

# **CONSTITUTION OF THE SCOTTISH JUSTICES ASSOCIATION**

## **1. NAME**

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

## **2. OBJECTS**

The object of the Association is to assist Justices of the Peace to perform their judicial duties and in doing so it shall:

- a) take such action as required to promote and ensure judicial independence
- b) be associated with the issue of publications, and the promotion of conferences involving the participation of Justices of the Peace;
- c) participate in consultations and discussions on relevant matters, including training and appraisal;
- d) assist communication between members of the Association ;
- e) endeavour to keep itself well informed of developments in law and the administration of justice;
- f) provide a system of communication between the Association and Scottish Ministers, the Scottish Government, the Scottish Court Service, the Judicial Studies Committee and any other appropriate body or institution;
- g) take such other action, consistent with the object of the Association, as may from time to time be determined by the Association.

## **3. MEMBERSHIP**

- a) Membership shall be open to all Justices of the Peace within each of the six Sheriffdoms in Scotland.
- b) Any member may resign his/her membership by giving to the Secretary of the Association written notice to that effect.
- c) Notwithstanding the requirement for written notice, any person ceasing to hold office as a Justice of the Peace shall be deemed to have resigned his/her membership of the Association and any position or office held in the Association, regardless of whether or not such notice has been received.

## **4. EXECUTIVE**

- a) No one may stand for election as a member of the Executive or remain a member of the Executive if they attain the age of 70 years during the 12 months prior to the next AGM.
- b) Each year, the members from each Sheriffdom shall elect from amongst themselves a representative who shall serve on the Executive of the Association (hereinafter called "the Executive") for three years, commencing from the Annual General Meeting immediately following his/her election; any other vacancy or vacancies shall be filled in the same election.
- c) Other vacancies which have occurred through resignation or death shall be filled in the same election. The length of period for which a person is elected shall be

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determined by the number of votes obtained and then by drawing lots where there is an equal number of votes. The person having the higher number of votes or who is drawn first by lot where required will serve for the longer time.

- d) At the first meeting of the Executive, following the AGM, the representatives shall elect, from their number, a Chairman, Vice Chairman, Treasurer and Secretary of the Association; these are the Office Bearers.
- e) If desired, the Executive may make other appointments e.g. a Minutes Secretary. However these persons will not be regarded as Office Bearers.
- f) The Chairman (or in his/her absence, the Vice Chairman) shall act as chairman at meetings of the Executive. If both the Chairman and the Vice Chairman are absent from the meeting, persons present shall choose one of their number to be chairman of the meeting before any other business is transacted.
- g) Subject to the provisions of sub clause 8 c) of this Constitution, the Executive shall be the executive authority of the Association in all matters concerning the administration of the business of the Association and in all other matters, and all powers of the Association shall be vested in and exercisable by the Executive.
- h) If a vacancy occurs among the office bearers, the Executive shall fill such a vacancy from among its own members
- i) Any representative may resign his/her position on the Executive by giving to the Secretary of the Association written notice to that effect. If a representative fails to attend three consecutive meetings of the Executive, s/he shall be deemed to have resigned, unless there is a reason or reasons for absence accepted as reasonable by the Chairman
- j) The Executive may co-opt members to vacant positions. Such co-opted representatives shall serve until the Executive Committee meeting after the Annual General Meeting following his/her co-option.
- k) Where vacant positions arise as a result of insufficient nominations for election, normally no attempt should be made to fill any such position or positions. Exceptionally, where there is no representative from a Sheriffdom, an attempt should be made to co-opt one member only.
- l) The Chairman and Vice Chairman shall hold office until the end of the following Annual General Meeting unless they are re-elected or re-appointed (subject to serving for no more than two years in that office). The Secretary and Treasurer shall hold office until the end of the following Annual General Meeting unless they are re-elected or re-appointed (subject to serving normally for no more than five years in that office).
- m) The Executive shall be free to consult or appoint professional advisors as required.

### **5. SUB-COMMITTEES**

The Executive may appoint one or more sub-committees for the purposes of furthering the object of the Association. In each such case:-

- a) the Executive shall define the terms of reference of sub-committees and may also determine their composition and the extent and duration of their activities.
- b) the office bearers shall form a Chairman's Committee which shall meet as determined by the Chairman or the Vice Chairman. Moreover, in relation to any

matter which requires immediate action, the Chairman's Committee shall have authority to take such action as the Chairman's Committee thinks appropriate, necessary or desirable. Any such action must be reported to the Executive for homologation. The quorum of the Chairman's Committee shall be three.

- c) all acts and proceedings of the sub-committees (including the Chairman's
- d) Committee) shall be reported as soon as possible to the Executive for homologation.
- e) a summary report on the activities of the sub-committees (including the Chairman's Committee) shall be presented at the Annual General Meeting.

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

### a) Annual General Meetings

Within the month of September or October an Annual General Meeting of the Association shall be held at such time and place as the Executive shall determine. The Secretary shall give at least twenty-eight clear days notice of the Annual General Meeting to all members (sent to them at their respective addresses). The Secretary shall send to each member a copy of the Association's Annual Report, financial statements and any other relevant publications.

In the paragraph above "sent", "send" and "address" shall refer to sending using email to the member's email address where that contact information has been given to the Association.

The person appointed as Chairman for the year immediately preceding the Annual General Meeting (or in his/her absence the Vice-Chairman) of the Association shall be the chairman of the Annual General Meeting but if neither is present, before any business is transacted, those persons present shall appoint a chairman of the meeting.

The business of each Annual General Meeting shall be to:

- i) receive the Annual Report of the Executive (which shall incorporate the accounts of the Association and give an account of the work of the Association and its activities during the preceding year);
- ii) approve the accounts of the Association for the preceding financial year;
- iii) appoint a suitably qualified independent examiner for the coming year to examine and certify the accounts of the Association ;
- iv) consider any proposals to amend the constitution of the Association, for which twenty-eight days advanced written notice has been given;
- v) consider any other business for which twenty-one days advanced written notice has been given;

vi) consider any urgent business not previously notified.

Urgent business not previously notified can occur when a development arises so late that the need for twenty-one days advanced written notice presents an impossible requirement. Whether a matter constitutes urgent business is for the Chairman alone to decide.

Each member shall be entitled to one vote.

b) Special General Meetings

The Chairman or 20 members of the Association may request in writing that the Secretary convene a Special General Meeting of all members of the Association. Any such request shall state the purpose of the Special General Meeting and the Secretary shall, within six weeks of receiving the request, call a Special General Meeting of the Association to consider the business specified on the notice of meeting (and for no other purpose unless agreed by the meeting). The Secretary shall give at least 21 clear days written notice of the Special General Meeting individually to members.

If a member gives specific permission, the notice for the meeting may be sent by email or by an email informing of the location of the documents on a web site.

The Chairman shall act as chairman of the General Meeting. If both the Chairman and the Vice Chairman are absent from any such meeting, before any business is transacted, the persons present shall appoint a Chairman of the meeting.

c) Executive Meetings

The Executive shall meet as required. A Meeting of the Executive may be called at any time by the Chairman or by any 6 members of the Executive upon not less than seven clear days notice being given to the other members of the Executive. The Chairman (or in his/her absence, the Vice Chairman) shall act as chairman at meetings of the Executive. If both the Chairman and the Vice Chairman are absent from the meeting, persons present shall choose one of their number to be chairman of the meeting before any other business is transacted.

d) Quorum

At all Special General Meetings and all Annual General Meetings the quorum shall be 20 members, present in person. At all Executive Meetings the quorum shall be 6 members.

## **7. PATRONS AND HONORARY MEMBERS**

The Association shall be free to appoint Patrons and Honorary Members on receiving nominations from the Executive.

## **8. RULES OF PROCEDURE AT ALL MEETINGS**

a) Voting

All questions 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 voting. In the event of an equality of votes, the Chair shall have the casting vote

b) Lack of Quorum

In the event that no quorum is present at any meeting of the Association or its sub-committees, or if the meeting has to be abandoned, the meeting shall stand adjourned and be reconvened on such date and at such time as may be decided.

c) Minutes

Minutes of all meetings of the Association and all its sub-committees shall be kept by the Secretary or by someone appointed for the purpose.

## **9. STANDING ORDERS**

The Executive shall have power to adopt and issue Standing Orders and/or Rules for the conduct of the business of the Association. Such Standing Orders and Rules shall come into operation immediately, provided always that they shall be subject to review by either a Special General Meeting or the Annual General Meeting and shall be consistent with the provisions of this Constitution. *The current Standing Orders are given in Appendix A.*

## **10. FINANCE**

- a) An account shall be opened in the name of the Association at a bank or such other financial institution as the Executive shall from time to time decide. The Executive shall authorise in writing the Treasurer and three other members of the Executive to sign cheques on behalf of the Association, any two signatures being sufficient.
- b) The Treasurer shall keep proper accounts of the finances of the Association which shall be independently examined in accordance with the terms of sub clause 6 a (iii).
- c) The financial year end shall be 31st March.

## **11. DISSOLUTION**

If the Executive decides (by a simple majority) at any time that it is necessary or advisable to dissolve the Association, it shall call a Special General Meeting of the Association. If such a decision is confirmed by a two thirds majority vote of those present, the Executive shall have power to dispose of any assets held by or in the name of the Association.

Any assets remaining after the satisfaction of any proper debts and liabilities shall be transferred to any organisation with similar purposes to those of the Association.

## **12. ALTERATIONS TO THE CONSTITUTION**

Any proposal to alter this Constitution shall be delivered in writing to the Secretary not less than twenty eight days before the date of the meeting 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.

### **13 INTERPRETATION**

In this Constitution

“the Chairman” and “the Vice Chairman” mean the persons appointed in accordance with sub-clause 5 b) of this Constitution and should be taken to include both male and female appointees;

“office bearers” means those appointed in accordance with clause 5 of this Constitution;

“representatives” means those persons appointed in accordance with sub-clause 3 (c) and 3 (e) of this Constitution;

“members” generally means Justices of the Peace eligible for membership under 3 a) who have applied to be members of the Association.

### **APPENDIX A – STANDING ORDERS AND OTHER MATTERS**

Election of sheriffdom representatives Expenses

Rules of debate

Suspension of standing orders

Minutes of Annual General Meeting and Special General Meetings Minutes of the committees and sub-committees

#### **Election of sheriffdom representatives**

The election of sheriffdom representatives will be organised by the Executive Committee or a sub-committee set up for the purpose.

- An independent Returning Officer will be appointed to oversee the election.
- Invitations for nominations will be sent out by postal mail.
- Completed nominations with signatures, will be checked for validity of the nominations.
- Ballot papers and candidates statements will be sent to members by postal mail.
- The period between request for nominations and deadline for nominations will be at least 3 weeks.
- The period between dispatch of ballot papers and their date for return will be at least 3 weeks.
- In the case of a tie of votes, a decision will be taken by lot.

Note: From time to time, it is possible that in some sheriffdoms the election shall be for more than one representative. If there are places for three representatives, the person gaining the most votes will be appointed for 3 years, the person gaining the second highest number of votes will be appointed for 2 years, and the person with the third highest number of votes will be appointed for one year. In the case of a tie of votes, a decision will be taken by lot. A similar procedure will apply where the places available number two.

## **Expenses**

Representatives and members appointed to carry out approved business of the Association shall be entitled to claim expenses. These expenses will be paid at the rates determined from time to time by the Scottish Government for Justices of the Peace.

## **Rules of Debate.**

- a) The proposer of a motion shall be allowed 5 minutes to present the motion.
- b) If a motion is not seconded it falls.
- c) The seconder and any subsequent contributors to the debate shall be allowed 2 minutes to speak.
- d) Amendments from the floor are permissible provided the Chairman rules them competent. (The direct negative is not a competent amendment.)
- e) If an amendment is carried, the amendment becomes the substantive motion i.e. it becomes the motion of the original proposer.
- f) Subject to the exceptions in g), h), i), j) and k), no one may speak more than once in the debate.
- g) At the end of any speech subsequent to the motion being seconded, it is open to any member to propose that the speaker be heard further. That motion should be put to the meeting without any debate. If carried by a show of hands, the speaker shall be granted 1 minute further.
- h) At the end of any speech subsequent to the motion being seconded, it is open to any member to “move that the question be put.” That motion should be put to the meeting without any debate. If carried by a show of hands, the chairman shall proceed to step k.
- i) At the end of any speech subsequent to the motion being seconded, it is open to any member to “move that the meeting should proceed to the next business.” That motion should be put to the meeting without any debate. If carried by a show of hands, the subject under debate is considered as being dropped.
- j) At the end of any speech subsequent to the motion being seconded, it is open to any member to “move that the matter be remitted to Executive.” If of the opinion that insufficient debate has taken place the Chairman may defer taking a vote on that motion.
- k) When it is clear that sufficient debate has taken place the chairman shall invite the proposer to sum up the debate.

- l) The proposer shall be allowed 2 minutes to respond to any points raised in the debate
- m) The chairman shall proceed to the vote.

### **Minutes of Annual General Meeting and Special General Meetings**

Minutes of the previous Annual General Meeting and of any Special General Meetings held subsequent to that will be sent, no later than seven days prior to the meeting, to those indicating their intention to attend the Annual General Meeting.

The minutes will be presented for approval to the Annual General Meeting. Only those present at the relative meetings will be eligible to comment on these minutes or vote on their adoption.

### **Minutes of the committees and sub-committees**

Minutes of meetings will be available to members after they have been approved by the committee/sub-committee members and the following Executive Meeting. A members' area, accessible by individual password, will be maintained on the SJA web site. This part of the web site will hold documents relating to the Association and will include all approved minutes of Association committees and sub-committees.

*Approved at the Annual General Meeting 27 October 2012.*

# Scottish Justices Association Constitution

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