



THE SOUTH EASTERN CIRCUIT

**THE RULES AND CONSTITUTION
OF THE CIRCUIT**

Constitution approved at the A.G.M. on 23rd July 1986

Rules adopted at the A.G.M. on 20th July 1988

Amended at the E.G.M. on 3rd June 1990

Amended at the A.G.M. on 23rd July 1991

Amended at the A.G.M. in October 1998

Amended at the A.G.M. on 9th November 2000

Amended at the A.G.M. on 15 October 2001

Amended at the A.G.M. on 11th October 2006

Amended at the A.G.M on 7th October 2008

Amended at the A.G.M on 10th November 2009

RULES

1. INTRODUCTION

These Rules govern the more formal aspects of the Circuit structure but do not attempt to record the many customs and traditions which have grown up over the years. Nevertheless, members of the Circuit are expected to observe and foster those customs and traditions.

2. GENERAL

- 2.1 These Rules are published by authority of the Circuit in General Meeting.
- 2.2 These Rules shall be read in conjunction with and subject to any rule of conduct or practice of the General Council of the Bar.
- 2.3 These Rules shall only be altered by resolution of the Circuit in General Meeting.
- 2.4 By membership of the Circuit a member agrees to be bound by these Rules.

3. THE CONSTITUTION

- 3.1 The Constitution of the Circuit is incorporated in these Rules and governs the following:
 - (a) the Circuit structure;
 - (b) meetings;
 - (c) Officers; and
 - (d) the Circuit Committee (known historically as the "Wine Committee" being the Governing Committee of the Circuit).

4. MEMBERSHIP OF THE CIRCUIT

- 4.1 Save as hereinafter provided every member of the Bar of England and Wales shall be eligible for election to membership of the Circuit. A non-practising barrister as defined

in the Code of Conduct of the Bar of England and Wales shall not be eligible for election to membership of the Circuit.

- 4.2 No one shall qualify for membership of the Circuit unless at the time when his or her application for election is to be determined he or she is a practising barrister as defined in the Code of Conduct of the Bar of England and Wales adopted by the General Council of the Bar on 25 July 2000 and to whom the Code of Conduct of England and Wales for the time being in force is applicable. For the avoidance of doubt a pupil who has satisfactorily completed the non-practising period of pupillage shall be eligible for election to membership of the Circuit.
- 4.3 Every application for election shall be made in writing to the Junior on the form provided by him or her. Membership of the Circuit shall be conferred upon any applicant whose application is in proper order and has been received by the Junior. In the case of any doubt the Junior shall refer the application to the Circuit Committee at the next meeting after receipt of the application for that Committee's decision on the question whether membership should be conferred.
- 4.4 [Deliberately left blank].
- 4.5 A candidate for election shall be proposed in writing by a member of the South Eastern Circuit. The proposer must know the candidate personally.
- 4.6 The Circuit may elect Honorary Members. The procedure for such elections shall be:
 - (a) Honorary Membership shall not be available to any person who is eligible for ordinary membership of the Circuit as defined in 4.2 above;
 - (b) Prospective Honorary Members need not apply, but shall be proposed in writing to the Recorder of the Circuit by a member of the South Eastern Circuit;
 - (c) Every proposal for election to Honorary Membership shall be referred to the Circuit Committee at the next meeting after receipt of the proposal for that Committee's decision on the question of whether membership should be conferred;
 - (d) Honorary Membership shall only be conferred if, in the opinion of not less than two-thirds of the members of a quorate Committee meeting pursuant to (c) above, the prospective Honorary Member has made an exceptional contribution to one or more of the objects of the Circuit as defined;

- (e) Honorary Members shall be non-voting members of the Circuit, and shall not be required to pay an annual subscription.
- 4.7 The annual subscription shall be for such amounts and payable at such time as are determined by the Circuit in General Meeting.
- 4.8 Subscriptions shall be paid by Direct Debit Mandate. Membership of the Circuit shall not take effect until the new member has conveyed to the Junior a completed Direct Debit Mandate for the appropriate subscription.
- 4.9 In any case where a subscription has been outstanding and owing to the Circuit for a period of twelve months or more the Treasurer shall report the defaulter to the Circuit Committee which shall determine his membership of the Circuit. The Circuit Committee shall not entertain any application to rejoin by any person whose membership has been determined under this Rule unless he or she has paid all outstanding subscriptions.
- 4.10 Membership shall also terminate:
- (a) (save in the case of Honorary Membership) upon any appointment which, during its continuance, prevents practice at the Bar; or
 - (b) upon disbarment; or
 - (c) upon resignation, which must be made to the Junior in writing; or
 - (d) (save in the case of Honorary Membership) upon ceasing to practise.
- 4.11 Any member of the Circuit shall, upon reasonable notice, attend upon the Leader of the Circuit when requested so to do.
- 4.12 The Circuit Committee may establish guidelines for the discharge of any responsibility delegated to it by the General Council of the Bar with regard to the establishment and/or conduct of sets of chambers or members of the independent practising Bar on the Circuit as shall seem appropriate to it in all the circumstances. Such guidelines shall be published to the members of the Circuit and shall be communicated to the General Council of the Bar.
- 4.13 The Circuit may elect Judicial Members. The procedure for such election shall be the

same as that defined for ordinary membership in 4.3, save that:

- (a) Applications shall be submitted to the Recorder;
- (b) Judicial Members shall pay an annual subscription which shall be for such amounts and payable at such time as are determined by the Circuit in General Meeting;
- (c) Judicial Members shall be non-voting members of the Circuit.

5. FINANCE

5.1 The Clerks to the Officers of the Circuit may be paid such annual remuneration as the Circuit Committee determines.

5.2 The Treasurer is authorised to pay the reasonable expenses of:

- (a) the Officers of the Circuit in carrying out their official duties;
- (b) any member who attends any meeting or function as a representative of the Circuit, unless such expenses may be recovered from some other body; and
- (c) secretarial assistance.

5.3 The Circuit Committee may authorise the Treasurer to make such payments from Circuit funds as it shall determine are in the best interests of the Circuit including contributions towards:

- (a) charities;
- (b) libraries on Circuit;
- (c) Liaison Committee meetings; and
- (d) dinners on Circuit and in London organised by the Circuit or Constituent Bar Messes as defined by paragraph 14 of the Constitution;
- (e) the South Eastern Circuit Bar Mess Foundation.

CONSTITUTION

OBJECTS

The objects of the Circuit are as follows:

- (a) to promote and represent the professional interests of its members and of the legal profession as a whole;
- (b) to assist with consultation undertaken in connection with the law or the legal profession;
- (c) to provide professional education and training and assist with continuing professional development;
- (d) to promote and maintain the highest professional standards in the practice of law;
- (e) to promote a Circuit ethos and provide opportunities for social exchange involving its members and others concerned with the practice or administration of law
- (f) to serve the public interest in any other way.

THE CIRCUIT STRUCTURE

1. There shall be County and London Bar Messes covering all parts of the South Eastern Circuit.
2. To be recognised as a constituent part of the Circuit, a Bar Mess must satisfy certain conditions, referred to hereafter as the "Constituency Conditions".
3. Save as provided for in the Constituency Conditions or otherwise in this constitution each Mess shall determine its own membership and organisation.
4. Payment of an entrance fee shall not be made a condition of membership of a Mess.
5. The Circuit Committee may, at its discretion, make subventions to any Mess for the

purpose of financing its operations or for any other specific purpose.

MEETINGS

6. An Annual General Meeting of the Circuit shall be held once in every year on such date (usually in October) and at such time and place as the Circuit Committee may determine.
7. The Junior shall give to Circuit members, in such manner as the Circuit Committee may direct, not less than twenty-one days notice of the time, date and place of that Annual General Meeting.
8. The Leader shall convene an Extraordinary General Meeting of the Circuit at the written request of at least fifty Circuit members specifying the matters to be discussed.
9. The Leader, or in his or her absence the Recorder, shall preside at any General Meeting of the Circuit.
10. No business shall be transacted at any General Meeting of the Circuit unless a quorum of twenty Circuit members is present.
11. Any Circuit member may bring forward a matter for discussion at an Annual General Meeting of the Circuit of which he or she has given prior written notice to the Junior. Unless such written notice is received by the Junior at least fourteen days before the Annual General Meeting no decision shall be taken thereon at that Meeting but it shall be resolved at the next Annual General Meeting subject to paragraph 8 above. No later than 7 days before the date of the Annual General Meeting the Junior shall send to every member of the Circuit a copy of any written notice given by a Circuit member of a matter for discussion at that Annual General Meeting, where that written notice was received by the Junior during the period commencing with the date of notice of the Annual General Meeting and ending with the date that is 14 days before the date of the Annual General Meeting.

THE CIRCUIT COMMITTEE

FUNCTION

12. The governing body of the Circuit shall be known formally as the Circuit Committee

otherwise and historically known as the Wine Committee.

COMPOSITION

13. The Circuit Committee shall consist of:
- (a) the Officers of the Circuit, as defined by paragraph 19 hereof;
 - (aa) the Chairman of each Constituent Bar Mess;
 - (b) the immediate past Recorder;
 - (c) the immediate past Junior;
 - (d) twenty one members of the Circuit elected in accordance with paragraph 16 hereafter of whom seven shall be elected annually and of such seven two shall be under ten years call at the date of their election. All members elected under this sub-paragraph shall be known as the "General Members"; the General Members shall serve for a term of three years and shall not be eligible for re-election under the sub-paragraph for immediately successive terms;
 - (e) members elected by the Constituent Bar Messes as defined in paragraph 14 hereafter and in the following numbers:
 - (i) by a County and London Bar Mess, two members, at least one of whom shall be a junior at the date of election;
save for
 - (ii) the Central Criminal Court Bar Mess, one member:

all members so elected shall be known as the "Constituency Members"; each such Constituency Member shall be a member of the Circuit at the date of his or her election; the Constituency Members shall serve terms of three years and shall not be eligible for re-election under this sub-paragraph for immediately successive terms;
 - (f) one Circuit member nominated by any Specialist Association recognised by the Circuit to serve for a term of three years;
 - (g) the Chairmen of the Liaison Committees as established and recognised by the Circuit Committee;
 - (h) those members of the Circuit elected to the General Council of the Bar as representatives of the Circuit; all such members of the Circuit Committee shall be known as the "Bar Council Members";
 - (i) those members of the Circuit co-opted to the Committee for up to 3 years by

resolution of the Committee (co-opted Members of the Circuit Committee are non-voting Members of that Committee).

- 13A The quorum for meetings of the Circuit Committee is fifteen (voting) Members of the Circuit Committee, of whom at least one is the Leader, the Recorder or the Treasurer.

THE CONSTITUENT BAR MESSES

- 14.1 To qualify as a Constituent Bar Mess for the purposes of the Rules and the Constitution of the Circuit, a Bar Mess must be recognised by the Circuit Committee as meeting the constituency conditions set out hereunder:

- (a) Each Bar Mess shall have a written Constitution adopted by its members.
- (b) Membership of the Bar Mess shall be open to all members of the Circuit without restriction founded upon membership of any other Bar Mess of the Circuit and to members of other Circuits.
- (c) The Bar Mess shall maintain a list of its members which shall be available to its members and to the Circuit Committee.
- (d) The constitution of the Bar Mess shall provide for the election of its governing body and of its officers.
- (e) The constitution of the Bar Mess shall provide for the holding of Annual General Meetings at which its officers and governing body shall be required to report on its activities.
- (f) The constitution of the Bar Mess shall provide the method(s) whereby its members can:
 - (i) propose resolutions at its Annual General Meetings; and
 - (ii) call for an Extraordinary General Meeting.

- 14.2 Any Bar Mess claiming or to be offered recognition as a Constituent Bar Mess for any purpose under the Rules or Constitution of the Circuit shall deposit its constitution with the Circuit Committee which shall determine whether the constitution meets the constituency conditions and, if not satisfied, shall recommend amendments thereto to the Bar Mess. If satisfied that all the constituency conditions have been met, the Circuit Committee shall notify the relevant officer of the Bar Mess and shall forthwith list and publish the Bar Mess as a Constituent Bar Mess of the Circuit.

15. For the purpose of the Rules of the Circuit and of this Constitution a Constituent Bar Mess may be either a County or a London Bar Mess. For the avoidance of doubt, a London Bar Mess shall be one which is related to a London Crown Court or Group of Crown Courts or one of the London areas for the time being of the Crown Prosecution Service: a County Bar Mess shall be a Mess established outside the area covered by the London Bar Messes. The decision of the Circuit Committee designating a Constituent Bar Mess as "County" or "London" shall be final.
- 15A. Notices of and minutes of General Meetings of a Local Bar Mess should be copied by the Local Bar Mess Chairman to the Recorder.
- 15B. Notices of and results of elections to office within a Local Bar Mess should be copied by the Local Bar Mess Chairman to the Recorder.

ELECTION OF GENERAL MEMBERS AND BAR COUNCIL MEMBERS

16. The election of the General Members and the Bar Council Members shall be by postal ballot (first past the post) of all the members of the Circuit subject to the following rules:
 - (a) The date of election shall be determined by the Circuit Committee so that it shall occur before the end of the Michaelmas Term in each year. Such date shall be published to all members of the Circuit no later than 35 days before the said date. The publication shall state the number of candidates under 10 years' call at the date of the election required by paragraph 13(d) hereof to be elected.
 - (b) Every member of the Circuit shall be eligible to stand for election as a General Member or as a Bar Council Member provided that he or she is nominated in writing for such election and consents in writing thereto. Nominations and consents must be in the possession of the Junior no later than 21 days before the date of the election.
 - (c) No later than 14 days before the date of the election the Junior shall send to every member of the Circuit a ballot paper listing the names of all the candidates qualified under sub-paragraph (b) hereof and identifying all those candidates who will be under 10 years' call at that date.
 - (d) The ballot shall close at 6pm on the date of the election. The votes shall be counted by tellers appointed by the Circuit Committee and shall be published by the Committee. The results as published by the Committee shall be final.

COMMITTEES OF THE CIRCUIT COMMITTEE

17. There shall be a Standing Committee of the Circuit Committee, known as the Executive Committee, with power to act in the name of the Circuit. The Executive Committee shall be accountable to the Circuit Committee and to the Annual General Meeting. The Executive Committee shall consist of the Circuit Officers and any other member of the Circuit Committee nominated for the purpose by the Leader, and approved by the Circuit Committee at a meeting of that Committee. The Executive Committee shall not have power to act unless there is present a quorum of four of whom at least one is the Leader, the Recorder or the Treasurer.

18. The Circuit Committee may appoint from among its members such standing or ad hoc committees as it may think fit.

OFFICERS

- 19.1 The Officers of the Circuit shall be:
 - (a) the Leader;
 - (b) the Recorder;
 - (c) the Treasurer;
 - (d) the Junior;
 - (e) the Assistant Treasurer; and
 - (f) a first and second Assistant Junior.

- 19.2 The Leader shall be a Queen's Counsel throughout his or her term of office. The Recorder, Junior, Assistant Treasurer and the Assistant Juniors shall be juniors at the date of their election and the Junior and the Assistant Juniors shall be juniors throughout their terms of office.

20. No person shall be eligible for election as an Officer unless he or she is a member of the Circuit. No person shall hold any office of the Circuit after ceasing to be a member of the Circuit for whatever reason.

21. All Officers shall be Members of the Circuit Committee ex officio only. For the

avoidance of doubt if the Officer was, before his or her election as such, a General, Constituency or Bar Council Member of the Committee, he or she shall cease to be an elected member of the Committee from the commencement of the period of his or her office.

ELECTION OF OFFICERS

- 22.1 The Officers of the Circuit shall be elected (usually during the Michaelmas Term) by the secret ballot of a College comprising the following:
- (a) the General Members of the Circuit Committee;
 - (b) the Constituency Members of the Circuit Committee;
 - (b) the Bar Council Members of the Circuit Committee.
 - (c) the Chairman of each Constituent Bar Mess.
- 22.2 The election shall take place at a meeting of the College presided over by the Leader or the Recorder or the Treasurer or if the Offices of all three require to be filled by election at the same time by such person as shall be designated by the Circuit Committee. The person presiding shall have a casting vote in the event that the procedure at Clause 22.4 below otherwise results in an equal number of votes for the candidates remaining in the final round.
- 22.3 Any members of the College not present at the meeting of the College may vote at the meeting by post (notice by fax or email shall suffice). For this purpose the notice identifying his or her voting intentions must reach the Circuit Office before the start of the meeting of the College.
- 22.4 No candidate shall be declared elected until he or she has received at least one more than 50% of all the votes of those voting at the election meeting. The presiding officer shall eliminate at the end of each round of voting the candidate receiving the least number of votes in that round and shall direct the College to hold as many rounds of voting as shall be necessary until one candidate has received the required number of votes.
- 23.1 The Leader and the Recorder shall each hold office for 2 years and neither shall be eligible for re-election to the office thereafter.
- 23.2 If it has not been practicable to elect a new Leader by the expiry of the term of office of

the Leader for the time being the Recorder or if he or she is not available the Treasurer or if he or she is not available such person as shall be designated by the Circuit Committee shall discharge the Leader's duties until the election of a new Leader takes place.

- 23.3 The Treasurer and Assistant Treasurer shall hold office for 3 years but shall be eligible for re-election thereafter without limit of time.
- 23.4 The Junior and the Assistant Juniors shall each hold office for 1 year and none shall be eligible for re-election to the office thereafter.
24. The Recorder or in his or her absence the Leader or in his or her absence the Treasurer or in the absence of all three of them such other person as shall be appointed for this purpose by the College shall give notice to all members of the Circuit of the need to hold an election for any one of the offices of Leader, Recorder, Treasurer, Junior, Assistant Treasurer and Assistant Junior. The notice shall invite nominations in writing of members of the Circuit as candidates for that office stating a date when the nominations and the written consents of the candidates shall be received by him or her. The date of receipt shall be no less than 14 days before the date appointed by the College for the election of the new officer.
25. No person shall be a candidate for election to the office of Leader, Recorder, Treasurer, Assistant Treasurer, Junior and Assistant Junior unless he or she has been nominated by a member of the Circuit.

COMMENCEMENT DATE AND THE TRANSITIONAL PROVISIONS

26. This amended Constitution shall come into effect forthwith save that notwithstanding the amendments passed at the Annual General Meeting held in October 1998 and at the Annual General Meeting held in October 2001 the Officers in post as at either date and the other Members of the Circuit Committee then serving shall continue to be Officers and Members of the Circuit Committee until the normal expiry of the terms of their offices or membership as the case may be (i.e. the expiry of the terms of their offices or membership provided by this Constitution before the amendments passed).
- 26A. Where this Constitution or the Rules refer to communication in writing that reference shall be read as allowing communication by email or fax where the Constitution or Rules so provide or where the Circuit Committee so decides.