

PROPERTY LITIGATION ASSOCIATION

CONSTITUTION

(as amended in September 1997, 1999, 2001 and October 2003)

1. The Association

The name of the Association is Property Litigation Association.

2. Definitions

By property litigation we mean the resolution of contentious property matters (including professional negligence claims relating to property transactions and advice) by means of litigation and other forms of dispute resolution. The definition excludes matters relating to planning and construction.

3. Objects

The objects for which the Association is established are as follows:

- 3.1 to promote specialist property litigation skills within the property industry and among others with interest in property
- 3.2 to provide a network for the exchange of information among members of the Association
- 3.3 to promote and encourage education and training in property litigation
- 3.4 to develop a public voice of property litigation with a media profile and a lobbying capacity.

4. Membership

The Association shall comprise one level of membership.

- 4.1 Those eligible for membership shall be:
 - 4.1.1 solicitors, legal executives, employed barristers and clerks employed by solicitors who are substantially engaged in property litigation in England and Wales
 - 4.1.2 solicitors, legal executives, employed advocates and clerks employed by solicitors who are substantially engaged in property litigation in Scotland
- who support the objects of the Association.

- 4.2 A person may become a member of the Association upon meeting the following criteria:
- 4.2.1 fulfilling the requirement of clause 4.1 above
 - 4.2.2 applying in writing to the Secretary of the Association, such application being proposed and seconded by two members of the Association
 - 4.2.3 achieving a simple majority of votes by the committee in favour of his or her being invited to become a member
 - 4.2.4 paying the annual subscription fee.
- 4.3 The committee may decline to accept any application for membership without assigning any reason for its decision.
- 4.4 A member shall automatically cease to be a member in the following circumstances:
- 4.4.1 upon ceasing to be permitted to practice in any of the capacities described in 4.1
 - 4.4.2 upon death
 - 4.4.3 upon failing to pay the annual subscription fee within three months of the date on which it was demanded.
- 4.5 The committee shall have power to expel a member:
- 4.5.1 who publishes material considered by the committee to be harmful to the interests of the Association or any of its members
 - 4.5.2 who does not fulfil the requirements of clause 4.1 above
 - 4.5.3 for any other reason
- provided that in every case no expulsion may occur until the member has been notified of the committee's intention and has been allowed the opportunity to appear before the committee and show good reason why he or she should not be expelled.
- 4.6 A member may resign from the Association by giving to the Secretary written notice.
5. **Register of members**
- The Secretary shall maintain a register of members, which shall be available to any member for inspection on reasonable notice.

6. **Voting rights**

Each member shall be entitled to vote and all matters on which voting is required shall proceed on the one person - one vote basis. If a member cannot attend any meeting at which he or she is entitled to be present, he or she may vote by proxy provided he or she has notified the Secretary which member will be proxy in advance of the meeting in question.

7. **Entitlements of members and non-members**

The Association may invite non-members to be on the Association's mailing list to receive such publications as the Association may from time to time produce and to attend such functions as the Association may organise. The Association may charge non-members for the privilege of being on the Association's mailing list, for receiving certain publications and for attending certain functions.

8. **Committee**

8.1 The committee shall consist of:

8.1.1 the Officers (comprising Chairman, Vice-Chairman, Secretary and Treasurer)

8.1.2 not more than five other members

8.1.3 such other members as the committee shall co-opt to serve as co-opted committee members.

8.2 Each committee member (other than co-opted committee members) shall be elected by the Association at the Annual General Meeting ("the AGM") and once elected shall serve from the date of his or her election until the next AGM following the date of the election. At the end of the term of office a retiring committee member shall be eligible for election for a further term, although no member may be a committee member for more than five consecutive years, after which he or she will not be eligible for election to a committee post for a further two years.

8.3 In the event of any office becoming vacant, the committee may appoint one of its members to fill the vacancy for the remainder of the unexpired term of office.

8.4 The quorum for any committee meeting shall be three members.

8.5 The committee shall meet as and when necessary and in any case not less than once a year.

8.6 No two or more committee members shall belong to the same firm, company or like body.

- 8A Regional committees and a Scottish committee of members may be formed, which may regulate the conduct of their own meetings, provided however, that minutes of such meetings shall be sent within 14 days to the committee chairman. Minutes of the committee shall be sent within 14 days to the chairmen of the regional and Scottish committees. Regional committees and the Scottish committee shall not keep separate books of accounts, such matters being dealt with by the treasurer, nor shall they have power to elect members.

9. Subscriptions

The annual rate of subscription for membership of the Association shall be fixed by the AGM. The Association's financial year commences with the AGM in September.

10. Accounts

- 10.1 The Treasurer shall ensure that all subscriptions and any other income are credited to a bank account in the name of the Association. The Treasurer shall keep books of accounts and produce accounts to the Association at the AGM.
- 10.2 The committee shall decide how and when withdrawals from the Association's account may be effected save that the Treasurer may make withdrawals in the normal course of business of up to £250 in any period of 30 days without reference to the committee. Withdrawal of any sum exceeding £2,000 shall bear two authorised signatures.
- 10.3 The accounts of the Association shall be audited annually save that this shall not be required if during the period in question the withdrawals from the account or other expenditure by the Association has not exceeded £500.

11. Annual General Meeting, other meetings and proceedings at meetings

- 11.1 The AGM shall be held each calendar year, no earlier than 10 months and no later than 14 months after the preceding AGM, and the committee shall fix the exact date. Notice of the AGM shall be sent to each member not less than 21 days before the date fixed by the committee. The Chairman or, in his or her absence, the Vice-Chairman, or, in his or her absence, a person nominated by the committee, shall preside at the AGM. The Chairman of the AGM shall have a second or casting vote.
- 11.2 The business of the AGM shall consist of:
- 11.2.1 the reception of the Chairman's report on the activities of the Association during the preceding year
- 11.2.2 the election of the committee members
- 11.2.3 the approval of the accounts of the Association

11.2.4 the fixing of the annual rate of subscription per member of the Association

11.2.5 any other business of which notice may have been given or which may be permitted to be raised without notice.

11.3 Any member wishing to raise any matter other than those dealt with in clause 14 at the AGM shall give notice in writing to the Secretary no later than one day before the date of the meeting provided that the Chairman at the meeting may allow any matter to be raised at the AGM without such previous written notice as aforesaid.

11.4 On the request of the Chairman or Vice-Chairman or the committee an Extraordinary General Meeting ("EGM") shall be called by the Chairman, or, in his or her absence, the Vice-Chairman, to take place as soon as reasonably possible. The provisions applicable to the AGM shall mutatis mutandis apply to the EGM subject to the provision that any member wishing to raise any matter at the EGM shall give notice in writing to the Secretary no later than ten days before the date of the hearing.

11.5 At all general meetings of the Association the quorum shall be ten members.

12. **President**

The Association may appoint a President at the AGM or at any EGM convened for the purpose, subject to a minimum 75% majority vote in favour of the person proposed as President.

13. **Working parties**

The Association shall be entitled to create working parties of members of the Association in order to carry out specified tasks in furtherance of the objects of the Association. Working parties shall be selected by the committee, and each working party shall include at least one, but not more than three, member of the committee. Any member who is serving on the committee shall be entitled to serve on only one working party while he or she remains on the committee. Any other member shall be entitled to serve on up to two working parties at any one time.

14. **Variation and amendment**

The Association shall have power to vary or amend this Constitution subject to a minimum 75% majority vote in favour of such amendment or variation at the AGM. On such approval being given, any variation or amendment shall be deemed to have been effective from the date of the approval. Any proposal to vary or amend the Constitution must be made in writing to the Secretary not later than 1st August immediately before the AGM at which the proposal is to be put.