

**SOLICITORS ASSOCIATION OF HIGHER COURT  
ADVOCATES**

**CONSTITUTION OF THE  
ASSOCIATION  
RULES & PRINCIPLES**



This Constitution comprises the Governing Principles and Rules to which the Association and its members are subject. It is broken down into the following categories:

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The headings adopted in these Rules are for descriptive purposes only and shall not be used as an aid to interpretation of the Rules themselves. In the event of any uncertainty about the application of these Rules, or any conflict between any two or more of the Rules, regard shall be had to the Governing Principles, and any uncertainty or conflict shall be resolved in favour of the outcome most compatible with those Principles collectively, or in the order of precedence in which they appear in this Constitution in the event of any conflict between them.

**1. Governing Principles**

The aims and objectives of the Association are:

- (a) to promote the maintenance of the highest ethical and professional standards of Higher Court Advocacy
- (b) to promote the interests of those who practice or seek to practice as Solicitor Higher Court Advocates
- (c) to represent its members and to maintain all necessary professional contact with representatives of Government and the Judiciary and with representatives of the Law Society, the Bar, ILEX and their associated regulatory bodies
- (d) to promote and encourage education and training of Solicitor Higher Court Advocates
- (e) to provide opportunities and facilities for members to meet and to exchange views and ideas
- (f) to undertake such other activities as the Association or Committee may determine in order to further the foregoing aims and objectives

- (g) to make donations for charitable or voluntary purposes in furtherance of the foregoing aims and objectives

## **2. The Association**

### **(a) Name of the Association**

The name of the Association shall be "Solicitors' Association of Higher Court Advocates" (or abbreviated to "SAHCA").

### **(b) Address of the Association**

The address of the Association shall be such address as the Committee shall from time to time determine and of which notice has been given by the Secretary to all Members of the Association. Unless otherwise so determined and notified the address of the Association shall be the professional practice address of the Secretary.

### **(c) Amendments of the Rules**

- (i) One or more amendments to these Rules (each being a "Proposed Amendment") may be proposed by the Committee, or by any other twenty-five Full Members of the Association in writing to the Secretary, for consideration by the Members of the Association at a General Meeting;
- (ii) Notice of any such Proposed Amendment shall be given to the Members of the Association by the Committee within 14 days of the Proposed Amendment being first proposed;
- (iii) Any Proposed Amendment shall be considered and voted on by the Members of the Association at the first General Meeting taking place at least 21 days after the Notice of that Proposed Amendment has been given to the Members;
- (iv) A Proposed Amendment will take effect immediately upon being approved in a Binding Vote at the General Meeting by a Relevant Percentage of those Members who cast a vote;
- (v) For the purposes of this Rule, a Relevant Percentage means:
  - (1) in respect of the provisions in Rules 1 (generally), 2(c)(v) and 2(d)(ii), more than 70% of those voting; and
  - (2) in respect of any other provisions of these Rules, more than 50% of those voting.

### **(d) Dissolution of the Association**

- (i) If the Committee decides that it is necessary or advisable to dissolve the Association, it shall convene and give Notice of a General Meeting, stating at the time of giving Notice the terms of the resolution to be proposed (a "Resolution to Dissolve");

- (ii) The Resolution to Dissolve will be passed if it is approved in a Binding Vote at the General Meeting by more than 70% of those Members who cast a vote;
- (iii) Subject to the terms of the Resolution to Dissolve, the effect of the passing of that resolution will be:
  - (1) that the Committee shall have the power to realise any assets held by or on behalf of the Association, provided that any goodwill or intellectual property held by or on behalf of the Association shall only be transferred to another organisation which has aims and objectives compatible with the Governing Principles;
  - (2) to meet any proper debts or other liabilities of or on behalf of the Association, out of those realised assets;
  - (3) to give or transfer any remaining realised assets to such other charitable institution or institutions having objects similar to the objects of the Association as the Committee may determine or, failing that, to apply them for any other charitable purpose.

### **3. Membership**

#### **(a) Full Members**

- (i) Full Membership of the Association shall be open to any solicitor who is currently the holder of a qualification, recognised by the body which for the time being is responsible for the regulation of the solicitors' profession, entitling that solicitor to practice Advocacy in the Higher Courts of England and Wales.
- (ii) All references in these Rules to Members shall be taken to include all of the Full Members for the time being of the Association.

#### **(b) Associate Members**

- (i) Associate Membership of the Association shall be open to:-
  - (1) a solicitor or any other legal professional;
  - (2) any member of the judiciary of the Courts of England and Wales and any law lecturer or equivalent academic figure teaching at a College, University or other Institution on a course whose degrees are recognised by the Law Society of England and Wales (or any successor body) as conferring exemption from the Common Professional Examination or similar qualification; and
  - (3) any trainee solicitor during the currency of their training contract or any student currently undertaking the Legal Practice Course.
- (ii) Any uncertainty as to the eligibility of an applicant for Associate Membership shall be resolved by the Committee in the exercise of its discretion.

- (iii) Associate Members shall be entitled to such benefits and privileges of membership as the Committee shall from time to time determine. References to Members within these Rules shall not, however, except where and to the extent that any bye-law provides to the contrary, extend to Associate Members.

**(c) Honorary Members**

- (i) The Committee may nominate candidates for Honorary Membership of the Association and such candidates shall be confirmed as Honorary Members by a vote of the Association at a General Meeting.
- (ii) Such Honorary Membership shall be for life or for such shorter period as the Association may resolve.
- (iii) References to Members within these Rules shall not, except where and to the extent that any bye-law provides to the contrary, extend to Honorary Members.

**(d) Firm Membership**

- (i) Full Membership of the Association shall be open to any solicitor who is currently the holder of a qualification, recognised by the body which for the time being is responsible for the regulation of the solicitors' profession, entitling that solicitor to practice Advocacy in the Higher Courts of England and Wales and an employee or owner of a firm that has Firm membership and has been recorded as a Full Member to the Administrator of SAHCA. The firm itself will not have membership of the Association. Membership will cease on leaving the firm, and or the Firm ceasing to be maintain the membership fee payable by the firm.
- (ii) All references in these Rules to Members shall be taken to include all of those Members who have membership via Firm Membership for the time being of the Association.

**(e) Register of Members**

The Secretary shall maintain a Register of Full, Associate and Honorary Members, subject to all laws, rules and regulations applicable from time to time to the holding and processing of personal information.

**(f) Termination of Membership**

- (i) Any Member (whether Full, Associate or Honorary) shall immediately cease to be such (for such period as the Committee may determine) upon his or her being struck from or suspended from the Roll of Solicitors and or the right to practice advocacy or, for any non-solicitor Associate or Honorary Member, debarred from practising in his or her profession for any period of time.

- (ii) A Member or Associate Member may resign by giving Notice to that effect to the Secretary.
- (iii) If, as at the date of the resignation of a Member or Associate Member, there are any sums relating to that person's Subscription which are in arrears, this liability from the Member or Associate Member shall not be extinguished by their resignation.
- (iv) In the event that a Member or Associate Member has failed to pay his or her Subscription and or other fees invoiced by the Association for a period of three months after the same shall have been due, the Committee may at its discretion treat such non-payment as the resignation of the Member or Associate Member in question.
- (v) The Committee on considering the Report of an Officer following the conclusion of an investigation under the complaints process and there being no further appeal may by a majority vote to terminate the membership of an individual. On termination the membership fee will be returned and any further obligations between the former Member and the Association cease.

#### **(g) Suspension of Membership**

- (i) On receipt of an allegation or complaint against a member in accordance with the Associations complaint process, the Office in charge of investigating the complaint shall advise the Chair as to whether the allegation is sufficiently serious that an Officer, Committee member or Member should be suspended for the duration of the investigation into the complaint. It will be for the Chair or the Vice Chair to determine whether to suspend, pending the outcome of the investigation.

### **4. Governance**

#### **(a) General Meetings**

In so far as the provisions of Table A (Companies Acts 1948 – 1981) do not conflict with these Rules (in which event the Rules shall prevail) Table A paragraphs 47 – 61 shall apply on the basis that:

- (i) reference to the Company shall be construed as references to the Association; and
- (ii) reference to Directors shall be construed as references to the Committee or the members of the Committee;

and with the following provisos:

- (iii) all references to 21 or 14 days notice for convening General Meetings shall be replaced by reference to the period of Notice which may be specified in any applicable bye-law or, in default of any such bye-law, a period of 42 days; and

- (iv) the quorum for any General Meeting of the Association shall be ten members.

**(b) Voting in General Meetings**

- (i) A Member may vote once on their own behalf in connection with each resolution or other matter requiring a vote which may be put to the Membership at a General Meeting;
- (ii) A Member's vote may be cast:
  - (1) in person; or
  - (2) by proxy; or
  - (3) by a postal service or any electronic means.
- (iii) In the case of any vote other than a vote in person, the vote will be counted as if it had been cast in person provided that Notice of that vote is received by the Secretary in manner authorised by these Rules at least 24 hours prior to the start of the General Meeting and in accordance with any applicable bye-law.
- (iv) Any vote cast by at least ten per cent (by number) of the Members of the Association at a General Meeting in accordance with these Rules, shall be a Binding Vote for the purposes of these Rules.
- (v) In respect of any matter requiring a vote, for which these Rules do not provide that a Binding Vote is required, the vote will be passed where it is supported by more than 50 per cent (by number) of those voting.

**(c) Elections**

- (i) Elections of the Officers and Committee members of the Association for the coming year, shall be held at each Annual General Meeting.
- (ii) The incumbent Secretary, at the time that Notice of the Annual General Meeting is given, shall be responsible for supervising the election of the Officers and Committee members at that General Meeting.
- (iii) Bye-laws may be made providing for the procedure applicable to those Elections, provided that no Member or class of Members shall be deprived by bye-law of their ability to vote in any such Election.

**(d) Officers**

- (i) The Officers of the Association shall at all times consist of:
  - (1) the President
  - (2) the Chairman
  - (3) the Vice-Chairman

- (4) the Secretary
- (5) the Treasurer
- (ii) Subject to the provisions of these Rules, bye-laws may provide for the allocation of responsibility for the discharge of the functions of the Association between the Officers, including the delegation or sharing of functions as necessary.

**(e) Committee**

- (i) The Committee shall consist of:-
  - (1) the Officers
  - (2) not more than fifteen elected Members
  - (3) such other Members or Associate Members as the Committee may from time to time co-opt to serve as co-opted Members or Associate Members not exceeding four in number at any one time
  - (4) the most recently retired President, Chairman, Vice-Chairman, Secretary and Treasurer of the Association, each of whom shall serve as an ex-officio member of the Committee until the retirement of the current holder of each such office.
- (ii) The Committee may organise its business, including the scheduling of regular meetings of the Committee, at its discretion except where provided for in these Rules.
- (iii) The Committee shall nominate the Officers for Election at each Annual General Meeting.
- (iv) The quorum of the Committee shall be five members provided that at least one Officer is present.

**(f) Standing Committees**

- (i) The number constitution and membership of the Standing Committees or Working Parties of the Association shall be determined in all respects from time to time by the Committee, save that the Chairman of each Standing Committee or Working Party must be a member of the Committee.
- (ii) All Members and Associate Members shall be eligible for service on a Standing Committee or Working Party but not more than two Associate Members may serve on any one such Standing Committee or Working Party simultaneously.

**(g) Bye-laws**

- (i) The Committee may by resolution make bye-laws in respect of any matter for which these Rules provide that bye-laws may be made.
- (ii) Where the Committee consider that the Rules do not make any or any adequate provision in relation to a matter, the Committee may make a bye-law to address the deficiency, but must first satisfy themselves that it would not be more appropriate to address this by an Amendment to the Rules.
- (iii) Any bye-law made under this Rule shall be made with due regard to the Guiding Principles and as far as possible compatibly with them.
- (iv) Any bye-law will take effect only upon Notice of the said bye-law having been given by the Committee to the Members of the Association.

## **5. Finance and Property**

### **(a) Subscriptions**

- (i) Every person wishing to be a Full Member or Associate Member in respect of any given financial year must pay a Subscription to the Association, at the rate prevailing in respect of that financial year.
- (ii) The Subscription rates applicable, unless or until amended by bye-law, are:
  - (1) £50.00 per annum for Full Members;
  - (2) £40.00 per annum for Associate Members; and
  - (3) a rate of five times the current Full Membership for Membership paid by the firm.
- (iii) Any amendment to the Subscription rates by bye-law will only take effect in the financial year commencing after notice of the bye-law is given to the Members affected.

### **(b) Accounts**

- (i) The Treasurer shall ensure that all subscriptions and other income are placed to the credit of a banking account in the name of the Association and proper books of account are maintained. The Treasurer shall produce to each Annual General Meeting the accounts of the Association.
- (ii) Withdrawals from the Association's Accounts may be effected in such manner as the Committee shall from time to time determine.

### **(c) Property of the Association**

- (i) The Treasurer for the time being, together with any other custodians which he or she may designate with the approval of the Committee, holds all property of the Association (including but not limited to all



Subscriptions, grants, revenue, proceeds of fund-raising, all movable or immovable assets and any and all intellectual property) subject to the Members' respective contractual rights and liabilities.

- (ii) The Treasurer, whether alone or through any custodians as his or her agents, is contractually obliged to the Members to deal with all property in accordance with the Rules of this Association.

#### **(d) Financial Year**

The Association's financial year may be defined by bye-law but in default of any such definition shall run from 1<sup>st</sup> May of each year.

### **6. General provisions**

#### **(a) Notices**

- (i) Any Notice required to be given to the Officers or the Committee under these Rules may be given by any means and subject to any conditions specified by bye-law, but in default of any such specification, must be given in writing by any postal service (as applicable) to the Secretary. Such Notice will be deemed to have been given on the second business day after posting.
- (ii) Any Notice required to be given to the Members (whether Full, Associate or Honorary) of the Association under these Rules may be given by any means and subject to any conditions specified by bye-law, but in default of any such specification, may be given:
  - (1) in writing by any postal service to the current address provided by that Member to the Secretary (in which case Notice shall be deemed to have been given to the recipient on the second business day after posting);
  - (2) by e-mail, where the Member in question has provided an e-mail address to the Secretary for contact purposes (in which case Notice shall be deemed to have been given to the recipient on the next business day after transmission); or
  - (3) provided that, insofar as physical or electronic addresses have been provided by Members, Notice has also been given to the Membership by one of the other methods specified above, by posting full details of the Notice on the Association's website (in which case Notice shall be deemed to have been given to all Members on the sixth business day after the Notice was placed on the site).

#### **(b) Liability**

- (i) The contractual liability of each Full Member and Associate Member is limited to the extent of his or her annual subscription fee.
- (ii) Subject to these Rules, the Officers of the Association are authorised to contract as agents on behalf of the Full and Associate Members of the Association. The Officers may, with the approval of the Committee, delegate this authority to any one or more named individuals provided that

such authority shall only be delegated for a specific identified purpose or be otherwise limited in extent by time and subject matter.

**(c) Applicable Law**

- (i) These Rules and any dispute or claim arising out of or in connection with them or their subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
- (ii) All Members (Full, Associate or Honorary) irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with these Rules or their subject matter or formation (including non-contractual disputes or claims).