

# CONSTITUTION OF THE PROPERTY BAR ASSOCIATION

*(as amended and with effect from November 2020)*

## 1. **Name and Objects**

The Association shall be called the Property Bar Association ("the Association").  
The objects of the Association are:

- (a) To promote the collective interests of the Members particularly with regard to recruitment, training, continuing education and the general development of the practices of practitioners in the property field.
- (b) To ascertain and represent the views in professional matters of the Members.
- (c) To provide a forum for discussion of matters of common interest amongst such practitioners and to formulate and seek to have adopted such common strategies as may be appropriate to best serve their future professional interests as a whole.
- (d) To assist the Members to maintain and improve the service provided to clients.
- (e) To liaise in whatever manner is considered appropriate on any matter with the General Council of the Bar, the Faculty of Advocates, the Bar of Northern Ireland, the Property Litigation Association, the Chancery Bar Association, the Vice-Chancellors, the Lord Chancellor's Department, the Inns of Court, the media or with such other persons or bodies as the Committee shall think fit.
- (f) To consider, recommend and seek to implement general policy with regard to all matters affecting the professional practice and interests of Members and other practitioners in the property field.

## 2. **Membership**

- (a) Any barrister or advocate who is a practising member of at least one of:
  - (i) the Bar of England and Wales,
  - (ii) the Faculty of Advocates,
  - (iii) the Bar of Northern Ireland

and who is able to certify in writing that not less than 50 per cent of his or her practice in the year immediately preceding their application was in property or property-related work shall be eligible for and may apply to the Secretary for membership and shall become a Member upon acceptance of the payment of the annual subscription.

PROVIDED THAT such a person who can certify that not less than 40% of his or her practice in the year immediately preceding their application was in property or property-related work and who considers that his or her practice is such that it would be appropriate for him or her to be a member of a specialist Property Bar Association notwithstanding that he or she is unable conscientiously to certify 50%, may nonetheless apply to the Secretary for membership, setting out grounds in support of such application. At the discretion of the Committee of the Association, who may ask for such further information as to the nature of the applicant's practice or other circumstances as they think necessary, such an applicant may be admitted as a Member.

AND PROVIDED FURTHER THAT the aforementioned requirement to certify in writing that not less than 50 per cent of his or her practice in the year immediately preceding their application was in property or property-related work shall be taken to refer to the last period of twelve months in which that person was in practice (whether full or part time), rather than the immediately preceding year, where that person has had a break in their practice by reason of parental leave, ill health or caring responsibilities, or for such other reasons as the Committee may from time to time approve (whether generally or in an individual case) in its absolute discretion.

- (b) Any barrister or advocate who is a practising member of at least one of:
  - (i) the Bar of England and Wales,
  - (ii) the Faculty of Advocates,
  - (iii) the Bar of Northern Ireland

and who has been in practice as a barrister or advocate for less than five continuous years at the date of their application and is able to certify in writing an intention to develop a specialist practice in property or property-related work shall be eligible for and may apply to the Secretary for associate membership and shall become an Associate upon acceptance of the payment of the annual subscription.

- (c) Any barrister or advocate who has been a practising member of at least one of:
  - (i) the Bar of England and Wales,

- (ii) the Faculty of Advocates,
- (iii) the Bar of Northern Ireland

for a period of at least 5 years and who is now qualified and practises as a mediator (whether or not also continuing in practice as a barrister or advocate) and who is able to certify in writing that not less than 50 per cent of his or her practice in the year immediately preceding their application was in property or property-related work shall be eligible for and may apply to the Secretary for membership and shall become a Member upon acceptance of the payment of the annual subscription.

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- (d) A Member or Associate may resign at any time and must do so upon ceasing to be eligible for membership under Rules 2(a), 2(b) or 2(c) and the Committee shall, subject to the directions of the Members in general meeting, have power at any time to refuse to admit a Member or Associate or to determine a membership if it reasonably considers that the Member is not or has ceased to be eligible for membership or is likely to bring the Association into disrepute.
- (e) Upon determination of membership from whatever cause the Member or Associate shall not be entitled to recover the whole or any part of his or her subscription for the year in which the membership ceased.
- (f) The Committee may appoint suitably qualified candidates to become honorary Academic Members (whether or not they are a practising barrister or advocate). Any person appointed as an Academic Member shall remain so until his or her membership is terminated by the Committee. Academic Members:
  - (i) shall not be entitled to hold any office within the Association;
  - (ii) shall not be required to pay an annual subscription;
  - (iii) shall not be entitled to vote at any meeting of the Association,

but shall otherwise enjoy all the entitlements and privileges of membership of the Association.

- (g) The Committee may also appoint candidates to become Honorary Members (whether or not they are a practising barrister or advocate) in recognition of their outstanding contribution to the Association. Any person appointed as an Honorary Member shall remain so until his or her membership is terminated by the Committee. Honorary Members:
- (i) shall not be entitled to hold any office within the Association;
  - (ii) shall not be required to pay an annual subscription;
  - (iii) shall not be entitled to vote at any meeting of the Association,
- but shall otherwise enjoy all the entitlements and privileges of membership of the Association.

### 3. **Officers and Committee**

- (a) The Association shall have the following officers who shall be current Members: a Chair, Vice-chair, a Secretary and a Treasurer who shall be elected by a simple majority of the Members at the Annual Meeting and shall hold office for one year.
- (b) The Chair, Vice-chair, Secretary and Treasurer shall be ex officio members of the Committee which shall consist of no more than 15 Members, 10 of which shall be elected by a simple majority of the Members at the Annual Meeting and shall hold office for one year.
- (c) The officers may stand for re-election but may not hold office for a continuous period of more than three years.
- (d)
- (i) If any officer or committee member shall for any reason cease to act as such then the Committee shall have power to appoint a temporary replacement pending the next Annual Meeting.
  - (ii) The elected members of the Committee may, at their discretion, co-opt up to 5 further members to the Committee to hold office until the re-election of the Committee.
- (e) The Committee shall have power to manage the affairs of the Association in accordance with the objects of the Association and the directions of the Members in general meeting and shall have discretion to manage those affairs otherwise as it thinks fit.
- (f) A quorum for a committee meeting is three committee members.

- (g) Any general meeting and any meeting of the Committee shall be chaired by the Chair or, in his or her absence, by the Vice-chair or Secretary.

### 3A. **The President**

- (a) The Committee shall have the power to appoint any person (whether a Member or not) to act as honorary President of the Association.
- (b) The Committee may terminate the appointment of the President at any time.
- (c) The President shall not be an officer or Committee Member of the Association.

### 4. **Annual Meeting**

- (a) The Members and Associates shall meet once in every year ending on 30 November to elect officers and members of the Committee and to consider other matters relevant to the affairs of the Association.
- (b) Each Member is entitled to one vote and resolutions shall be passed upon a show of hands unless not less than 10 members require a ballot.
- (c) Associates shall not be entitled to vote but may speak at any general meeting.
- (d) The Secretary shall give notice to the Members and Associates of the date of the Annual Meeting in writing not less than twenty-one days prior to the meeting setting out the Agenda, enclosing the Treasurer's Report and calling for nominations for election as officers or committee members.
- (e) Any nomination must be in writing, addressed to and received by the Secretary not less than seven days before the date appointed for the meeting and supported by the signatures of not less than three Members.
- (f) Any Member may propose a resolution for decision at the Annual Meeting in writing addressed to and received by the Secretary not less than seven days before the date appointed for the meeting.
- (g) Resolutions where a ballot is required may be passed at a general meeting by a simple majority of those present and voting.
- (h) A quorum for an Annual General Meeting will consist of 10 Members.

## 5. **Extraordinary Meetings**

- (a) Any Member may call for an extraordinary meeting of the Members by notice in writing addressed to and received by the Secretary and supported by the signatures of not less than ten Members.
- (b) The Secretary shall then give notice in writing to the Members of the date of the meeting to be within 42 days of the notice calling for it and not less than 14 days prior to the meeting.
- (c) Voting at an extraordinary meeting will be in accordance with the rules for voting at an annual meeting
- (d) A quorum for an Extraordinary Meeting will consist of 10 Members.

## 6. **Administration and Finance**

- (a) Each Member shall pay an annual subscription for each calendar year (or part) of membership the amount of which shall be £120 or such other sum as shall have been notified in the Treasurer's report in the preceding year, such subscription to be paid on or before 1 November prior to the calendar year to which the subscription relates.
- (b) Each Associate shall pay an annual subscription for each calendar year (or part) of membership the amount of which shall be £40 or such other sum as shall have been notified in the Treasurer's report in the preceding year, such subscription to be paid on or before 1 November prior to the calendar year to which the subscription relates.
- (ba) In the case of a Member or Associate who joins the Association for the first time after 1 September in any given year, the annual subscription payable for the remainder of that calendar year shall be 33% of whatever sum would otherwise be payable.
- (c) The rate of the subscriptions shall be determined by the Committee unless altered by Members in general meeting.
- (d) The Treasurer shall have responsibility for the financial affairs of the Association and shall account to the Members annually at the Annual Meeting by a written report setting out the income and expenditure of the Association over the previous financial year.
- (e) The expenses of the Association shall be met out of the subscriptions paid by the Members and any other funds raised by the Committee for the purposes of the Association and an officer or committee member who with the consent of the Committee has undertaken a liability on behalf of

the Association shall be entitled to be indemnified in respect of that liability out of the funds of the Association.

- (f) The Committee shall have full administrative discretion in relation to the affairs of the Association subject only to the decision of the Members in general meeting.
- (g) The Committee shall meet as and when it shall think fit and a meeting may be called at any time by any three members of the Committee on not less than 48 hours notice.

## 7. **Amendments to Constitution**

This Constitution may be amended by decision of a simple majority of the Members in general meeting.

## 8. **Notices**

- (a) All notices shall be in writing and shall be sent by DX, email or by ordinary second class post to the address, or email address, given to the Secretary for the purpose by the Member upon first making application for membership unless the Member shall have given written notification of a change of address, or email address, to the Secretary.
- (b) A notice to the Secretary shall be sent by DX, email or by ordinary second class post to the address or email address notified to the Members at the Annual Meeting on election of the relevant member as Secretary.