

### **Constitutional Amendment – Delete all and replace**

Proposed by: Kate O'Rourke (on behalf of SLL Executive Committee)

Seconded by: Fraser Whitehead (on behalf of SLL Governance Committee)

The Executive Committee of the Society of Labour Lawyers proposes the adoption of the attached new Constitution for the Society. A working group of the Society was tasked with developing a new Constitution which encourages diversity, inclusivity and good governance and the attached proposed new Constitution has been considered and agreed by the Executive.



Society of Labour Lawyers  
The legal think tank of the Labour Party

## **SOCIETY OF LABOUR LAWYERS CONSTITUTION**

### **1. NAME**

1.1. The name of the Society is “The Society of Labour Lawyers”.

### **2. OBJECTS**

2.1. The objects of the Society are to uphold the principles of justice, liberty, and equality in the United Kingdom and elsewhere, and to promote the interests of the Labour Party in furtherance of the cause of democratic socialism.

2.2. In pursuance of these objectives the Society will:

- 2.2.1. promote reforms in the law, the administration of the law, and the organization and practice of the legal profession;
- 2.2.2. make reports and recommendations to Royal Commissions, the Government, the Law Commission, and other bodies concerned with law reform and related matters;
- 2.2.3. draft, for use by the Society, the Parliamentary Labour Party, and others, provisions for Parliamentary Bills and subordinate legislation;
- 2.2.4. publish and distribute, and assist (financially or otherwise) in the publication and distribution of, reports, books, pamphlets, periodicals and others documents;
- 2.2.5. give advice and assistance, particularly in matters appertaining to the law, to national and local organisations of the Labour Party, Trade Unions, Co-Operative Societies, and other progressive organisations;
- 2.2.6. arrange and join in arranging meetings, conferences, exhibitions, and social and cultural functions;
- 2.2.7. encourage the formations of groups and persons affiliated to or otherwise connected with the Society;

- 2.2.8. co-operate with and otherwise support organisations concerned with law reform and related matters;
- 2.2.9. do such other acts and things as incidental to the achievement of the objects of the Society.

### **3. MEMBERSHIP**

- 3.1. Membership of the Society is open to any person who is an individual member of the Labour Party who supports the objects of the Society, and is:
  - 3.1.1. a barrister or solicitor of England and Wales or equivalent person in another jurisdiction;
  - 3.1.2. a person holding a judicial office, including a magistrate;
  - 3.1.3. a bar student or trainee solicitor or equivalent person in another jurisdiction;
  - 3.1.4. a CILEX Fellow or Graduate Member or equivalent person in another jurisdiction;
  - 3.1.5. a teacher of law at an educational institution recognised by the Executive Committee for the purpose of this clause;
  - 3.1.6. a legal executive working at a registered law business in England and Wales;
  - 3.1.7. a graduate of or a student of law at an educational institution recognised by the Executive Committee for the purpose of this clause;
  - 3.1.8. any other person engaged in professional practice regulated under the Legal Services Act 2010 or successor legislation;
  - 3.1.9. a person who was one or more of 3.1.1 – 3.1.8 when they joined the Society and who is now retired from work and wishes to continue in membership;
  - 3.1.10. Such other persons as the Executive Committee agrees.
- 3.2. Membership shall continue until the member resigns or ceases to be one of 3.1.1 – 3.1.10 or is removed from membership under subclauses 3.10 - 3.13.
- 3.3. Full Members shall be those who have been member for more than 12 calendar months and those with less membership shall be New Members.
- 3.4. The Executive Committee may also approve as Associate Members persons who do not meet the membership criteria under subclauses 3.1.1 – 3.1.8 but who have

expressed an interest in the affairs of the Society including persons who are working as paralegals who do not have a law degree.

- 3.5. Any person temporarily but not ordinarily resident in the United Kingdom who is thereby not a member of the Labour Party but is otherwise qualified for membership may also be accepted by the Executive Committee as a Temporary Member of the Society for a maximum period of 12 months.
- 3.6. The following members shall qualify to be members of the Society Group known as Junior Labour Lawyers:
  - 3.6.1. Pupil barristers;
  - 3.6.2. Trainee solicitors;
  - 3.6.3. Students of law undertaking an undergraduate course;
  - 3.6.4. Law graduates who graduated within the last ten years;
  - 3.6.5. Solicitors who have been qualified for less than ten years;
  - 3.6.6. Barristers who have been practising for less than ten years.
- 3.7. Junior Labour Lawyers shall function in accordance with rules approved by the Executive Committee which must provide that members of Junior Labour Lawyers who have been a graduate, a qualified solicitor or a barrister for more than six year shall not be an officer or hold an equivalent position in the group.
- 3.8. Associate Members, New Members and Temporary Members shall not be entitled to vote at any General Meeting, or in any election of office or of members of the Executive Committee and shall not be entitled to stand for election as an officer or as a member for the Executive Committee. Associate Members may not act as a Chair, Co-Chair or Secretary of any Group, Branch, Committee or Working Party.
- 3.9. Any person seeking to become a member of the Society shall send to the Secretary an application in a form approved by the Executive Committee, and all applications for membership shall be dealt with in such manner as the Executive Committee may direct.
- 3.10. It shall be in the absolute discretion of the Executive Committee, without giving grounds for their decision, to decline to accept an application of membership or to decline to accept the renewal of subscription of any member. Provided that in the event of the Executive Committee declining to accept a renewal of the subscription of any member they shall give notice in writing of that decision to that member. The former member shall have a right of appeal providing the appeal shall be submitted in writing to the Chair of the Society with 14 days of the decision. The

appeal shall be heard by a panel of four Executive Committee Members sitting with an external independent Chair and their decision shall be final.

- 3.11. If the subscription to the Society of any member is unpaid at the expiration of three months from the date when it became due, the Executive Committee shall, notwithstanding any forbearance given to such member, have power to declare the person concerned to be no longer a member of the Society, and upon such declaration being made such person shall forthwith cease to be a member of the Society for all purposes, but without prejudice to the power of the Executive Committee, upon application being made accompanied by arrears of subscription, to declare that person to be reinstated as a member of the Society.
- 3.12. The Executive Committee on a complaint being made against any member of detrimental comment or conduct towards any person by reference to a characteristic protected by the Equality Act or of breach of the Labour Party rules or codes of conduct or of having in any other way brought the Society into disrepute shall after considering the facts have power to declare a person as having thereby brought the Society into disrepute.
- 3.13. Upon such a declaration the person concerned shall immediately cease to be a member of the Society but shall be entitled to a proportionate reimbursement of the balance of their annual membership fee paid. The former member shall have a right of appeal providing the appeal shall be submitted in writing to the Chair of the Society within 14 days of declaration. The appeal shall be heard by a panel of four Executive Committee Members sitting with an external independent Chair and their decision shall be final.

#### **4. GROUPS, BRANCHES, COMMITTEES AND WORKING PARTIES**

- 4.1. Groups and Branches of the Society's members may be formed in accordance with rules approved by the Executive Committee. Groups shall be responsible for areas of interest of members and Branches for areas of geographical location of members.
- 4.2. No Group or Branch of the Society shall make any publication, statement or other pronouncement in the name of the Society without the prior approval of the Executive Committee or, where the need for approval is urgent, of the Chair of the Society or in their absence the Vice Chair.
- 4.3. The Executive Committee shall have the power to withhold or withdraw recognition of any group of persons as a Group or Branch of the Society.
- 4.4. The structure of all Groups and Branches shall be such that they shall be required to:
  - 4.4.1. hold an annual meeting of the Group;

- 4.4.2. at the annual meeting, elect two Co-Chairs at least one of whom shall be a woman, and in the absence of a management committee the Chairs shall be responsible for all actions of the Group;
  - 4.4.3. have at its option a management committee appointed by all members of the Group;
  - 4.4.4. regularly convene meeting at which a programme of future meetings, events and activities should be agreed. One or other Co-Chair shall regularly attend the meetings of the Executive Committee to provide an update on the Group's/Branch's activities.
- 4.5. Any rules of the Group/Branch other than those listed in 4.4.1 – 4.4.4 must be approved by the Executive Committee
- 4.6. The Groups and Branches of the Society shall at any one time shall be those approved by the Executive Committee and identified as active on the Society's website.
- 4.7. There shall normally be Groups for Access to Justice, Rights at Work, Housing, Family and Children.
- 4.8. There may be Branches in any geographical area where there are sufficient interested members. The Executive Committee may at its discretion define any Group or Branch as currently inactive and neither Co-Chair shall be entitled to attend the Executive Committee.

## **5. OFFICERS**

- 5.1. The Officers of the Society shall consist of a Chair, a Vice Chair, a Secretary, and a Treasurer elected or appointed as hereinafter provided. At least one of the Chair and Vice Chair shall be a woman. At least one of the Secretary and Treasurer shall be a woman.
- 5.2. The Executive Committee may appoint a person to fill a vacancy among the officers of the Society and any person so appointed shall hold office until the conclusion of the Annual General Meeting next following that appointment. Such appointment shall reflect the objective of achieving gender balance.

## **6. EXECUTIVE COMMITTEE AND SUB-COMMITTEES**

- 6.1. Except as otherwise provided the management of the Society shall be undertaken by an Executive Committee. The Executive Committee shall consist of the Officers of the Society, six other members elected as hereinafter provided at least three of whom shall be women, plus one or the other Co-Chair of each active Group or

Branch, and the Chair for the time being of the Junior Labour Lawyers together with those members co-opted in accordance with 6.3.

- 6.2. At its first meeting in each year the Executive shall allocate roles among the six elected members and co-opted members including the roles of Membership Officer, Equalities Officer, Press and Publications Officer and Website and Social Media Officer.
- 6.3. The Executive Committee may co-opt not more than six members of the Society to serve as members of the Executive Committee who shall be co-opted wherever possible to ensure gender balance and the following types of members are represented on the Executive Committee, namely magistrate members, non-London members and Group Chairs.
- 6.4. The Executive Committee may appoint a member of the Society to fill a vacancy arising during the year among the Elected Members and Co-Opted Members of the Executive Committee. Any persons co-opted shall hold office until the conclusion of the Annual General Meeting next following that person's co-option or appointment.
- 6.5. Only the four elected Officers, the six Elected Members, the Co-Opted Members and the Chair of the Junior Labour Lawyers shall have a vote in decisions of the Executive Committee.
- 6.6. The quorum of the Executive Committee shall be six of those who are the Officers, Elected Members, Co-Opted Members, or the Chair of the Junior Labour Lawyers. The proceedings of the Executive Committee shall not be invalidated by reason of any absence among its Elected Members providing proceedings of an inquorate Executive Committee meeting are ratified at the next Executive Committee meeting which must be quorate.
- 6.7. The Executive Committee may appoint members to ad hoc Committees and Working Parties to assist in carrying out any of the objects of the Society. The Chairs of Committees and Working Parties shall be appointed by the Executive Committee.
- 6.8. The number and nature of any Sub-Committee or Working Party shall be determined by the Executive Committee.
- 6.9. The members of the Executive Committee shall be indemnified out of the funds of the Society against all risk and expense arising out of the management of the Society.
- 6.10. The Executive Committee shall meet at least six times per annum and shall receive reports from Groups, Branches, Committees and Working Parties and shall consider and determine upon matters relevant to the Society's business.
- 6.11. The Executive Committee shall appoint the Labour Party Annual Conference Delegates and the Delegates to any Special Conference of the Labour Party and

may mandate the delegate in respect of voting matters and request the delegate to report back on the conference attended. The delegate(s) should prepare a report for the Executive Committee on the conference attended.

- 6.12. The Executive Committee may appoint an Advisory Committee comprising such persons as the Executive Committee shall decide to assist in the promotion of the Society's interests.

## **7. ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE**

- 7.1. The Officers of the Society and the six Elected Members of the Executive Committee shall be elected at each Annual General Meeting and shall hold office from the conclusion of the meeting at which they are elected until the conclusion of the next Annual General Meeting.
- 7.2. The Officers shall be elected by the Alternative Vote procedure subject to the requirement for gender balance in subclause 5.1 and the six Elected Members of the Executive Committee shall be elected under the Single Transferable Vote procedure subject to the gender balance requirement in subsection 6.1.
- 7.3. Written nomination for election as an Officer of the Society or as an Elected Member of the Executive Committee shall be signed by not less than two members of the Society other than the person nominated and incorporate the written consent of the person nominated.
- 7.4. Nomination forms shall be sent to reach the Secretary not less than 14 days before the date fixed for the Annual General Meeting.
- 7.5. Where the number of persons nominated for any position exceeds the number of persons to be elected, there shall be a secret ballot held at the Annual General Meeting.
- 7.6. The Secretary shall act as the Returning Officer and prepare ballot papers.
- 7.7. The Returning Officer may amend or waive procedural electoral requirements provided in this constitution other than in respect of the number of Officers, the number of Elected Members of the Executive Committee, and the associated gender balance requirements, with the approval of the meeting.
- 7.8. Any member who cannot attend the Annual General Meeting, but that nevertheless would like to vote in any such ballot shall notify the Secretary by email seven days before the meeting. The Secretary shall supply any such member with ballot papers which must be returned to the Secretary no later than noon of the day of the Annual General Meeting.



7.9. All valid ballot papers received by the Secretary in accordance with this clause shall be counted in accordance with the arrangements made by the Executive Committee and the result of the election shall be declared at the Annual General Meeting, or as soon as possible thereafter.

## **8. GENERAL MEETINGS**

8.1. A General Meeting of the Society shall normally be held in term time in December of every year, and in this Constitution is referred to as the Annual General Meeting.

8.2. At least 28 days' notice by post or by e-mail, with the communication method of notice chosen by the Secretary, shall be given to members of the Society of the Annual General Meeting.

8.3. A General Meeting may be convened at the discretion of the Executive Committee to be held in term time.

8.4. A General Meeting shall be convened by the Secretary at the written request of not less than 20 Full Members of the Society, specifying the purpose for which the meeting is being held.

8.5. Any member of the Society desiring to move a motion at a General Meeting convened pursuant to 8.4 shall ensure that the terms of the motion are incorporated in the written request that the meeting be convened.

8.6. A General Meeting pursuant to 8.4 shall be convened for a date within 21 days of the receipt by the Secretary of the request for the meeting to be convened except that it shall not be obligatory to convene a General Meeting pursuant to 8.4 until at least six weeks after any other General Meeting of the Society.

8.7. The quorum for a General Meeting shall be 20 Full Members of the Society.

8.8. All General Meetings must be chaired by the Chair of the Society or, in the absence of the Chair by the Vice Chair or, in the absence of both, by a member of the Executive Committee.

8.9. At a General Meeting no decision shall be made on any matter which the Chair of the meeting rules to be contentious unless in the opinion of the Chair the agenda for that meeting gave members a fair opportunity of knowing that the matter in question was to be considered at the meeting.

8.10. Term time for the purposes of clause 8.1 shall be those identified on the [judiciary.uk](http://judiciary.uk) website, or a successor website.

## **9. MOTIONS AND AGENDA**

- 9.1. Any member of the Society desiring to move a motion at an Annual General Meeting shall give written notice thereof, incorporating the terms of the motion and signed by the proposer and seconder to the Secretary not less than 14 days before the date fixed for the Annual General Meeting.
- 9.2. The Executive Committee may include any motion, or an amendment for any motion, in the notice of the meeting and in the case of urgency in the agenda for any General Meeting.
- 9.3. The agenda for every Annual General Meeting shall include:
  - 9.3.1. a presentation by the Chair of an Annual Report on behalf of the Executive Committee;
  - 9.3.2. a presentation of a report by the Treasurer with the audited accounts of the Society;
  - 9.3.3. the election of Officers and the Elected Members of the Executive Committee and the appointment of two auditors for the ensuing year.
- 9.4. The agenda for any General Meeting shall either be posted or sent by email, with the communication method chosen by the Secretary, to all members of the Society not less than six days before the date fixed for the meeting.

## **10. SUBSCRIPTIONS**

- 10.1. Members of the Society shall pay an annual subscription in respect of each year of such amounts as shall be proposed by the Executive Committee and approved at the Annual General Meeting or other General Meeting or in default by the Executive Committee.

## **11. ACCOUNTS**

- 11.1. True and sufficient accounts of the funds of the Society shall be kept by or under the supervision of the Treasurer.
- 11.2. Auditors of the accounts of the Society shall be appointed at each Annual General Meeting or, failing that, by the Executive Committee.
- 11.3. At each Annual General Meeting the audited accounts of the Society in respect of the preceding year shall be presented by the Treasurer or by some person acting on their behalf.

- 11.4. Payments made on behalf of the Society shall be authorised by the Treasurer or by such person or persons as the Executive Committee may direct.

## **12. RESIGNATIONS**

- 12.1. An Officer of the Society or member of the Executive Committee may resign from office at any time on giving written notice to the Secretary to that effect.
- 12.2. If a member of the Executive Committee (whether appointed or elected) shall be absent from three consecutive meetings of the Executive Committee, except for a reason accept by the Executive Committee, that person shall, on a resolution of the Executive Committee being passed to that effect, be deemed to have resigned from office as a member of Executive Committee, and as an Officer of the Society if holding such an office and cease to be Chair of a Group or Branch if a member of the Executive Committee by reason of that role.
- 12.3. A member of the Society may resign from membership at any time on giving written notice to the Secretary to that effect, and any person who ceases to be qualified to be a member of the Society shall thereupon cease to be a member.

## **13. PARTICIPATION IN LABOUR PARTY ELECTIONS AND OTHER BODIES**

- 13.1. In any contest for the Leadership or Deputy Leadership of the Labour Party the Executive of the Society shall conduct a nomination ballot (which may be an e-ballot) of the Full Members of the Society and the Society shall nominate so far as practicable in accordance with the result of that ballot.
- 13.2. The Society shall not affiliate with any Labour Party bodies other than the Labour Party, the Welsh Labour Party, the Scottish Labour Party, and the Socialist Societies Executive, nor participate whether In respect of nomination or voting or other engagement in any party election other than for the Socialist Societies NEC Representative, Socialist Societies WEC Representative, Socialist Societies SEC Representative, or the Young Labour Socialist Societies Representative.
- 13.3. Members of the Society seeking nomination as a prospective candidate in a parliamentary, mayoral, local authority or devolved government election may ask the Executive Committee to support their candidature including by affiliating to a relevant body to the extent necessary, but excluding being a delegate, in order that the member can participate in any listing, selection or nomination process and the Executive Committee shall have full discretion as to whether support is given.

#### **14. EXTERNAL PUBLICATIONS**

- 14.1. No member shall issue any publication or statement or make any pronouncement in the name of the Society unless it has been approved by the Executive Committee or is issued in accordance with authority delegated by the Executive Committee.

#### **15. AMENDING THE CONSTITUTION**

- 15.1. This constitution may be amended by a resolution to that effect being passed by a majority of two-thirds of the Full Members present and voting at an Annual General Meeting of the Society.
- 15.2. Any question as to the meaning or application of this Constitution arising during the course of a General Meeting shall be determined by the Chair of the meeting.

#### **16. ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE AT 2020 ANNUAL GENERAL MEETING**

- 16.1. In the event that this new Constitution of the Society is adopted at the Annual General Meeting in December 2020, then it shall come into effect at the end of that General Meeting, other than clauses 5.1, 6.1, 7.1, 7.2 and 16 which will apply immediately, including to the elections conducted for the Officers and Elected Executive Committee members at that General Meeting.