

# Rules of the Chancery Bar Association

(Established 1935, re-established 1957)

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## Definitions and Interpretation

1. In these rules, save where the context requires otherwise, references to numbered rules or to rules generally shall be references to these rules of the Chancery Bar Association (as amended from time to time), the singular shall include the plural and the following expressions shall have the following meanings:
  - (1) 'the ChBA' shall mean the Chancery Bar Association governed by these rules;
  - (2) 'the Annual Meeting' shall mean the annual general meeting of the ChBA provided for by rule 53;
  - (3) 'an Extraordinary Meeting' shall mean an extraordinary general meeting of the ChBA called pursuant to rules 57 or 58;
  - (4) 'a General Meeting' shall mean either the Annual Meeting or an Extraordinary Meeting;
  - (5) 'the Committee' shall mean the committee of the ChBA provided for by rule 30;
  - (6) 'the Officers' shall mean the officers of the ChBA provided for by rule 18;
  - (7) 'the Objects' shall mean the objects of the ChBA specified in rule 2;
  - (8) 'the Bar' shall mean the Bar of England and Wales and 'the Chancery Bar' shall mean the Chancery Bar of England and Wales;
  - (9) 'Chancery Work' shall mean work that is commonly or traditionally undertaken in the Chancery Division of the High Court of Justice and such other contentious and non-contentious work as is, in the opinion of the Committee, of a type commonly or traditionally undertaken by members of the Chancery Bar, whether (in the case of contentious or potentially contentious work) in the Chancery Division or in any other court or tribunal;
  - (10) 'Members' shall mean members of the ChBA (in any or all of the classes, as the case may be, provided for by rule 4) and 'Membership' shall be construed accordingly;
  - (11) 'the CLIPS Scheme' shall mean the Chancery Litigant in Person Support Scheme launched by the ChBA on 14 December 2013 to provide "on the day" advice and representation for litigants in person in the Interim Applications Court;
  - (12) 'remotely' shall mean through the medium of telephone, video, internet conferencing facilities, or any other form of communications equipment (whether in use when these rules were adopted or developed subsequently);
  - (13) 'an e-mail' sent pursuant to these rules must be sent from a professional e-mail address or one which reasonably enables the recipient to be satisfied that the e-mail is genuinely from the purported sender and, if the recipient has any doubt as to the identity of the sender, the e-mail may be referred to the Chair (or, in the Chair's absence, the Vice-Chair) whose decision as to whether or not the e-mail is genuine will be final and conclusive;
  - (14) 'year' shall mean the period beginning upon the close of any given Annual Meeting and ending upon the close of the Annual Meeting next following.

## Objects

2. The objects of the ChBA shall be to:
  - (1) promote the interests of justice;
  - (2) promote the interests of the Chancery Bar; and
  - (3) promote and enhance the legal education and training of those practising or intending to practise at the Chancery Bar.

## Non-Discrimination

3. The ChBA shall not discriminate against any person in any way on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity, religion or belief. The ChBA will not tolerate any form of bullying or harassment.

## Membership: Eligibility and Admission

4. There shall be five classes of Member, namely:
  - (1) Full Members;
  - (2) Academic Members;
  - (3) Honorary Members;
  - (4) Overseas Members; and
  - (5) Student Members.
5. The Members for the time being shall be those eligible persons who are mentioned in the records of the ChBA as having been admitted to Membership, and who have paid such current annual and other subscriptions as may be due. The records of the ChBA shall record whether a Member is a Full Member, an Academic Member, an Honorary Member, an Overseas Member or a Student Member.
6. The following persons shall be eligible for Full Membership, namely:
  - (1) practising barristers in independent practice at the Bar or practising barristers who have been called to the Bar and are now employed in England and Wales, a substantial proportion of whose work (in either case) consists of Chancery Work; and
  - (2) practising barristers in independent practice at the Bar who are tenants in Chambers and who can demonstrate to the satisfaction of either the Secretary or the Committee (in accordance with rule 8) a commitment to develop their practices so that a substantial proportion of their work will consist of Chancery Work.
7. Applications for Full Membership shall be made by using the on-line application form on the ChBA's website, or such other method as is approved from time to time by the Committee for the purpose.

8. Upon receipt of an application for Full Membership in accordance with rule 7, the Secretary shall, if satisfied (after making any appropriate enquiries) that the applicant is eligible for Full Membership under rule 6, invite the applicant to become a Full Member. If the Secretary is not so satisfied, the Secretary shall place the application before the Committee for consideration at its next meeting. Upon consideration of any such application, the Committee:
- (1) may, if it reasonably considers the applicant to be eligible for Full Membership under rule 6, invite the applicant to become a Full Member;
  - (2) shall reject any application from a person it reasonably considers to be ineligible for Full Membership under rule 6; or
  - (3) may, in the event that it decides that there is doubt as to the applicant's eligibility under rule 6, either reject the application or request that the applicant provide the Committee with further information as to the applicant's practice or intended practice at the Bar, so as to enable the application to be reconsidered.

A decision of the Committee that an applicant is ineligible for Full Membership under rule 6 (including on the ground that the proportion of Chancery Work undertaken by the applicant is not "substantial") is final and conclusive for the purposes of the application then under consideration.

9. The following persons shall be eligible for Academic Membership, namely persons in full-time academic study or teaching or in a full-time research post and not in independent practice at the Bar whose field of study, teaching or research consists substantially of the law associated with Chancery Work or whose study, teaching or research is likely to develop substantially into the teaching or study of, or research into, the law associated with Chancery Work.
10. The Committee may invite such persons as it considers appropriate to become Academic Members upon such terms as to subscription, duration of Membership or otherwise as the Committee may think fit.
11. [Not used].
12. The Committee may invite such persons as it considers appropriate to become Honorary Members upon such terms as to subscription, duration of Membership or otherwise as the Committee may think fit.
13. The Committee may invite such persons who are (or have been) lawyers practising outside England and Wales, whose practices include (or included) Chancery Work or whose firms undertake (or undertook, while such persons were members or employees of such firms) Chancery Work, as the Committee considers appropriate to become Overseas Members upon such terms as to subscription, duration of Membership or otherwise as the Committee may think fit.

- 13A. The Secretary may admit to Student Membership any individual who satisfies any of the Student Membership Criteria. A decision of the Secretary that an applicant is ineligible for Student Membership is final and conclusive for the purposes of the application then under consideration.
- 13B. The Student Membership Criteria comprise:-
- (1) Being an undergraduate or having commenced a postgraduate degree in either case at a university in the United Kingdom;
  - (2) Having commenced a law conversion course at an institution within England & Wales;
  - (3) Having commenced the BPTC or equivalent course for training for call to the Bar of England & Wales at an institution within that jurisdiction.
- 13C. Student Members:-
- (1) shall be admitted to membership without charge;
  - (2) shall be permitted (a) to attend such Chancery Bar Association events (b) on such terms
- as (in either case) the Committee shall, from time to time and in its absolute discretion, determine; and
- (3) shall provide the Secretary with a current email address and shall notify the Secretary forthwith upon the commencement of pupillage.

#### Termination of Membership

14. Any person who ceases to be eligible for Full Membership under rule 6 shall automatically cease to be a Member but shall not be entitled to the return of any annual or other subscription for any part of the year in which such person ceases to be eligible for Membership.
- 14A. Student Membership shall determine on the earliest of (a) the conclusion of pupillage (b) the commencement of employment as an employed barrister (c) the seventh anniversary of admission to Student Membership or (d) a resolution under rule 16.
15. Any doubt as to a Member's continuing eligibility for Membership or any class of Membership shall be resolved by the Committee.
16. The Committee shall have the power, exercisable in its absolute discretion, to expel any Member.
17. Any Member may resign at any time but shall not be entitled to the return of any annual or other subscription for any part of the year in which such resignation takes place.

## Officers

18. There shall be the following officers of the ChBA, the holders of which offices must be Full Members, namely:
  - (1) the Chair;
  - (2) the Vice-Chair;
  - (3) the Secretary;
  - (4) the Treasurer;
  - (5) the Seminar Secretary;
  - (6) the Equality and Diversity ('E&D') Secretary; and
  - (7) the Pro-bono Secretary.
19. No person shall hold office as Chair for more than three consecutive years.
20. No person shall hold office as Vice-Chair for more than three consecutive years.
21. No person shall hold office as Secretary for more than four consecutive years.
22. No person shall hold office as Treasurer for more than four consecutive years.
23. No person shall hold office as Seminar Secretary for more than four consecutive years.
- 23A. No person shall hold office as E&D Secretary for more than four consecutive years.
- 23B. No person shall hold office as Pro-bono Secretary for more than four consecutive years.
24. Each Officer shall retire at the close of every Annual Meeting. Such retiring Officers shall (subject to the provisions of rules 19 to 23B) be eligible for re-election as Officers or as ordinary members of the Committee.

## Powers and duties of Chair and Vice-Chair

25. The Chair shall:
  - (1) supervise the operation of the ChBA generally;
  - (2) chair General Meetings and meetings of the Committee, whenever present;
  - (3) represent and promote the Objects and the interests of the ChBA generally in all respects; and
  - (4) perform such other duties as are provided for by these rules or by the Committee from time to time.
26. The Vice-Chair shall:
  - (1) assist the Chair in the performance of the Chair's duties;
  - (2) undertake the powers and duties of the Chair in the Chair's absence; and

- (3) perform such other duties as are provided for by these rules or by the Committee from time to time.

#### Duties of Secretary, Treasurer, Seminar Secretary, E&D Secretary and Pro-bono Secretary

27. The Secretary shall:
  - (1) keep the records of the ChBA;
  - (2) be responsible for preparing and keeping the minutes of General Meetings and of meetings of the Committee;
  - (3) give such notices as are provided for by these rules;
  - (4) be responsible for keeping a record of the names and professional addresses (including e-mail addresses) of the Members for the time being; and
  - (5) perform such other duties as are provided for by these rules or by the Committee from time to time.
  
28. The Treasurer shall:
  - (1) receive all monies of the ChBA;
  - (2) be responsible for preparing the annual accounts of the ChBA for presentation at each Annual Meeting;
  - (3) prepare budgets of ChBA expenditure as and when required by the Committee;
  - (4) cause the ChBA's monies to be disbursed in accordance with the directions of and/or the mandate determined by the Committee from time to time; and
  - (5) perform such other duties as shall be provided for by these rules or by the Committee from time to time.
  
29. Seminar Secretary shall organise, under the supervision of the Committee, a programme of seminars, lectures and educational events for the benefit of the Members.
  
- 29A. The E&D Secretary shall, under the supervision of the Committee:
  - (1) Promote equality and diversity amongst Members and amongst all individuals involved with Chancery Work; and
  - (2) Be responsible for ensuring that the ChBA furthers the Bar Standards Board's policies relating to equality and diversity, participates in equality and diversity initiatives run by the Bar Council, the Inns of Court and other Specialist Bar Associations, and develops the ChBA's own diversity and equality initiatives.
  
- 29B. The Pro-bono Secretary shall, under the supervision of the Committee:
  - (1) Organise and promote the CLIPS Scheme and any such related voluntary representation schemes as are approved by the Committee from time to time;
  - (2) Work with Advocate and other legal charities to advance the cause of free representation in deserving cases.

## The Committee

30. There shall be a committee of the ChBA, which shall comprise the following persons, all of whom must be Full Members, namely:
- (1) the Officers;
  - (2) twelve elected ordinary members falling at the date of their election within the following categories, namely:
    - (i) four King's Counsel;
    - (ii) five juniors of more than seven years call; and
    - (iii) three juniors of less than seven years call;
  - (3) up to a maximum of eight members co-opted under rule 33; and
  - (4) any persons appointed or co-opted under rule 51.
31. Ordinary members of the Committee shall be elected for a term of three years.
32. Those elected ordinary members of the Committee who have not previously retired or otherwise ceased to be a member of the Committee shall retire at the close of the third Annual Meeting following the Annual Meeting at which their most recent election was announced. Such retiring members:
- (1) shall be eligible for re-election to the Committee as Officers;
  - (2) shall be eligible for re-election to the Committee as ordinary members if there is a vacancy for which they are eligible to stand, unless they have served six consecutive years (in which case, they shall not be eligible for re-election as ordinary members of the Committee in any category for a period of three years after their retirement); and
  - (3) shall be eligible to be co-opted under rule 33, even if they have served six consecutive years as an ordinary member of the Committee.
33. The Committee may, in its absolute discretion, co-opt up to a maximum of four Full Members whose Chambers are in London and/or four such Members whose Chambers are outside London to serve as members of the Committee for such periods of up to one year (or, if earlier, up to the end of the Annual Meeting next following such co-option) as the Committee shall determine. Save as provided in rule 35, such co-opted persons shall be treated as ordinary members of the Committee for all purposes during the relevant period.

## Duties and meetings of the Committee

34. Subject to rule 36, the Committee may meet as and when it shall think fit.
35. There shall be a quorum of seven Officers or ordinary members for meetings of the Committee, provided that (notwithstanding the provisions of rules 33 and 51(2)) no more than three persons co-opted (rather than elected by the Membership) to serve as ordinary members on the Committee shall be eligible to count towards the quorum.



36. The Chair, the Vice-Chair or any three members of the Committee may call a meeting of the Committee.
37. Save in cases of urgency, the Secretary shall give seven days' notice of a meeting of the Committee to the members of the Committee provided that such requirement may be waived by a majority of the Committee members for the time being that is not less than a quorum.
38. Meetings of the Committee shall be chaired by the Chair or, in the Chair's absence, the Vice-Chair or, in the absence of the Chair and Vice-Chair, by such Officer or ordinary member of the Committee as the meeting shall elect.
39. Questions arising at any Committee meeting shall be determined by a majority of votes of those present and voting. In the case of an equality of votes, the chair of that meeting shall have a second or casting vote.
40. Any Committee member may validly attend a meeting of the Committee remotely and, if the Chair (or, in the Chair's absence, the Vice-Chair) so decides, a meeting of the Committee may validly be held at which all attendees attend remotely; provided that, while any person is attending a meeting remotely, all persons attending the meeting are able to hear and speak to each other. A Committee member attending remotely shall be deemed to be present in person at the meeting and shall (subject to rule 35) be counted in a quorum and entitled to vote. Unless those attending a Committee meeting otherwise agree, when all the attendees attend remotely, the meeting shall be deemed to take place where the person chairing the meeting is physically located.
41. Where the Chair (or, in the Chair's absence, the Vice-Chair) decides that a matter should not or cannot reasonably wait to be decided at the following Committee meeting, a draft resolution may be circulated in writing or electronically to all Committee members, identifying this rule. A resolution so circulated (or an amended form of resolution so circulated) that is signed or confirmed electronically by a majority of the Committee members for the time being (which is not less than a quorum and which includes a majority of the Officers for the time being) shall be as valid and effective for all purposes as a resolution duly passed at a meeting of the Committee and shall be minuted as such. Such a resolution may consist of several documents or electronic communications each signed or authenticated by one or more Committee members which signify agreement with the resolution (or amended resolution) without having to be in the same form. An accidental omission to send the resolution (or amended resolution) to the correct address of one or more Committee members shall not invalidate such a resolution.
42. The Committee shall:
  - (1) consider from time to time the annual and other subscriptions required by the ChBA to carry out the Objects, make proposals in respect of the same for consideration and

- (if thought fit) approval by a General Meeting in accordance with rules 55(5) or 75 (as the case may be), and call for payment of such subscriptions as are duly approved;
- (2) determine the manner in which the ChBA's monies are to be applied or disbursed and for that purpose the Committee shall have the power to borrow money and give security;
  - (3) fix the agenda for and summon the Annual Meeting and any Extraordinary Meetings in accordance with these rules; and
  - (4) undertake any other powers and duties provided for by these rules and for that purpose the Committee shall have the power to do anything else within the law which promotes or helps to promote the Objects.
43. Subject to the provisions of these rules, the general business of the ChBA shall be conducted by the Committee, which may exercise all the powers of the ChBA.
44. The Committee may delegate any business other than that mentioned in rules 27 and 28 to sub-committees comprising any number of Members (including, for the avoidance of doubt, Members who are neither Officers nor ordinary members of the Committee) as the Committee shall determine, provided that, unless the Committee waives this requirement, every such sub-committee shall be chaired by an Officer or an ordinary member of the Committee appointed by the Committee for that purpose. The Committee may revoke, amend, add to or vary the scope or terms of the delegation to any such sub-committee in such manner as it may from time to time think fit.
45. It shall be the duty of all members of the Committee to attend meetings of the Committee unless they have good reason not to do so and likewise the duty of all members of any sub-committee appointed pursuant to rule 44 to attend meetings of such sub-committee.
46. If any member of the Committee shall be persistently absent from Committee meetings without good reason then the other members of the Committee shall be entitled to resolve to dismiss that person from the Committee and upon such resolution being passed then the person concerned shall cease to be a member of the Committee. In this rule, persistent absence means absence from three consecutive meetings.

#### Election and retirement of Officers and ordinary members of the Committee

47. The Officers and the required ordinary members of the Committee for the forthcoming year shall be elected by the Full Members within the period of three months ending on 31 July in each year, and prior to the Annual Meeting.
48. The Secretary, together with two of the other Officers or ordinary members of the Committee selected by the Chair, shall comprise a Ballot Committee in order to conduct any ballot required by these rules.

49. The elections shall be conducted as follows.
- (1) The Secretary shall cause a notice to be sent to all Full Members inviting candidates to put themselves forward (by a stated date, the 'Deadline', not less than fourteen days after the notice) for election as Officers and the required ordinary members of the Committee, indicating the number of vacancies, the restrictions on the standing of the Members to be elected to fill such vacancies under rule 30(2) and providing an e-mail address to which communications to the Secretary are to be sent.
  - (2) A Full Member who wishes to stand as a candidate must send an e-mail to the Secretary by the Deadline, stating the vacancy for which the Full Member wishes to stand and naming five other Full Members willing to support the Full Member's candidacy (the "Proposers").
  - (3) Each of a candidate's five Proposers must send an e-mail to the Secretary by the Deadline confirming that they support the Full Member's candidacy.
  - (4) If more than one candidate stands for the post of any Officer, there shall be a secret ballot in respect of that post.
  - (5) If only one candidate stands for the post of any Officer, that candidate shall be duly elected to fill that post.
  - (6) If more candidates stand for any category of ordinary member of the Committee than there are vacancies for that category, there shall be a secret ballot in respect of that category of ordinary member.
  - (7) If no more candidates stand than there are vacancies for any category of ordinary member of the Committee, the candidates in that category shall be duly elected to serve on the Committee.
  - (8) If a ballot is required, the Secretary shall send out a notice containing instructions for voting to all Full Members stating the date by which votes must be cast and allowing at least ten days from the notice for that purpose.
  - (9) Each Full Member shall have one vote for each Officer and one vote for each vacancy for ordinary members of the Committee in each category.
  - (10) The candidate who receives the most votes for the post of each Officer shall be duly elected. In the event of a tie, the Committee shall decide which of the tying candidates shall be elected.
  - (11) The candidates in each category of ordinary member of the Committee who receive the most votes shall be duly elected to serve on the Committee (up to a limit equal to the number of vacancies for that category). In the event of a tie between one or more candidates who together (or who together with one or more other candidates receiving a greater number of votes) exceed the said limit, the Committee shall decide which of the tying candidates shall be elected and shall do so in such a manner as to ensure that no more candidates than the number of vacancies for the relevant category are elected.
  - (12) The candidates elected as aforesaid as Officers and Committee members shall be announced at the Annual Meeting, at the close of which their terms of office and/or membership of the Committee shall commence.

50. Without prejudice to any mandatory requirement to retire in accordance with rules 24 or 32 (as the case may be), any Officer or ordinary member of the Committee may retire with immediate effect as an Officer or ordinary member upon giving notice of retirement by e-mail to the Chair (or, in the case of a retiring Chair, the Vice-Chair, or, in the Vice-Chair's absence, the Secretary). Any such notice shall be communicated by its recipient to the Committee at its next meeting (or to the next General Meeting held prior to the next meeting of the Committee).
51. Whenever an Officer or ordinary member of the Committee ceases for any reason to hold, or to be eligible to hold, office before the expiration of the term for which that Officer or ordinary member was elected (whether by reason of death, dismissal in accordance with rule 46, retirement in accordance with rule 50, cessation of eligibility for Full Membership or otherwise), or in circumstances where no candidates have put themselves forward for election in respect of a particular vacancy amongst the Officers or ordinary members of the Committee, the Committee:
- (1) shall, in the case of an Officer vacancy, appoint another member of the Committee (whether an Officer or an ordinary member) to serve as the relevant Officer until the next Annual Meeting (and a replacement who is already an Officer shall be treated upon such appointment as having ceased to hold that former office for the purposes of this rule); and
  - (2) may, in any case, co-opt some other Full Member to serve as a replacement ordinary member of the Committee until the next Annual Meeting.
52. Where a person is appointed or co-opted in accordance with rule 51, that person shall be eligible for election as an Officer or ordinary member of the Committee at the next annual election and that person's period in office or membership of the Committee under that rule shall not count for the purposes of rules 19 to 23, 31 or 32.

### Annual Meetings

53. An annual general meeting of the ChBA shall be held between 1<sup>st</sup> June and 31<sup>st</sup> July in each calendar year.
54. Subject to rule 53, the date of each Annual Meeting shall be fixed by the Committee.
55. The business of the Annual Meeting shall be as follows, namely:
- (1) to announce the results of the election of the Officers and the ordinary members of the Committee for the forthcoming year;
  - (2) to receive a report from the Chair as to the work undertaken by the ChBA since the previous Annual Meeting;
  - (3) to receive a financial report from the Treasurer;
  - (4) to consider and (if thought fit) to approve the accounts for the previous year prepared by the treasurer;

- (5) to consider and (if thought fit) to approve any change in the annual subscription for each class of Membership for the forthcoming year proposed by the Committee in accordance with rule 42(1);
  - (6) to consider any resolutions of which due notice shall have been given in accordance with rules 56 or 60; and
  - (7) to consider such other business as the chair of the meeting shall permit.
56. Any Full Member wishing to propose a resolution at an Annual Meeting shall give the Secretary notice of the terms thereof by e-mail not later than 4 *p.m.* on 15<sup>th</sup> May preceding the meeting and, for the avoidance of doubt, such notice may be given notwithstanding the fact that at the date thereof notice of the Annual Meeting may not yet have been given in accordance with rule 59.

#### Extraordinary Meetings

57. The Committee may call an extraordinary general meeting of the ChBA at any time.
58. If more than fifteen Full Members send e-mails to the Secretary requesting that a stated resolution (or resolutions) be discussed at an Extraordinary Meeting, the Committee shall summon an Extraordinary Meeting to be held not later than thirty-five days after the date of delivery of the sixteenth e-mail requesting the meeting (unless that e-mail be delivered between 7<sup>th</sup> July and 7<sup>th</sup> September, in which case the meeting shall be held not later than seventy days after the date of delivery of the sixteenth e-mail).

#### Notice of General Meetings

59. The Secretary shall give the Full Members notice (in accordance with the provisions of rule 78) of each General Meeting and shall place a notice of the General Meeting on the ChBA's website, in both cases no less than seven days in advance of the date fixed for the meeting.
60. Notice of a General Meeting shall include a summary of the resolutions to be proposed and the business to be conducted at the meeting.

#### Chair of, and quorum at, General Meetings

61. General Meetings shall be chaired by the Chair or, in the Chair's absence, the Vice-Chair or, in the absence of the Chair and the Vice-Chair, by such Officer or ordinary member of the Committee as the meeting shall elect.
62. A quorum for a General Meeting or for the taking of a vote at such a meeting shall be fifteen Full Members, including at least one Officer.

## Attendance and voting at General Meetings

- 62A. Any Member may validly attend a General Meeting remotely and, if the Chair (or, in the Chair's absence, the Vice-Chair) so decides, a General Meeting may validly be held at which all attendees attend remotely; provided that, while any person is attending a General Meeting remotely, all persons attending the General Meeting are able to hear and speak to each other. A Member attending remotely shall be deemed to be present in person at the meeting and shall be entitled to vote. A Full Member attending remotely shall be counted in a quorum. Unless those attending the General Meeting otherwise agree, when all the attendees attend remotely, the meeting shall be deemed to take place where the person chairing the meeting is physically located.
63. All Members except Student Members shall be entitled to attend and speak at any General Meeting.
- 63A. Notwithstanding anything to the contrary in rules 64, 66 or 68 below, Student Members shall not be entitled to vote at a General Meeting on any resolution, even one that affects their membership rights. For the avoidance of doubt, rule 67 does not apply to Student Members.
64. Only Full Members shall be entitled to vote at a General Meeting, save that all Members (including those other than Full Members) shall be entitled to vote on any resolution affecting the membership rights of Members other than Full Members.
65. Subject to rule 63A and 64 and save as is provided for in rule 66, resolutions may be passed at a General Meeting by a simple majority of Members present and voting.
66. A resolution to amend, add to or vary any of these rules may be passed only by a two-thirds majority of the Full Members present and voting at a General Meeting, provided that (and subject to rule 63A) where a resolution proposes a change in these rules that affects the membership rights of Members other than Full Members then such resolution may be passed by a simple majority of the Full Members present and voting provided that two thirds of the Members who are not Full Members present at the meeting also vote in favour of the resolution.
67. (1) Any Member is entitled to appoint any other Member as a proxy to exercise all or any of the Member's rights to speak and vote at a General Meeting.
- (2) In every notice of a General Meeting given pursuant to rule 59 there must appear a statement informing Members of their right to appoint a proxy under this rule.
- (3) Any Member wishing to appoint a proxy under this rule must send a notice of such appointment by e-mail to the Secretary and no such appointment shall take effect unless or until such notice has been received by the Secretary (whether such receipt occurs before or during the meeting in question).
- (4) For the purposes of rule 62, any Member (or whatever class) attending a General Meeting as proxy for a Full Member shall count towards the quorum in the capacity

of proxy; and any such member who is a Full Member shall also count towards the quorum in a personal capacity.

- (5) The outcome of any vote on a resolution shall not be called into question or otherwise rendered invalid by reason only of any accidental omission to include the statement referred to at sub-rule (2) above or of any, or any alleged, failure by a proxy to comply with such directions as may have been given by the Member by whom the proxy was appointed.

#### Consultation of the Membership other than at a General Meeting

68. Where the Committee considers it necessary, expedient or otherwise appropriate to consult the Membership generally on a particular matter (other than at a General Meeting) it may resolve that the following procedure be adopted.

- (1) The Committee shall direct the Secretary (or such other Officer or ordinary member thereof as it shall think fit) to circulate a draft resolution (in accordance with the provisions of rule 78) to all Full Members (or, if thought fit, to all or some Members generally), identifying this rule and inviting Members to indicate their approval or disapproval of the draft resolution in such manner (whether by signature, electronic confirmation or otherwise) as the Committee shall have determined.
- (2) Prior to giving a direction pursuant to sub-rule (1) above, the Committee shall determine whether the draft resolution circulated pursuant to such a direction should be advisory or mandatory in nature and, upon circulation thereof, the Secretary (or such other person as is directed to circulate it) shall indicate to the Members the nature of the draft resolution.
- (3) When circulating the draft resolution, the Secretary (or other such person as is directed to circulate it) shall indicate the date by which responses must be received, which date shall be determined by the Committee but which, in any event, shall not be less than seven days after the date on which the resolution is circulated (unless it be circulated between 7<sup>th</sup> July and 7<sup>th</sup> September, in which case the date by which responses must be received shall not be earlier than 14<sup>th</sup> September next following).
- (4) In the case of an advisory resolution, there shall be no quorum and the result of any ballot in relation to the resolution shall not be binding upon the Committee but the result of (and the number of Members participating in) the ballot shall be taken into account by the Committee when considering the subject matter of the resolution.
- (5) A mandatory resolution shall be treated for all purposes as if it were a resolution proposed and voted upon at a General Meeting and, accordingly, the provisions of these rules relating to the quorum for such a vote and the majority required to pass such a resolution shall apply in relation to such mandatory resolution according to its terms, with the effect that a mandatory resolution made under this rule and passed in accordance with those provisions shall be as valid and effective for all purposes as a resolution duly passed at a General Meeting and shall be recorded in the records of the ChBA as such.

- (6) An accidental omission to circulate the draft resolution to the correct address of one or more Members shall not invalidate such a resolution otherwise duly passed in accordance with the provisions of this rule.

#### Administration

69. The Committee shall be at liberty to engage secretarial and/or administrative assistance at the expense of the ChBA to assist the Officers and/or the Committee in the exercise of their powers and duties under these rules.

#### Finance

70. The annual subscription for each year (or part year) of Membership is payable in respect of each Full Member.
71. Each Full Member who practises individually or is in a set of Chambers in which fewer than five tenants are Full Members shall set up a standing order, direct debit or such other method of payment as the Committee shall approve for the payment of the annual subscription and shall pay the annual subscription by that method thereafter. Each set of Chambers with five or more tenants who are Full Members shall set up a standing order, direct debit or such other method of payment as the Committee shall approve for the payment of the annual subscription on behalf of those Full Members and shall pay the annual subscription by that method thereafter.
72. The expenses incurred by the ChBA shall be met from the subscriptions paid by the Members, and/or from any reserves, and/or from any other funds raised by the Committee for the purposes of the ChBA.
73. Any change in the amount of the annual subscription for the following year shall be proposed by the Committee and approved by the Annual Meeting in accordance with rules 42(1) and 55(5).
74. The annual subscription shall be paid by each Full Member or each set of Chambers with five or more tenants who are Full Members (on behalf of those Full Members) on or before 31<sup>st</sup> January in year to which the subscription relates.
75. Further subscriptions (in addition to the annual subscription) may be raised by the Committee at any time with the approval of a resolution at an Extraordinary Meeting following a proposal made pursuant to rule 42(1) and shall be paid in accordance with such mechanism as is approved by the Extraordinary Meeting.



76. Any Member whose subscription is one month in arrears shall cease to be a Member but may be re-admitted to Membership by the Committee on payment of the arrears and of such subscription as would have been paid if Membership had not so ceased.
- 76A. (1) Every Member consents to the ChBA collecting and processing their personal data in accordance with, and for the purposes described in, the ChBA's Data Protection Policy and Privacy Notice as amended, replaced or updated from time to time.
- (2) Every Member who controls or processes any personal data (whether about Members or others) on behalf of the ChBA shall comply, in respect of that data, with:
- (i) all applicable requirements and obligations under all applicable privacy and data protection legislation and regulations (including but not limited to the Data Protection Act 2018 and the UK GDPR) as amended, replaced or updated from time to time; and
  - (ii) the ChBA's Data Protection Policy and Privacy Notice as amended, replaced or updated from time to time.

#### Alteration of these rules

77. These rules may be amended, added to, varied or revoked only by a resolution passed in the manner provided by rule 66 (provided that, for the avoidance of doubt, any binding resolution to amend, add to or vary these rules that is proposed and approved in accordance with rule 68 shall be valid and shall take effect according to its terms).

#### Notices

78. Any notice required by these rules to be given to Members shall be validly given if sent by e-mail to either:
- (1) the most recent e-mail address of the Member personally held in the ChBA records kept by the Secretary; or
  - (2) the e-mail address of the Head of Chambers, Clerk or Senior Executive of each Member together with a request for the notice in question to be copied to all Members in those Chambers.
- 78A. Any notice sent by e-mail shall be deemed to have been received by, and so duly given to, the person in question 24 hours after the e-mail was sent. A Member for whom the Secretary has no record of any valid e-mail address shall not be entitled to receive any notices.

#### Interests of the Chancery Bar

79. Every Member shall be obliged to promote the Objects.

## Amalgamation

80. (1) The Committee may at any time, after prior consultation with the Membership, decide by resolution to transfer the assets and liabilities of the ChBA to one or more other bodies established for purposes within, the same as, similar to or including the Objects.
- (2) On a transfer under sub-rule (1), the Committee must ensure that all necessary steps are taken as to:
- (i) the transfer of land and other property; and
  - (ii) the trusteeship of any property held for special purposes.

## Dissolution

81. (1) The Committee may at any time, after prior consultation with the Membership except Student Members, decide by resolution that the ChBA is to be dissolved. The Committee will then be responsible for the orderly winding up of the affairs of the ChBA.
- (2) After making provision for all outstanding liabilities of the ChBA, the Committee must apply the remaining property and funds in one or more of the following ways:
- (i) by transfer to one or more other bodies established for purposes within, the same as, similar to or including the Objects; or
  - (ii) for exclusively charitable purposes for the advancement of legal education.

Adopted 24<sup>th</sup> October 1957. Amended 31<sup>st</sup> May 1960, 5<sup>th</sup> June 1962, 21<sup>st</sup> June 1973, 20<sup>th</sup> May 1991, and 16<sup>th</sup> July 1992. Revised 28<sup>th</sup> March 2000, 21<sup>st</sup> May 2003, 26<sup>th</sup> June 2006, 4<sup>th</sup> July 2007, 14<sup>th</sup> July 2008, 22<sup>nd</sup> July 2009, 4<sup>th</sup> July 2011, 11<sup>th</sup> July 2012, 9<sup>th</sup> July 2014, 14<sup>th</sup> July 2015, 3<sup>rd</sup> July 2023 and 15<sup>th</sup> July 2024.