Board for Family Affairs to assist and advise the Editor.

- (f) The Equality and Diversity Officer shall have responsibility for:
 - (i) monitoring Equality and Diversity issues within the Association;
 - (ii) implementing and maintaining standards of Equality and Diversity good practice within the Association; and
 - (iii) liaising with the Bar Council and other relevant organizations in order to achieve (i) and (ii) above.

9. **The permanent Administrator/Association's Accountant**

- (a) The Committee shall be entitled to appoint a permanent paid Administrator to provide secretarial and other assistance to the Association.
- (b) The terms of the Administrator's retainer, contract and remuneration shall be a matter for the discretion of the Committee.
- (c) The Committee shall be entitled to appoint a Chartered or Certified Accountant to act on behalf of the Association in consultation with the Treasurer.
- (d) The terms of the Accountant's retainer, contract and remuneration shall be a matter for the discretion of the Committee.
- (e) The Treasurer, in conjunction with the Accountant, shall be entitled to decide the annual accounting period for the Association's accounts.

10. **The functions of the Committee**

- (a) The affairs of the Association shall be managed by the Committee which shall be empowered to act in the name of and on behalf of the Association as a whole.
- (b) The Committee shall have power to appoint sub-committees and to co-opt to such sub-committees members of the Association who do not sit on the main Committee.
- (c) The conduct of business at all Committee meetings (including the question of whether or not there is a sufficient quorum) shall be solely within the Chairman's discretion.
- (d) In the event of the Committee voting on any issue, the matter will be decided by simple majority with the Chairman having the casting vote in the event of a tie.

- (e) The Committee may direct that any issue of substantial importance be put to an Annual General Meeting (“AGM”) or and Emergency General Meeting (“EGM”) of the Association

11. **The Regions**

- (a) Those practising primarily outside London shall be entitled to join up to two Regions of the Association.
- (b) The Regions as at the date of passing of this Constitution shall be as per the Schedule attached to this Constitution
- (c) New Regions may be approved by the Committee of the Association established in Clause 6(a) of this Constitution (“the main Committee”) in consultation with the existing Regions.
- (d) Each Region shall have a Chairman and such other Officers as it deems necessary, who shall be elected by a secret ballot of the membership of each region under the same rules as for the Officers of the main Committee, save that the results shall be announced to the Region’s Membership in such manner as the Regional Officers shall decide; in the event of any such Officer resigning during his or her period of office, the Regional Committee shall appoint a replacement in the same manner as the main Committee; any member standing for the post of Chairman of a Region shall countersign the proposal to certify willingness to serve and to provide the time and commitment required.
- (e) The Officers of each region shall be entitled to appoint (and decide the method of such appointment), a Regional Committee which shall operate under the same rules as the main Committee.
- (f) The Chairman of each Region shall be the Regional Representative on the main Committee although the Chairman shall be entitled to appoint an Alternate to attend if the Chairman is unavailable. The Association shall pay the travel expenses of attendance at main Committee meetings.
- (g) The Association shall organise at least one meeting of the Officers of each Region each year.
- (h) Each Region shall establish its own bank account and control its own financial affairs save that:-

- (i) each Region shall be entitled to a grant from the main Committee each year; the size of this grant to be in the discretion of the main Committee; and
 - (ii) each Region shall have an obligation to return its own accounts to the Treasurer of the main Committee promptly when called upon to do so to enable the Regional accounts to be included in the main accounts of the Association.
- (e) Each Region shall keep its own membership list and shall be entitled to charge an additional annual subscription to its membership in its discretion.
 - (f) In so far as appropriate, the rules of this Constitution shall apply to each Region. In the event of a dispute, the main Committee shall have final autonomy.

12. **Annual General Meetings**

- (a) An AGM of the Association shall be held at a place and on a date and time fixed by the Committee and at least 21 days written notice shall be given to the membership of the Association.
- (b) The AGM shall consider a report from the Chairman as to the activities of the Association in the preceding year.
- (c) The accounts of the Association for the preceding year shall be presented by the Treasurer to the AGM for its approval.
- (d) Any member (whether full or associate) of the Association shall be entitled to table a written question to any Officer of the Association provided at least 7 days notice is given.
- (e) Any two members (whether full or associate) shall be entitled to table a constitutional amendment or other motion to the AGM. Any such constitutional amendment shall be dealt with as provided below. Any other motion shall be dealt with by simple majority of those present by a show of hands.
- (f) In the event of any such motion being passed which specifically includes a provision of no confidence in any Officer or Committee Member, the Officer or Committee Member concerned shall be entitled to require a secret ballot of the entire membership on the issue. Any such ballot shall be decided by simple majority and if it goes against the Officer or Committee Member concerned, that person shall resign.
- (g) The AGM shall have the power to elect any person (whether a member of the

Association or not) as an Honorary Life Vice-President as a recognition of outstanding service to the Association. A motion to elect any person as an Honorary Life Vice-President shall be proposed and seconded by members of the Association but need not be countersigned by the person concerned. A person shall be elected provided at least three-quarters of those present at the AGM shall vote in favour by a show of hands. In the event of the election of any practising barrister as an Honorary Life Vice-President, that person's annual subscriptions will thereafter be waived for life.

13. **Emergency General Meetings**

- (a) The Committee shall be entitled at any point to convene an EGM.
- (b) Any twenty members of the Association (whether full or associate) may require the Committee to convene an EGM provided the request is in writing and signed by the members concerned.
- (c) In the event of such a meeting being called, the provisions of Clause 12 of this Constitution shall apply to the conduct of the meeting.

14. **Amendment of the Constitution**

- (a) Any amendment to this Constitution shall be reduced to writing for consideration at an AGM or EGM and shall be proposed and seconded by members of the Association (whether full or associate).
- (b) The membership shall be given at least 7 days written notice of any such proposed amendment.
- (c) No amendment shall be passed unless at least 75% of those attending the AGM or EGM (or voting by proxy) support the amendment.
- (d) In the event of at least 20 members of the Association requesting a secret ballot in relation to one or more amendments, the amendments concerned shall be put to a ballot of the entire membership and shall not be passed unless at least 75% of those voting in the ballot support the amendment.

28th November 2009
revised September 2017

SCHEDULE

The approved Regions of the Association at the date of passing of this Constitution are (in alphabetical order):-

1. West Midlands
2. Bristol
3. East Anglia
4. East Midlands
5. Kent and Sussex
6. Leeds
7. Liverpool and Preston
8. Manchester
9. Newcastle upon Tyne
10. North Wales and Chester
11. *South Wales East* (Wales East and S Wales West merged AGM 2016)
12. *South Wales West* (----- “ -----)
13. Wessex
14. West Country
15. ~~Guildford and Surrey~~ (Now dissolved)