

# CONSTITUTION OF THE SCOTTISH JUSTICES' ASSOCIATION

## 1. NAME

The name of the Association shall be: "The Scottish Justices' Association" (hereinafter called "the Association").

## 2. ROLE OF THE ASSOCIATION

**Vision:** To have the principles and practices of lay justice acknowledged as an essential element of the Scottish judiciary.

**Mission:** To be a collective voice supporting the views and all aspects of the role and function of Justices of the Peace (JPs) in Scotland and, in so doing, have their contribution to an independent judiciary valued and respected.

**SJA Objectives:**

- a. To engage with the Scottish Courts and Tribunal Service (SCTS) at all appropriate levels in the organisation to represent the best interests of JPs on issues which may impact their role.
- b. To promote and defend judicial independence.
- c. To be actively involved with all relevant stakeholders in consultations, informing debate and influencing key decisions related to policy and practice.
- d. To keep members well informed of developments in law, updates affecting the judiciary and the administration of justice.
- e. To manage the business of the Association in a responsible and professional manner.

## 3. MEMBERSHIP

Membership shall be open to all JPs in Scotland. Any member may resign by giving notice to the Secretary of the Association. Any person ceasing to hold office as a JP shall be deemed to have resigned from the Association and any position or office held, regardless of whether or not such notice has been received.

## 4. EXECUTIVE

- a. An Executive Committee shall be elected and shall be the executive authority of the Association in all matters concerning the business of the Association. All powers of the Association shall be vested in and exercisable by the Executive. In the event of a matter arising requiring immediate action, the Chair and Vice-Chair have the authority to take such action as they deem necessary in the interests of the Association.
- b. Any member of the Association may stand for election as a member of the Executive of the Association.
- c. Each year, the members from each sheriffdom shall elect from amongst themselves one representative who shall serve on the Executive for a maximum of 3 years, commencing from the Annual General Meeting (AGM) immediately following their election. There will normally be 3 representatives from each Sheriffdom and one vacancy will arise through retirement each year. When two or more vacancies require to be filled for a Sheriffdom, all vacancies will be filled in the same election. When there are two or more vacancies and two or more candidates, the period for which a person is elected shall be determined by the number of votes obtained. In the event of a tie, lots will be drawn. The person having the higher number of votes or who is drawn first by lot will serve for the longer time.
- d. The Executive Committee will appoint an Election Sub-Committee comprising of not less than three Executive Committee members who are not standing for re-election. The Sub-Committee will

oversee the election and in particular will advise the number of vacant positions, seek nominations from members and report results to the full Executive.

- e. Only valid members of the Association may stand for election to the Executive. A period of at least 3 weeks for nominations to be made will be provided.
- f. Where the number of candidates exceeds the number of vacancies for a particular Sherifffdom an election will be required. All Association members in a sherifffdom shall be eligible to vote for representatives in that sherifffdom. Candidates' statements will be sent to members in advance of any vote.
- g. A period of at least 3 weeks shall be provided for members to cast their votes.
- h. At the first meeting of the Executive following the AGM, the representatives shall elect office bearers from their number. Other appointments may be made by the Executive as considered necessary. If a vacancy occurs among the office bearers, the Executive shall fill such a vacancy from among its own members.
- i. Any member of the Executive may resign by giving written notice to that effect. Members of the Executive are expected to make best efforts to attend meetings. Where the Chair considers that the attendance record of a member of the Executive is insufficient to fulfil the role, membership of the Executive may be terminated.
- j. The Association encourages all sherifffdoms to be represented on the Executive. Where there is no representative from a sherifffdom, the Executive may co-opt one member from that sherifffdom to serve on the Executive. The Executive shall be free to co-opt any member to serve on any committee of the Association where, in their opinion, it is in the interests of the Association to do so. Co-opted members of the Executive shall serve until the first Executive Committee meeting after the AGM.
- k. The Chair, vice-Chair, Secretary and Treasurer shall hold office until new post holders are appointed. This will normally happen at the first Executive Committee Meeting following the AGM.
- l. The Executive shall be free to consult or appoint professional advisors as required.

## **5. SUB-COMMITTEES**

The Executive shall define the terms of reference and composition of any sub-committee it appoints. All acts and proceedings of sub-committees shall be reported to the Executive in accordance with the sub-committee's terms of reference. A summary report on the activities of sub-committees shall be included in the Annual Report.

## **6. MEETINGS OF THE ASSOCIATION**

- a. The Executive shall meet not less than 4 times per year. General Meetings of the Association or meetings of any committee of the Association can be held face to face; by video conference; by telephone conference; or by any combination of these means.
- b. The Chair (or Vice-Chair as substitute) shall chair General Meetings of the Association and meetings of the Executive. If both the Chair and the Vice-Chair are absent from a meeting, persons present shall choose one of their number to be chair of the meeting before any other business is transacted.
- c. A meeting of the Executive may be called at any time by the Chair or by any 6 members of the Executive upon not less than 7 days' notice being given to the other members of the Executive. The quorum of an Executive meeting shall be 6.
- d. An AGM of the Association shall be held at such time and place as the Executive shall determine. The Secretary shall give at least 28 days' notice of the AGM to all members. Copies of the Annual Report; draft minutes of the previous AGM; and proposed agenda for the forthcoming AGM shall be provided at least 14 days beforehand. Only those attending the meeting are eligible to comment on the minutes or to vote on their adoption. The Chair shall have a deliberative and a casting vote. The quorum for an AGM shall be 12. The business of each AGM shall be to:
  - (i) Receive the Annual Report of the Executive, which shall incorporate the Treasurer's report.

- (ii) Give an account of all relevant activities of the Association during the preceding year.
  - (iii) Approve the accounts of the Association for the preceding financial year.
  - (iv) Appoint a suitably qualified independent examiner for the coming year to examine and certify the accounts of the Association
  - (v) Consider any other business for which 14 days advanced written notice has been given.
  - (vi) Consider any urgent business not previously notified at the discretion of the Chair.
- e. At any time, the Chair or 12 members of the Association may request in writing that a Special General Meeting (SGM) of all members of the Association be convened. An SGM shall be convened within 6 weeks of a valid request being received. The sole purpose of an SGM shall be that specified on the notice of the meeting unless agreed by the meeting. At least 21 days' notice of an SGM shall be given. The Chair (or Vice-Chair as substitute) of the Association shall be the chair of the SGM. If neither is present, those persons present shall appoint a chair of the meeting. The quorum for an SGM shall be 12.

## **7. EXPENSES**

Expenses incurred by members solely for the purpose of conducting the Association's business shall be reimbursed at the rates determined from time to time by the Scottish Government for JPs subject to any guidelines published by the Treasurer.

## **8. VOTING**

All votes arising at a meeting of the Association, the Executive or one of its sub-committees shall be decided by a simple majority of those present and eligible to vote. In the event of a tie, the Chair of the meeting shall have the casting vote in addition to a deliberative vote. Records of all meetings of the Association and its sub-committees, together with the relevant matters arising, shall be kept.

## **9. FINANCE**

The Executive shall authorise in writing the Treasurer to make all appropriate payments relating to the business of the Association on its behalf. The Treasurer shall keep proper accounts of the finances of the Association, which shall be independently examined at least annually, and make contingency arrangements for the operation of the accounts should the Treasurer be unavailable.

## **10. DISSOLUTION**

In the event that the Executive recommends the dissolution of the Association, the Chair shall inform the SCTS. The transfer of any assets of the Association shall be a matter of agreement with the SCTS.

## **11. ALTERATIONS TO THE CONSTITUTION**

Any proposal to alter this Constitution shall be delivered in writing to the Secretary not less than 28 days before the date of the SGM or AGM at which it is first to be considered. Any alteration shall require the approval of two-thirds of members of the Association present and voting. The Executive shall review the Constitution every three years to ensure that it is still relevant and fit for purpose.