

# 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 in Scotland and, in so doing, have their contribution to an independent judiciary valued and respected.

### **SJA Objectives:**

1. To engage with the SCTS at all appropriate levels in the organisation to represent the best interests of JPs on issues which may impact their role
2. To promote and defend judicial independence
3. To be actively involved with all relevant stakeholders in consultations, informing debate and influencing key decisions related to policy and practice
4. To keep its members well informed of developments in law, updates affecting the judiciary and the administration of justice
5. To manage the business of the Association in a responsible and professional manner

The SJA Executive Committee are actioned to review and revise the list of Objectives of the Association. Their proposals are to be circulated to the full SJA Membership for consideration and a motion for a Constitutional Amendment reflecting the new Objectives is to be presented to the SJA Annual General Meeting to be held in 2022.

## 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. Any member may stand for election as a member of the Executive of the Association (hereinafter called "the Executive"). If a member of the Executive ceases to hold office as a Justice of the Peace, in accordance with Clause 3. c. of the Constitution, then they will immediately cease to be a member of the Executive as well as the Association.
- b. Each year, the members from each Sheriffdom shall elect from amongst themselves a representative who shall serve on the Executive for 3 (three) years, commencing from the AGM 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 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 5b 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 3 (three) consecutive meetings of the Executive, he/she 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 from that Sheriffdom.
- 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).
- m. 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).
- n. The Executive shall be free to consult or appoint professional advisors as required
- o. The Executive shall be free to consider co-opting onto the Executive Committee as ex-officio members, those Justices of the Peace who are appointed onto the Board of the Scottish Courts and Tribunals Service (SCTS), the Scottish Sentencing Council, or any other similar body; where such co-opting will improve the interchange of information between the Association and bodies and organisations whose work has a direct bearing on the work and activities of Justices of the Peace.

## **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 3 (three).
- c. All acts and proceedings of the sub-committees (including the Chairman's Committee) shall be reported as soon as possible to the Executive for homologation.

d. A summary report on the activities of the sub-committees (including the Chairman's Committee) shall be included in the Annual Report.

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

### **a. Annual General Meetings**

(1) 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 28 (twenty-eight) clear days' notice of the Annual General Meeting to

all members (sent to them at their respective addresses). The Secretary shall arrange that each member is sent a copy of the Executive's Annual Report, including the financial statements both for the previous financial year and the current financial year to date at least 28 (twenty-eight) clear days before the Annual General Meeting. In addition, the Secretary shall arrange that each member is sent a copy of the draft minutes for the previous year's Annual General Meeting and a copy of the proposed agenda for the forthcoming Annual General Meeting together with any other relevant publications at least 14 (fourteen) clear days before the Annual General Meeting (Note: "sent" and "address" shall refer to sending using email to the member's email address).

- (2) 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.
- (3) Each member shall be entitled to one vote. In the event of a tie, the Chairman shall have the casting vote.
- (4) The business of each Annual General Meeting shall be to:
  - i. Receive the Annual Report of the Executive, which shall:
    - (a) Incorporate the accounts of the Association, which shall include:
      - (i) The Treasurer's Report.
      - (ii) The independently examined Income and Expenditure Accounts for the previous 2 (two) financial years.
      - (iii) The independently examined Balance Sheet as at 31 March for the 2 (two) previous years.
      - (iv) The expenses paid to individual members of the Executive Committee for the previous 2 (two) years.
      - (v) The provisional forecast budget for the following financial year.
    - (b) Give an account of the work and the activities during the preceding year of the Association; its Executive Committee; its Sub-Committees; and members of the Executive tasked by the Executive Committee. This account shall include full reports of all activities (for example, conference attendance) that have involved any expenditure of SJA funds in the period since the previous Annual Report was published.

- 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. If however, the appointed examiner fails to undertake the examination and certification in an appropriate timescale, the Executive Committee will have the right to appoint a new suitably qualified independent examiner prior to the AGM. If a new examiner is appointed then this will be formally notified at the next AGM.
- iv. Consider any proposals to amend the constitution of the Association, for which 28 (twenty-eight) days' advanced written notice has been given.
- v. Consider any other business for which 21 (twenty-one) days' advanced written notice has been given.
- vi. Consider any urgent business not previously notified. (Note: Urgent business not previously notified can occur when a development arises late that the need for 21 (twenty-one) days' advanced written notice presents an impossible requirement. Whether or not a matter constitutes urgent business is for the Chairman alone to decide.

#### b. Special General Meetings

- (1) The Chairman or 20 (twenty) members of the Association may request in writing that the Secretary convenes a Special General Meeting of all members of the Association. Any such request shall state the purpose of the Special General Meeting.
- (2) The Secretary shall, within 6 (six) weeks of receiving the request, call a Special General Meeting of the Association to consider the business specified on the notice of the meeting (and for no other purpose unless agreed by the meeting). The Secretary shall give at least 21 (twenty-one) clear days' written notice of the Special General Meeting individually to members. (Note: the notice for the meeting may be sent by email or by an email informing of the location of the documents on the SJA web site).
- (3) The Chairman (or in his/her absence the Vice-Chairman) of the Association shall be the chairman of the Special General Meeting but if neither is present, before any business is transacted, those persons present shall appoint a chairman of the meeting.

#### c. Executive Meetings

- (1) The Executive shall meet as required but not less than 4 (four) times per year. A Meeting of the Executive may be called at any time by the Chairman or by any 6 (six) members of the Executive upon not less than 7 (seven) clear days' notice being given to the other members of the Executive.

- (2) 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

- (1) At Annual General and Special General Meetings, the quorum shall be 20 (twenty) members, present in person.
- (2) At Executive Meetings, the quorum shall be 6 members.

e. New Information and Communication Technology

The Executive has a responsibility and obligation to continuously monitor new information and communications technology that would enhance communications between the Executive and members of the Association. In particular, improved interactive technologies should be considered, reviewed and, if appropriate implemented, to encourage greater member participation in Annual General and Special General Meetings. Such technology must be fully consistent with members being able to fully participate, including the capability of voting, at these meetings. The Executive is obliged to advise all members of any intention to introduce such technology at least 28 (twenty-eight) days prior to its implementation. The Executive are also obliged to provide such instruction into the use of the technology prior to its implementation

## **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 Chairman 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 subcommittees 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\* (Note: 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 3 (three) other members

of the Executive to sign cheques on behalf of the Association, any 2 (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 6a(4)iii above.
- c. The financial year-end shall be 31st March.

## **11. DISSOLUTION**

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

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

- 12 (a) Any proposal to alter this Constitution shall be delivered in writing to the Secretary not less than 28 (twenty-eight) days before the date of the Special General Meeting or Annual General 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.

12.(b) Notwithstanding any alterations which are approved at the AGM, the SJA Executive Committee shall undertake a full and detailed review of the Constitution every three years to ensure that it is still relevant and fit for purpose. The first such review shall be undertaken during year 2022/23.

**13. INTERPRETATION** In this Constitution:

- a. "the Chairman" and "the Vice-Chairman" mean the persons appointed in accordance with sub-clause 4d of this Constitution and should be taken to include both male and female appointees.
- b. "office bearers" means those appointed in accordance with sub-clause 4d of this Constitution.
- c. "representatives" means those persons appointed in accordance with sub-clauses 4b, 4j and 4k of this Constitution.
- d. "members" generally means Justices of the Peace eligible for membership under sub-clause 3a of this Constitution who have applied to be members of the Association.

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

This Appendix contains the following sections:

- Election of Sherifffdom 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 Sherifffdom Representatives**

The election of Sherifffdom representatives will be organised by the Executive Committee who will appoint an Election Sub-Committee comprising of not less than three Executive Committee members who are not eligible for re-election or have indicated that they shall not stand for re-election. The Election Sub-Committee will appoint a Chairman from their numbers.

- Each year the Election Sub-Committee will seek invitations for the self-nomination of candidates. They shall also advise the number of vacant positions within each Sherifffdom.
- Self-nominations from members of the Association will be sent by electronic mail direct to the SJA Election Sub-Committee who will check membership for validity of the nominations.
- The period between request for nominations and deadline for nominations will be at least 3 (three) weeks.
- Where the number of self-nominations exceeds the number of vacancies for a particular Sherifffdom, and a vote is required, then candidates supporting statements will be sent to members of that particular Sherifffdom by electronic mail to assist members with their selection.
- Members of a Sherifffdom where a vote is required will be invited to cast their votes by means of an electronic mail message to the Chairman of the Election Sub-Committee and their date for return will be at least 3 (three) weeks.
- Where there is more than a single vacancy in a particular Sherifffdom, then members can vote for more than one candidate, up to the number of vacancies that exist.
- The Chairman of the Election Sub-Committee will seek verification of all votes received against the list of members e-mail addresses held by the SJA Membership Secretary.
- In the case of a tie of votes, a decision will be taken by lot.

- Responsibility for the announcement of successful candidates will rest with the Chairman of the Election Sub-Committee.

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 3 (three) representatives the person gaining the most votes will be appointed for 3 (three) years, the person gaining the second highest number of votes will be appointed for 2 (two) 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 subject to such expenses being in accordance with any guidelines published by the Treasurer.

- **Rules of Debate**

- The proposer of a motion shall be allowed 5 (five) minutes to present the motion.
- If a motion is not seconded it falls.
- The seconder and any subsequent contributors to the debate shall be allowed 2 (two) minutes to speak.
- Amendments from the floor are permissible provided the Chairman rules them competent (Note: The direct negative is not a competent amendment).
- If an amendment is carried, the amendment becomes the substantive motion i.e. it becomes the motion of the original proposer.
- Subject to the exceptions below, no one may speak more than once in the debate.
- 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 (one) minute further.
- 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 invite the proposer to sum up the debate\*
- 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.
- 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.
- When it is clear that sufficient debate has taken place the chairman shall invite the proposer to sum up the debate.
- The proposer shall be allowed 2 (two) minutes to respond to any points raised in the debate. Following this, the chairman shall proceed to the vote

- **Minutes of Annual General Meetings 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 7 (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 members present at the meeting will be eligible to comment on such minutes or to 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.