



The Law Society

# Bye-Laws of the Law Society





## CONTENTS

<b>INTERPRETATION .....</b>	<b>7</b>
Interpretation .....	7
<b>MEMBERSHIP AND AFFILIATE STATUS.....</b>	<b>9</b>
Election to membership .....	9
Subscriptions .....	9
Register of members .....	9
Associate members .....	10
Change of address .....	10
Register to be conclusive .....	10
Suspension of membership .....	10
Suspension of privileges .....	10
Automatic termination of membership.....	10
Expulsion from membership .....	11
Honorary membership of the Council.....	11
Honorary membership of the Society .....	11
Affiliate status .....	12
Replacement of affiliate status.....	12
<b>ANNUAL GENERAL MEETINGS.....</b>	<b>12</b>
Date of annual general meeting.....	12
Preliminary notice of annual general meeting .....	12
Notices of motion.....	12
Notice of the annual general meeting.....	13
Business of the annual general meeting .....	13
<b>SPECIAL GENERAL MEETINGS .....</b>	<b>14</b>
Special general meeting convened by the Council.....	14
Special general meeting requisitioned by members .....	14
Notice of special general meeting .....	14
Limitation of business at special general meeting .....	14
Order of business at special general meeting .....	15
<b>PROCEDURES FOR ALL GENERAL MEETINGS .....</b>	<b>15</b>
Venue .....	15
Quorum .....	15
Restrictions as to matters previously discussed.....	15
Chairing.....	15

Moving of motions.....	16
Rules of debate .....	16
Adjournment .....	17
Voting .....	17
Membership ballots.....	17
Procedure for a membership ballot .....	18
Adoption of resolutions .....	19
Chair's decision final.....	19
Irregularities.....	19
Minutes.....	19
<b>ACCOUNTS AND AUDIT .....</b>	<b>20</b>
Accounts.....	20
Auditors .....	20
Audit of accounts .....	20
Presentation of accounts to annual general meeting.....	20
<b>THE COUNCIL .....</b>	<b>20</b>
Composition.....	20
Geographical constituencies .....	20
Non-geographical constituencies .....	21
Election date.....	21
Preliminary notice of election .....	21
Nomination of candidates .....	21
Eligibility of candidates.....	21
Eligibility for re-election .....	21
Eligibility to nominate and vote.....	21
Disqualification for election .....	22
Nomination form .....	22
Declaration of criminal convictions .....	23
Declaration of adverse Tribunal findings .....	23
Declaration of practising certificate conditions .....	24
Declaration of criminal and other proceedings .....	24
Declaration of regulatory proceedings.....	24
Declaration of investigations .....	24
Nomination committees .....	25
Unopposed elections .....	25
Ballot in contested elections .....	25
Electronic voting on an optional basis .....	26
Introduction of electronic voting as sole method of voting in an election .....	26

Accidental omissions .....	26
Completion of voting papers .....	27
Return of voting papers.....	27
Single transferable voting .....	27
Duplicate voting papers .....	27
Scrutiny of votes .....	27
Ballot Scrutineer's report.....	28
Challenge to election .....	28
Challenge committee .....	28
Challenge committee powers.....	29
Election of non-geographical Council members .....	30
Complaint about nomination procedure in organisational seats .....	31
Withdrawal of nominations or death of a candidate .....	31
Term of office of Council members .....	32
Mandatory equality and diversity training for Council members.....	33
Automatic vacation of office by Council members .....	34
Removal of Council members .....	34
Suspension of Council members .....	35
<b>COUNCIL PROCEDURES .....</b>	<b>36</b>
Regulations.....	36
Admission of members to Council meetings .....	36
Audit Committee .....	36
Council Membership Committee .....	36
Compensation in respect of Council members.....	37
Expenses.....	37
Minutes of Council meetings.....	37
Record of attendances.....	37
<b>PRESIDENT, VICE PRESIDENT AND DEPUTY VICE PRESIDENT .....</b>	<b>37</b>
Election of Deputy Vice President.....	37
Automatic succession of office-holders .....	38
Casual vacancies for office-holders .....	38
Compensation in respect of office-holders .....	39
Accommodation .....	39
<b>MISCELLANEOUS.....</b>	<b>39</b>
Common seal .....	39
Staff.....	39
Use of Hall.....	39
Notices .....	39

Electronic communications .....	40
Commencement .....	40
<b>APPENDIX 1 .....</b>	<b>41</b>
Constituency boundaries descriptions.....	41
<b>APPENDIX 2 .....</b>	<b>49</b>
Single transferable voting in Council elections .....	49



## BYE-LAWS OF THE LAW SOCIETY

[Adopted on 5 July 2012 by the Annual General Meeting amended 9 July 2014]

### INTERPRETATION

#### Interpretation

1(1) In these Bye-Laws, except where the context otherwise requires, the following words and phrases have the meanings set out or referred to alongside them -

"appropriate motion"	a motion which, in the opinion of the Council, relates in substance to a matter affecting the affairs of the Society or of the solicitors' profession;
"Audit Committee"	has the meaning given by Bye-Law 89;
"Ballot Scrutineer"	the body appointed by the Council to administer ballots in Council elections and membership ballots;
"Charter"	the Royal Charter of 26 February 1845, supplemented by Charters of 1872, 1903, 1909 and 1954, and as later amended;
"Chief Executive"	the Chief Executive of the Society in its representative capacity, including any deputy or person temporarily performing the duties of the office, and in respect of certain functions under these Bye-Laws related to membership includes the Chief Executive of the SRA;
"Council"	the Council of the Society;
"Council functions"	the meaning given by Bye-Law 83(2);
"Council member"	a member of the Council, but not an honorary member of the Council;
"Council Membership Committee"	has the meaning given by Bye-Law 90;

"court"	a criminal court in the United Kingdom, the Isle of Man or the Channel Islands;
"Junior Lawyers Division"	the grouping of newly-qualified solicitors and Legal Practice Course students recognised by the Council under that title;
"last date for nominations"	the meaning given by Bye-Law 57(1);
"local law society"	a society recognised by the Council as representative of solicitors in some part of England and Wales;
"member"	a member of the Society, but not an honorary or associate member;
"motion"	a motion which is not inconsistent with the Charter or any statutory provision;
"registered European lawyer"	a European lawyer registered with the SRA under Directive 98/5/EC;
"registered foreign lawyer"	a foreign lawyer registered with the SRA under Section 89 of the Courts and Legal Services Act 1990;
"regulations"	regulations made by the Council.
"Society"	the Society incorporated by the Charter;
"specified"	specified by the Council;
"SRA"	the regulatory arm of the Society known as the Solicitors Regulation Authority, which exercises the functions of the Society as an approved regulator under the Legal Services Act 2007;
"subscription"	the annual subscription payable by members and fixed by the Council under Bye-Law 3(1); and
"Tribunal"	the Solicitors Disciplinary Tribunal

- (2) The Interpretation Act 1978 applies to these Bye-Laws as to an Act of Parliament.
- (3) A reference in these Bye-Laws to any Act includes a reference to that Act as subsequently amended, replaced or re-enacted.
- (4) Any reference to specification by the Council includes the power to amend or withdraw the specification concerned and to exercise the power of specification from time to time.



## **MEMBERSHIP AND AFFILIATE STATUS**

### **Election to membership**

- 2(1) The Council may elect to membership any eligible candidate, whether or not he or she has applied for membership.
- (2) Where a candidate applies for membership he or she shall agree to abide by the Charter, these Bye-Laws and regulations.
- (3) Where the Council has elected to membership a candidate who has not previously applied for membership -
  - (a) the election shall be provisional for the period of 28 days after the date of election ("the provisional period"), and
  - (b) he or she may not exercise any of the privileges of membership (including voting rights) during the provisional period.
- (4) If during the provisional period the candidate informs the Chief Executive that he or she does not wish to take up membership, the provisional election shall be void.
- (5) Unless the election has been voided in accordance with (4), then at the end of the provisional period -
  - (a) the election shall be final;
  - (b) the member shall be taken to have agreed to abide by the Charter, these Bye-Laws and regulations; and
  - (c) he or she may exercise the privileges of membership.
- (6) In this Bye-Law, "eligible" means eligible according to Article X of the Charter.

### **Subscriptions**

- 3(1) A member shall pay an annual subscription to the Society of such amount (which may be "nil") as is specified.
- (2) The Council may divide members into classes to specify different rates of subscription.

### **Register of members**

- 4(1) The Chief Executive shall keep the name and address of every member ("his or her registered address") in a Register of Members.
- (2) The address of a member to be registered is -
  - (a) for any member practising in England and Wales, the address of the main office at which he or she practises.
  - (b) for any member employed, but not practising, in England and Wales, the address at which he or she is employed;
  - (c) for any member resident, but not practising or employed, in England and Wales, the address of his or her residence; or

- (d) In the case of any member neither practising, employed nor resident in England and Wales, any address in England and Wales nominated by him or her, together with his or her address outside England and Wales.

### **Associate members**

- 5(1) The Council may elect trainee solicitors as associate members of the Society for such period as it thinks fit.
- (2) No person shall remain an associate member after admission as a solicitor.

### **Change of address**

- 6 A member who changes his or her registered address shall inform the Chief Executive.

### **Register to be conclusive**

- 7(1) The Register of Members shall be deemed for all purposes to contain a correct list of members and their registered addresses.
- (2) The Chief Executive shall make the Register of Members available for inspection electronically.

### **Suspension of membership**

- 8(1) Membership shall automatically be suspended, and the member suspended from exercising any membership rights or privileges, if -
  - (a) he or she is suspended from practice as a solicitor; or
  - (b) his or her registration as a registered European lawyer or a registered foreign lawyer is suspended.

### **Suspension of privileges**

- 9 The Council may for such period and for such reasons as it considers appropriate suspend a member from using the facilities of the Society's Hall, or exercising some or all of the other rights or privileges of membership, so long as he or she has been given-
  - (a) not less than 14 days' notice in writing of the proposed suspension; and
  - (b) a reasonable opportunity to make representations concerning the proposed suspension.

### **Automatic termination of membership**

- 10(1) Subject to (2), membership shall be automatically terminated, without affecting any liability to pay any outstanding subscription, if the member -
  - (a) is in arrears with subscription for a specified period (which must be not less than one month);
  - (b) is struck from the Roll; or
  - (c) ceases to be registered as a registered European lawyer or a registered foreign lawyer.

- (2) Membership shall not be terminated under 10(1)(a) unless -
  - (a) the member has received notice of the arrears; and
  - (b) has been given not less than seven days in which to settle the arrears.

### **Expulsion from membership**

- 11(1) The Council may expel from the Society any member who –
  - (a) is an undischarged bankrupt, or has entered into a deed of arrangement with his or her creditors;
  - (b) has been suspended from practice;
  - (c) has had his or her registration as a registered European lawyer or registered foreign lawyer suspended;
  - (d) is a person subject to Sections 15 - 16 of the Mental Capacity Act 2005;
  - (e) has not paid a penalty or costs ordered by the Tribunal; or
  - (f) has had an order made against him or her for the issue of a writ of attachment.
- (2) The powers in (1)(b) and (1)(c) may be exercised whether or not the member has been or is suspended from membership under Bye-Law 8.
- (3) The Council may expel a member whose conduct as such appears to render him or her unfit to remain a member, so long as –
  - (a) he or she has been given not less than 14 days' notice in writing of the proposed expulsion; and
  - (b) he or she has been given a reasonable opportunity to make representations concerning the proposed expulsion.
- (4) The power in (3) may be exercised whether or not the member has been or is suspended under Bye-Law 8.
- (5) Expulsion under this Bye-Law shall not affect liability to pay any outstanding subscription.

### **Honorary membership of the Council**

- 12(1) The Council may for such period as it thinks fit elect a person as an honorary member of the Council on account of his or her distinction and eminence.
- (2) The Council shall decide the privileges of honorary members of the Council.

### **Honorary membership of the Society**

- 13(1) The Council may for such period as it thinks fit elect as an honorary member of the Society a person who is either -
  - (a) a lawyer in any jurisdiction who is -
    - (i) not otherwise eligible for election as a member of the Society, and

- (ii) not a member of the English Bar ordinarily resident in England and Wales; or
- (b) a person (whether or not a solicitor) who -
  - (i) has rendered distinguished service to the Society or to the Law,
  - (ii) is able to assist the Society in promoting its objects, or
  - (iii) is otherwise deserving of recognition by the Society on account of his or her distinction or eminence.
- (2) The Council shall decide the privileges of honorary members of the Society.

### **Affiliate status**

- 14(1) Subject to Bye-Law 15, the Council may grant affiliate status to any foreign lawyer not eligible for election as a member of the Society.
- (2) The privileges of affiliate status shall be decided by the Council.
- (3) In this Bye-Law, "foreign lawyer" means a person who -
  - (a) is not a solicitor or barrister admitted or called in England and Wales;
  - (b) is a member of a legal profession regulated within a jurisdiction outside England and Wales, and entitled to practise as such; and
  - (c) is not a registered European lawyer or a registered foreign lawyer.

### **Replacement of affiliate status**

- 15(1) The Council may decide that -
  - (a) the grant of affiliate status under Bye-Law 14 shall be discontinued;
  - (b) persons holding affiliate status shall then hold such other status, and be described in such other way, as the Council thinks fit; and
  - (c) persons who would previously have been eligible for the grant of affiliate status shall hold the status, and be described in the way, it has decided under (b).

## **ANNUAL GENERAL MEETINGS**

### **Date of annual general meeting**

- 16 The annual general meeting shall be held on a date fixed by the Council.

### **Preliminary notice of annual general meeting**

- 17 Preliminary notice of the annual general meeting shall be published at least 70 clear days before the date of the meeting.

### **Notices of motion**

- 18(1) Thirty or more members, or the president and secretary of a local law society authorised to do so, may give notice of an appropriate motion to be moved at the annual general meeting.

- (2) The notice must be received by the Chief Executive at least 42 clear days before the date of the meeting.
- (3) The notice may be accompanied by a statement of up to 1000 words about the motion.

### **Notice of the annual general meeting**

- 19(1) Notice of the annual general meeting shall be published at least 28 clear days before the date of the meeting.
- (2) The notice shall state any appropriate motion to be moved at the meeting and the names of the members who have given notice of it.
- (3) The Chief Executive shall remove from any appropriate motion, or statement received under Bye-Law 18(1), material which it might, in his or her opinion, be unlawful to publish, and his or her decision in this respect shall be final.
- (4) If substantially the whole motion consists of material falling within (3), it shall not be included in the notice of the meeting.
- (5) Any statement received under Bye-Law 18(1) shall be published at the same time as the notice of the meeting.
- (6) The Council may publish at the same time as the notice of the meeting a statement of up to 1000 words on any motion.

### **Business of the annual general meeting**

- 20(1) The business at an annual general meeting shall be -
  - (a) The Chair shall be taken under Bye-Law 29, and the notice convening the meeting taken as read.
  - (b) The minutes of the previous general meeting shall be taken as read and put to the meeting for approval.
  - (c) The results of Council elections shall be announced.
  - (d) The Annual Report of the Council shall be put to the meeting to be received.
  - (e) The Accounts as signed by the Auditors shall be put to the meeting to be approved.
  - (f) Any business introduced by the Council shall be taken.
  - (g) Appropriate motions received under Bye-Law 18(1), the text of which has been published under Bye-Law 19(2), shall be considered.
  - (h) Other business which may be introduced, consistent with the Charter and Bye-Laws, shall be taken.
- (2) The Council may publish its Annual Report on the Society's website, but hard copies shall be available on request to any member and at the annual general meeting.

## **SPECIAL GENERAL MEETINGS**

### **Special general meeting convened by the Council**

21 A special general meeting may be called by the Council at any time.

### **Special general meeting requisitioned by members**

- 22(1) One hundred or more members may at any time by requisition sent to the Chief Executive require the Council to call a special general meeting to consider a motion set out in the requisition.
- (2) The requisition may be accompanied by a statement of up to 1000 words on the motion set out in the requisition.
- (3) The Council shall within 14 days after receipt of the requisition call a meeting accordingly, to be held -
- (a) not earlier than 42 clear days; or
- (b) later than 70 clear days
- after receipt of the requisition.
- (4) If the Council does not within 14 days after receipt of the requisition call a special general meeting accordingly, any ten of the requisitioning members may send to the Chief Executive a notice naming a day and time for holding the meeting, which shall be at least 35 clear days thereafter.
- (5) Where a notice has been received under (4), it shall be the duty of the Chief Executive to call the meeting accordingly.

### **Notice of special general meeting**

- 23(1) Notice of every special general meeting, stating any motion to be moved, and stating on whose requisition (if any) it is called, shall be published at least 28 clear days before the date of the meeting.
- (2) The Chief Executive shall remove from the text of any motion, or statement received under Bye-Law 22(2), material which it might, in his or her opinion, be unlawful to publish, and his or her decision in this respect shall be final.
- (3) Any statement received under Bye-Law 22(2) shall be published at the same time as the notice of the meeting.
- (4) The Council may publish at the same time as the notice of the meeting a statement of up to 1000 words on the motion.

### **Limitation of business at special general meeting**

24 No business shall be transacted at a special general meeting other than that of which notice has been given.

## **Order of business at special general meeting**

- 25 At special general meetings the order of business shall, so far as applicable, be the same as at annual general meetings.

## **PROCEDURES FOR ALL GENERAL MEETINGS**

### **Venue**

- 26 All general meetings shall be held at the Society's Hall, or at such other place decided by the Council.

### **Quorum**

- 27(1) Subject to (3), the quorum for all general meetings shall be 50 members.
- (2) No business shall be transacted at a general meeting unless a quorum exists at the time the business is transacted, but if a meeting becomes inquorate that shall not invalidate the business taken when a quorum existed.
- (3) If 50 or more members are not present within 15 minutes after the time appointed for a general meeting -
- (a) a special general meeting called on requisition shall not be held;
  - (b) an annual general meeting, or a special general meeting convened by the Council, shall be adjourned to the same day in the next week at the Society's Hall, when the members present shall be a quorum in any event.

### **Restrictions as to matters previously discussed**

- 28 No motion -
- (a) in substance reversing a resolution passed by a previous general meeting; or
  - (b) re-proposing a resolution not carried by a previous general meeting
- shall, except by permission of the Chair, be considered at any general meeting held within 12 months of that previous general meeting.

### **Chairing**

- 29 At all general meetings the Chair shall devolve to the following members in order, if present and willing to act -
- (a) the President;
  - (b) the Vice President;
  - (c) the Deputy Vice President;
  - (d) a Council member chosen by the Council; and
  - (e) a member of the Society chosen by the meeting, if no Council members are present.

## **Moving of motions**

- 30 A members' motion of which notice has been given may be moved by -
- (a) any member party to the notice or requisition;
  - (b) any member authorised by a member within (a), if no such member is present; or
  - (c) any member present, in the absence of any member within (a) or (b).

## **Rules of debate**

- 31(1) Subject to the overriding discretion of the Chair to regulate the business of the meeting, the following rules of debate at general meetings shall apply.

### Length of speeches and right to speak again

- (2) The mover of a motion (other than one proposing the closure or proposing an adjournment) shall not without the permission of the Chair speak for more than ten minutes when moving the motion.
- (2) No other speaker shall speak for more than five minutes without the permission of the Chair.
- (3) No member shall speak more than once on the same question, other than -
  - (a) the mover of a motion in reply to the debate on the motion;
  - (b) with the permission of the Chair, a member who wishes to speak in explanation, but such a member shall not introduce any new matter;
  - (c) the mover of the main motion, after a motion that the question be now put has been passed, but before the motion (or amendment, as the case may be) itself is put to the vote.

### Closure of debate

- (4) A member who has not spoken in the debate and wishes to move the closure of the debate shall do so by moving that -
  - (a) the question be now put; or
  - (b) the meeting proceed to the next business.
- (5) A closure motion shall be seconded by a member who has not spoken in the debate.

### Amendments

- (6) No amendment to a motion may be moved unless at least 24 hours' notice of it has been given to the Chair.
- (7) All amendments shall be seconded.
- (8) An amendment shall be within the scope of the motion and be in the proper form of an amendment.



- (9) Only one amendment may be discussed at any one time, except with the permission of the Chair.
- (10) If an amendment is carried, the motion as amended shall become the main question which is the subject of the debate, and may be further amended.
- (11) No member shall move more than once that any one motion be amended.

#### Rules of order

- (12) The Chair may call the attention of the meeting to continued irrelevance, repetition, unbecoming language or any breach of order on the part of a member and may direct the member to discontinue his or her speech or leave the meeting.

#### **Adjournment**

- 32(1) Every general meeting may adjourn by resolution.
- (2) If a general meeting is adjourned, the business of the adjourned meeting shall be stated before the adjournment and entered in the minutes.
- (3) No business shall take place at an adjourned general meeting other than that stated and entered under (2).
- (4) Notice shall be published of the adjournment of any general meeting.

#### **Voting**

- 33(1) All questions at a general meeting shall be decided by a majority of the members present and voting, except where otherwise provided by the Charter or these Bye-Laws.
- (2) The Chair shall have a second, or casting, vote if there is a tie.

#### **Membership ballots**

- 34(1) Immediately after the Chair has announced the result of the voting on any question at a general meeting other than adjournment of the meeting, a ballot of the membership of the Society ("a membership ballot") on the question may be -
  - (a) directed by him or her on the basis that the views of the members should be sought on the question; or
  - (b) demanded by 20 members present, or 25% of the members present, whichever is the less.
- (2) A direction or a demand for a membership ballot at a general meeting may be withdrawn at any time before the conclusion of the meeting at which it is given or made.
- (3) A membership ballot may also be demanded within 28 days after the meeting by -
  - (a) 100 or more members; or
  - (b) the secretaries of five local law societies authorised to do so.

## **Procedure for a membership ballot**

- 35(1) A membership ballot shall be carried out by electronic means only, unless the Council otherwise directs.
- (2) The Chief Executive shall send details of the ballot to every member, which shall include -
- (a) a statement of the question which is the subject of the ballot ("the question") or information where this may be accessed electronically;
  - (b) the date by which votes must be cast;
  - (c) instructions on how to vote; and
  - (d) details of the address or web voting page to be used by members in registering their votes.
- (3) The Council may publish a statement of up to 1000 words on the question.
- (4) Those members who oppose the Council's position on the question shall be entitled to have a joint statement of up to 1000 words on the question published.
- (5) Any issue on entitlement to a statement and the arrangements for issuing it shall be decided conclusively by the President.
- (6) The Ballot Scrutineer shall be responsible for receiving and counting votes in the ballot and certifying the result.
- (7) If any membership ballot is being carried out wholly or partly by post, the Ballot Scrutineer shall reject any voting paper which is -
- (a) unsigned;
  - (b) lacking the member's address;
  - (c) ambiguous; or
  - (d) received after the date by which votes had to be cast.
- (8) If any membership ballot is being carried out wholly or partly by post, the Ballot Scrutineer shall send a duplicate voting paper to any member on request if it appears that the original has not been received or has been spoiled, lost or destroyed.
- (9) The report of the Ballot Scrutineer on a membership ballot shall contain:
- (a) the total number of votes cast;
  - (b) the number of voting papers received and the grounds of rejection, if postal voting has been available;
  - (c) the total number of valid votes cast in favour of the motion; and
  - (d) the total number of valid votes cast against the motion.

- (10) The question shall be deemed to have been decided accordingly by the meeting at which it was considered.
- (11) If there is a tie in the ballot, the Chair of the meeting at which the question was considered shall have a second, or casting, vote.
- (12) The report of the Ballot Scrutineer shall be published as soon as practicable after it has been received.
- (13) The Ballot Scrutineer shall retain information as to how votes have been cast for one month after the making of its report, following which the information shall be deleted or destroyed.

### **Adoption of resolutions**

- 36(1) Subject to Bye-Law 34, the following resolutions shall become binding immediately -
  - (a) the making, revocation or amendment of these Bye-Laws;
  - (b) a resolution proposed by the Council and carried at the meeting when it was proposed;
  - (c) a resolution carried as a result of a membership ballot under Bye-Law 34.
- (2) Subject to Bye-Law 34, the Council shall have power to adopt any other resolution with immediate binding effect.
- (3) Subject to Bye-Law 34, and other than in (1) and (2) above, each resolution passed at a general meeting shall be binding, unless within three months of the passing of the resolution the Council call a special general meeting (to be held not later than 70 days from the date of the Council's resolution) to re-consider it.

### **Chair's decision final**

- 37 The Chair's decision shall be final on all questions of procedure or order.

### **Irregularities**

- 38(1) The validity of the proceedings at any general meeting shall not be affected by an irregularity in the convening of the meeting or during the meeting, unless the irregularity is complained of at the time, when the Chair's decision on the complaint shall be final.
- (2) Accidental failure to give notice of a general meeting to a member shall not invalidate the meeting.

### **Minutes**

- 39 Minutes of all general meetings shall be kept and signed by the Chair at the next general meeting, when they shall be deemed to be conclusive.

## **ACCOUNTS AND AUDIT**

### **Accounts**

- 40 The Council shall ensure that proper accounts are kept of the Society's income and expenditure, and its property, assets and liabilities.

### **Auditors**

- 41(1) The auditors shall be appointed by the Council on the recommendation of the Audit Committee.
- (2) The auditors shall be a firm of registered auditors.
- (3) The auditors may tender their written resignation at any time to the Chief Executive.

### **Audit of accounts**

- 42(1) The income and expenditure accounts and the balance sheet of the Society for the previous year ended on 31 December (or such other financial year as the Council may adopt) shall in each year be delivered to the auditors to be examined, audited and signed by them.
- (2) The signed accounts shall be published on the Society's website and hard copies of the signed accounts shall be made available to any member on request.

### **Presentation of accounts to annual general meeting**

- 43(1) The signed accounts shall be put to the annual general meeting for approval.
- (2) The Council may circulate a summary of the accounts with the notice of the annual general meeting, so long as hard copies of the signed accounts are available to any member on request and available at the meeting.

## **THE COUNCIL**

### **Composition**

- 44 The Council shall consist of 100 members, 61 members elected by geographical constituencies and 39 members representing non-geographical constituencies.
- 45 The Council shall be competent to act until reduced below the number of 30.

### **Geographical constituencies**

- 46(1) England and Wales shall for Council elections be divided into the geographical constituencies described in Appendix 1.
- (2) The Council Membership Committee may, after consultation with the relevant local law society, authorise any amendment to or deletion from the list of post codes in any constituency description to rectify an error or to include new post codes.
- (3) If any constituency description has been amended in accordance with (2), Appendix 1 shall be deemed to be amended accordingly without the need for approval by a general meeting.

## **Non-geographical constituencies**

- 47(1) Each non-geographical Council seat for solicitor-members shall bear a designation denoting the sector of the profession, type of solicitor or area of legal practice ("the non-geographical constituency") to be represented by the seat.
- (2) In this Bye-Law, "designation" means designation by the Council, taking account of advice from the Council Membership Committee.

## **Election date**

- 48 Where a vacancy for a Council member arises, either in rotation or through a casual vacancy, it shall be filled by an election to be held on a date fixed by the Council (the "election date").

## **Preliminary notice of election**

- 49 Preliminary notice of an election in a geographical or non-geographical constituency shall be published at least 70 clear days before the election date.
- 50 The preliminary notice of each election shall state -
- (a) the number of vacancies to be filled in each constituency;
  - (b) the reason for each vacancy; and
  - (c) a date, at least 42 clear days before the election date, by which nominations of candidates must be received.

## **Nomination of candidates**

- 51 Between two and ten members eligible under Bye-Law 52 may nominate any other eligible member for election for their geographical constituency.

## **Eligibility of candidates**

- 52(1) Subject to Bye-Law 55, a member shall be eligible for election to the Council for a geographical constituency only if -
- (a) his or her registered address is in the constituency; or
  - (b) he or she is a member of a local law society wholly or partly within the constituency.
- (2) A member who is an employee of the Society shall be eligible for election to the Council, but if elected shall (notwithstanding any other disqualification in accordance with Bye-Law 55) be disqualified from exercising any Council functions (as defined in Bye-Law 83) until his or her employment with the Society has ceased.

## **Eligibility for re-election**

- 53 Subject to Bye-Laws 52 and 55, all retiring or resigning members of the Council shall be eligible for re-election.

## **Eligibility to nominate and vote**

- 54 Only members whose registered addresses are in the area of a geographical constituency may -

- (a) nominate a candidate for election to the Council for the constituency;  
and
- (b) vote in any ballot held in the constituency.

### **Disqualification for election**

55 Subject to Bye-Law 56, a member shall not be eligible for election as a Council member if:

- (a) he or she has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (b) he or she is subject to any orders under Part VII of the Mental Health Act 1983 which still have effect despite the repeal of the Act or to any orders under Sections 15-16 of the Mental Capacity Act 2005.

56(1) A member's ineligibility under Bye-Law 55 through having been adjudged bankrupt shall end -

- (a) on the date of annulment, if the bankruptcy is annulled either on the ground that he or she ought not to have been adjudged bankrupt, or that his or her debts have been paid in full;
- (b) on the date of discharge, if he or she is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his or her part;
- (c) in any other case, at the end of five years from the date of discharge.

(2) A member's ineligibility under Bye-Law 55 through having entered into a deed of arrangement with his or her creditors shall end -

- (a) on the date on which payment is completed, if he pays his or her debts in full;
- (b) in any other case, at the end of five years from the date on which the terms of the deed are fulfilled.

### **Nomination form**

57(1) Nominations (on a form obtainable from him or her) shall be sent to the Chief Executive to be received by a date at least 42 clear days before the election date ("the last date for nominations").

(2) The nomination form shall require -

- (a) the name and registered address of the candidate;
- (b) the constituency for which he or she is nominated;
- (c) the name of the local law society or societies (if any) of which he or she is a member in the constituency;
- (d) the names and registered addresses of the nominators;

- (e) any relevant information required in accordance with Bye-Laws 58-63; and
  - (f) such other information as the Council may from time to time decide.
  - (g) a statement of the candidate's consent.
- (3) Each candidate may not later than seven days after the last date for nominations supply a statement of not more than 1000 words, together with a photograph, for circulation by the Chief Executive with the voting papers or voting information.
- (4) The Chief Executive shall remove from any statement material which, in his or her opinion, it might be unlawful to publish, and his or her decision in this respect shall be final.

### **Declaration of criminal convictions**

- 58(1) Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall require in the nomination form, any relevant criminal conviction against the candidate.
- (2) In this Bye-Law, "relevant criminal conviction" means any criminal conviction before a court, other than one –
- (a) which under the Rehabilitation of Offenders Act 1974 does not need to be disclosed;
  - (b) for which an absolute or conditional discharge was imposed; and
  - (c) for a motoring offence, except where a sentence of disqualification from driving for more than 12 months was imposed.

### **Declaration of adverse Tribunal findings**

- 59(1) Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall require in the nomination form, any adverse findings made against the candidate by the Tribunal.
- (2) In this Bye-Law, "adverse findings" means any findings or order of the Tribunal which led to the candidate –
- (a) being struck from the Roll of Solicitors, but only if his or her subsequent restoration to the Roll of Solicitors took place within ten years ending on the last day for nominations;
  - (b) being suspended from practice, either indefinitely or for a specified period, but only if the suspension ceased within ten years ending on the last date for nominations;
  - (c) being ordered to make payment of a financial penalty to Her Majesty, but only if the order was made within ten years ending on the last date for nominations;

- (d) being excluded from legal aid work, either indefinitely or for a specified period, but only if the order was made within ten years ending on the last date for nominations; or
- (e) being prohibited from being restored to the Roll of Solicitors without the leave of the Tribunal, but only if his or her subsequent restoration to the Roll of Solicitors took place within ten years ending on the last date for nominations.

### **Declaration of practising certificate conditions**

60 Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall require in the nomination form, any conditions currently placed on the candidate's practising certificate relating to practice only in approved employment.

### **Declaration or criminal and other proceedings**

61(1) Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall require in the nomination form –

- (a) any current criminal proceedings against the candidate before any court; or
- (b) any other criminal proceedings before a court which have been formally commenced, but where the case has not yet begun to be heard.

(2) In this Bye-Law, "formally commenced" means, in relation to the candidate, the commencement of proceedings by –

- (a) the issue of a summons or the taking of the equivalent step in a court; or
- (b) being charged with a criminal offence in the jurisdiction of a court.

### **Declaration of regulatory proceedings**

62(1) Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall require in the nomination form, any current or pending regulatory proceedings against the candidate.

(2) In this Bye-Law, "current or pending regulatory proceedings" means any regulatory proceedings which are currently taking place, or where notice has been given to the candidate that such proceedings are to be taken, before -

- (a) the Tribunal;
- (b) the SRA; or
- (c) any other regulatory body exercising statutory powers to whose jurisdiction the candidate is subject.

### **Declaration of investigations**

63(1) Each candidate shall on or before the last date for nominations disclose in writing to the Chief Executive, in such manner as the Chief Executive shall



require in the nomination form, any relevant investigation of which the candidate is, or might reasonably be taken to be, aware.

- (2) In this Bye-Law, "any relevant investigation" means any investigation being carried out wholly or partly in relation to the candidate by -
- (a) any police force in the jurisdiction of a court; or
  - (b) the Serious Organised Crime Agency, or any successor to that body.

### **Nomination committees**

- 64(1) A nomination committee shall be established in any geographical constituency where an election is to take place if no nomination for the vacancy has been received by the Chief Executive by the last date for nominations.
- (2) The nomination committee shall consist of one representative of each local law society in the constituency, but if only one local law society is within the constituency the nomination committee shall be the committee of that society.
- (3) The Chief Executive shall accordingly inform the honorary secretaries of each local law society in the constituency, one of whom shall act as honorary secretary of the nomination committee.
- (4) The honorary secretary of the nomination committee shall after reasonable notice convene a meeting of the committee to select a candidate to be nominated to fill the vacancy.
- (5) If, at least five clear days before the election date, the honorary secretary of the nomination committee has informed the Chief Executive of the name of a candidate to fill the vacancy, that candidate shall be deemed duly nominated and elected.
- (6) If the nomination committee is unable to make a nomination, a further vacancy shall be deemed to occur, another election date shall be fixed and the nomination procedure shall begin again.
- (7) If no candidate is nominated to fill the further vacancy deemed to have been created under (6), no other steps shall be taken to fill the seat, and it shall remain vacant until the next annual round of elections.

### **Unopposed elections**

- 65 If the number of candidates duly nominated for a geographical or non-geographical constituency does not exceed the number of vacancies, then -
- (a) if the vacancy arises by retirement in rotation, the person nominated shall be elected from the end of the annual general meeting and the election shall be declared to the annual general meeting;
  - (b) if the vacancy is a casual vacancy, the person nominated shall be deemed elected from the day after the last date for receipt of nominations, and the election shall be published as soon as practicable.

### **Ballot in contested elections**

- 66(1) If there are more candidates than vacancies in a geographical constituency, a ballot shall be held in accordance with the following procedures.

- (2) Subject to (4), the Chief Executive shall at least 20 days before the election date send a voting paper to all members eligible to vote in the constituency.
- (3) The voting paper shall contain -
  - (a) the candidates' names in alphabetical order and their registered addresses;
  - (b) the number of vacancies to be filled;
  - (c) the date on or before which the voting paper must be received by the Ballot Scrutineer;
  - (d) instructions on how to vote, whether by post or through the Ballot Scrutineer's website; and
  - (e) the address of the Ballot Scrutineer to which the voting paper should be returned.
- (4) The Chief Executive shall include in or with the voting paper to be sent under (2), in such form as he or she shall decide –
  - (a) any statement and photograph received from each candidate under Bye-Law 57(3);
  - (b) a statement of any matters disclosed by any of the candidates in that election in accordance with Bye-Laws 58 - 63 or, where no matters were so disclosed, a statement to that effect; and
  - (c) a reply-paid envelope for the return of the voting paper.

### **Electronic voting on an optional basis**

- 67(1) Until and unless electronic voting is introduced under Bye-Law 68 as the sole method of voting, any member eligible to vote in an election ballot may do so electronically, if he or she so wishes.
- (2) All votes cast electronically shall be transmitted to the Ballot Scrutineer not later than the date on or before which voting papers must be received by the Ballot Scrutineer.
- (3) A member who has returned a voting paper in an election ballot shall not also vote electronically in the ballot, and a member who has voted electronically in a ballot shall not also return a voting paper in the ballot.

### **Introduction of electronic voting as sole method of voting in an election**

- 68(1) The Council may, if it considers it practicable to do so, introduce electronic voting as the sole method of voting in an election ballot (subject to making reasonable arrangements for those members with a disability to be able to vote by other means).
- (2) If the Council has exercised the power in (1), the provisions of these Bye-Laws relating to voting by ballot papers shall be interpreted, with the necessary adaptations, as referring solely to the casting of votes electronically.

### **Accidental omissions**

- 69 Accidental omission to -

- (a) send any voting paper to any member at his or her registered address; or
- (b) send voting information by electronic means to any member at his or her electronic mail address held by the Society, if solely electronic voting has been introduced under Bye-Law 68

shall not invalidate an election.

### **Completion of voting papers**

70 Subject to Bye-Law 72, the member to whom a voting paper is addressed shall complete the voting paper by -

- (a) personally placing a cross on the right-hand side of the voting paper opposite the name of the candidate for whom he or she wishes to vote;
- (b) inserting his or her address in the place provided (unless it has already been so inserted); and
- (c) personally signing the voting paper in the place provided.

### **Return of voting papers**

71 All voting papers shall be sent to the Ballot Scrutineer to be received at least six clear days before the election date.

### **Single transferable voting**

72 Where three or more candidates have been validly nominated in any election the election shall be conducted by single transferable voting under the rules contained in Appendix 2 and the member shall vote in accordance with those rules.

### **Duplicate voting papers**

73(1) Where voting papers are being used, a duplicate voting paper shall be sent to any member on request if it appears to the Chief Executive that the original has not been received by the member or has been spoilt, lost or destroyed.

### **Scrutiny of votes**

74(1) The Ballot Scrutineer shall be responsible for receiving the voting papers or electronic votes in an election ballot, examining and counting them and certifying the result.

(2) The Ballot Scrutineer shall reject any voting paper which -

- (a) is unsigned;
- (b) is improperly completed;
- (c) does not bear the member's address as at the time the voting paper was sent to him or her; or
- (d) is ambiguous.

(3) Where the election is between two candidates only and there is a tie, the election shall be decided by the drawing of lots, the draw being made by the

responsible officer acting on behalf of the Ballot Scrutineer, and a statement to this effect shall be made in the Ballot Scrutineer's report.

### **Ballot Scrutineer's report**

- 75(1) The Ballot Scrutineer's report on the ballot shall contain -
- (a) the total number of voting papers or electronic votes received;
  - (b) the number of voting papers rejected and the grounds of rejection;
  - (c) the total number of votes cast for each candidate, where there are only two candidates in the election;
  - (d) information in such form as the Ballot Scrutineer shall think fit as to the preference votes received and how these have been transferred, where there are more than two candidates in the election; and
  - (e) the name of the candidate elected.
- (2) Subject to no challenge requisition being received under Bye-Laws 65, the Ballot Scrutineer's report shall be conclusive despite any irregularity.
- (3) The report of the Ballot Scrutineer shall be published as soon as may be following the election date.
- (4) Once the count has been completed and the result of the ballot ascertained, the Ballot Scrutineer shall retain the voting papers or records of electronic votes for one month after the date of publication of its report, following which, in the absence of a challenge, they shall be destroyed or deleted.

### **Challenge to election**

- 76(1) Any candidate in an election may within 14 days of the publication of the Ballot Scrutineer's report challenge the result of the election and require the matter to be referred to a challenge committee ("the committee") constituted in accordance with this Bye-Law.
- (2) The challenge requisition shall be sent to the Chief Executive.

### **Challenge committee**

- 77(1) The committee shall consist of three presidents of local law societies nominated by the President or, if the President has been a candidate in the election concerned, by the Vice President.
- (2) The Chief Executive shall convene a preliminary meeting of the committee to be held within 14 days after the date of receipt of the requisition ("the requisition date"), and at that meeting the committee shall elect its own chair.
- (3) The parties to the challenge procedure ("the parties") shall be the candidates in the election and the Chief Executive, but any candidate not wishing to take part in the proceedings may so indicate to the secretary of the committee ("the secretary").
- (4) If a candidate has indicated under (5) that he or she does not wish to take part in the challenge proceedings, he or she shall not be entitled -
- (a) to appear before, or submit representations to, the committee,

- (b) to be sent the papers for the meeting of the challenge committee when the challenge will be determined.
- (5) The parties (other than a candidate who has indicated he or she does not wish to take part) shall be entitled, subject to the directions of the committee, to submit written and oral representations to the committee on the challenge.
- (6) The Ballot Scrutineer shall not be represented at the meeting of the committee when the challenge is to be determined, but shall supply such information and copies of documents relating to the election concerned as the committee shall require.
- (7) The timetable for the stages in determining a challenge shall be as follows –
  - (a) The secretary shall within 21 days after the requisition date notify the parties of the timetable for the challenge, and of the directions of the committee.
  - (b) The parties shall send representations to the secretary, to be received within 35 days after the requisition date, and by the same date shall supply copies of those representations to the other parties.
  - (c) The secretary shall within 42 days after the requisition date supply the parties with copies of the agenda papers for the meeting of the committee when the challenge is to be determined.
  - (d) The meeting of the committee to determine the challenge shall be held within 49 days after the requisition date.
  - (e) The decision of the committee shall within 56 days after the requisition date be notified to the parties.

### **Challenge committee powers**

- 78(1) In the challenge it shall be for the candidate making the challenge to satisfy the committee, on the balance of probabilities test, that the election should be set aside.
- (2) The committee shall not set aside any election unless it is satisfied, on the balance of probabilities test –
  - (a) that the alleged defect complained of affected the result of the election;  
or
  - (b) if the alleged defect did not affect the result, that the election was not conducted substantially in accordance with these Bye-Laws.

The committee may take into consideration any relevant legal authorities on Parliamentary or local government elections.

- (3) The committee shall, if it sets aside an election, give directions about the conduct and timetable for the new election which shall be held, and the relevant provisions of these Bye-Laws shall apply to the new election in accordance with those directions.
- (4) The committee may dismiss summarily any challenge based on any ground other than the conduct of the election process.

- (5) In (4), "conduct of the election process" includes (without limitation) -
  - (a) the arrangements for the preparation, printing and despatch of voting papers,
  - (b) the counting and sorting of returned voting papers and
  - (c) arrangements made for electronic voting.
- (6) The committee may also dismiss summarily any challenge which -
  - (a) it deems to be vexatious; or
  - (b) which appears to it to have no realistic chance of success.
- (7) The committee shall reach its decisions by majority vote and, subject to the provisions of this Bye-Law, regulate its own procedure.
- (8) The committee shall give reasons for its decisions, which shall be notified to the parties.
- (9) A summary of the decision of the committee, settled by the chair, shall be published on the Society's website and in the Gazette as soon as possible after it has been given, and copies of the full decision shall be supplied to any person on request.
- (10) The decisions of the committee shall be final.

### **Election of non-geographical Council members**

79(1) A non-constituency Council seat shall, subject to paragraphs (2) and (7), be filled by a ballot administered by the Chief Executive, in accordance with Bye-Laws 66-78, with the necessary adaptations.

(2) Where the Council, in the light of advice from the Council Membership Committee, has determined that the purpose of a non-geographical Council seat is to represent the organisation designated, the governing body of the organisation may opt to nominate a member to the seat designated for that organisation and, if this option has been exercised, no ballot shall be held.

(3) Where an organisation has -

- (a) been designated under (2), and
- (b) under (3) the governing body opted to nominate a member to the seat designated for the organisation

it shall nominate a member to the seat in accordance with guidelines laid down by the Council Membership Committee.

(4) Each candidate for nomination by an organisation under this Bye-Law shall by such date as the governing body of the organisation shall specify (which shall be earlier than the date on which the governing body considers the nominations) disclose in writing to the governing body and to the Chief Executive any matters which should be disclosed by a candidate under Bye-Laws 58-63.

- (5) A nomination under this paragraph shall be made to the Chief Executive in a manner specified by him or her, and be made by the chair or secretary of the organisation concerned.
- (6) Receipt by the Chief Executive of a nomination lodged in accordance with (3) shall, subject to the outcome of any investigation under Bye-Law 80, complete the election of the person nominated and that person shall take office on the election date.
- (7) The ballot procedure in paragraph (1) shall not apply where the Council Membership Committee has advised that the procedure is impracticable in the case of a particular seat, and in such a case the Council, acting in the light of that advice, may elect a member to the seat in question.

### **Complaint about nomination procedure in organisational seats**

- 80(1) If any complaint is made within 14 days after the receipt of a nomination by the Chief Executive to the effect that a nomination made under paragraph 4 has not been dealt with in accordance with the requirements of that paragraph, the Council may –
  - (a) order an investigation into the procedure that has been followed in making that nomination, such investigation to be conducted in such manner as it shall decide; and
  - (b) where it considers that the procedure has not been carried out substantially in accordance with the requirements of paragraph 4, order that the nomination in question shall be set aside, and that the nomination procedure shall be started afresh.
- (2) Those eligible to stand for election, nominate candidates and vote in a ballot conducted under Bye-Law 79(1) shall be –
  - (a) Those members of the Society (including trainee solicitors and students undertaking a Legal Practice Course in respect of any seat designated as representing such persons) who are members of a section, group, association or other body relevant to the designation of the seat concerned; or
  - (b) If there is no such section, group, association or other body relevant to the seat, those members of the Society who are comprised in the category of solicitors practising in the area of law represented in the designation of the seat or who are identifiable from the records of the Society as appearing to be so qualified or who have registered with the Chief Executive their wish to do so.

### **Withdrawal of nominations or death of a candidate**

- 81(1) If, after the last day for receiving nominations, but before voting papers or electronic information about the election have been sent -
  - (a) a candidate withdraws his or her nomination; or
  - (b) notification of his or her death is received by the Chief Executive
 then -
  - (c) if two or more candidates remain, the election shall continue as if he or she had never been nominated; and

- (d) if one candidate remains, that candidate shall be elected.
- (2) If, after voting papers or electronic information about the election have been sent, but before votes must be received by the Ballot Scrutineer -
- (a) a candidate withdraws his or her nomination; or
  - (b) notification of his or her death is received by the Chief Executive
- then -
- (c) if two or more candidates remain, the election shall continue and preference votes for the withdrawn or deceased candidate shall be re-distributed accordingly; and
  - (d) if one candidate remains, the votes cast shall be disregarded and that candidate shall be elected.
- (3) If, after votes must have been received by the Ballot Scrutineer, but before the election date -
- (a) a successful candidate withdraws his or her nomination; or
  - (b) notification of his or her death is received by the Chief Executive
- then -
- (c) the process described in (2)(c) shall be followed in the count with the necessary adaptations or, if the count has already taken place, it shall be re-opened for the purpose; and
  - (d) if there was only one other candidate in the election, he or she shall be elected.
- (4) Where two or more candidates are to be elected, the foregoing procedures shall be followed with the necessary adaptations.
- (5) The Council shall fix another election date if the only nominated candidate for election dies on or after the last date for the receipt of nomination papers and before he or she takes office.

### **Term of office of Council members**

- 82(1) Subject to (2), (2A) and (3), the term of office of a Council member shall be -
- (a) if the vacancy occurred by annual rotation, until the end of the initial session of the fourth annual general meeting following his or her election (or the end of any adjourned meeting of the Council which began prior to that annual general meeting, if later); and
  - (b) in any other case, until the end of his or her predecessor's term of office.
- (2) Any Council member filling a seat representing trainee solicitors and Legal Practice Course students shall serve for two years.



- (2A) The Council, after consulting the Council Membership Committee, may -
- (a) introduce a scheme whereby non-geographical Council members elected or nominated to represent the Junior Lawyers Division (including a Council member referred to in (2)) shall retire in some circumstances in years when other non-geographical Council members do not do so; and
  - (b) for the purpose of implementing such a scheme as is referred to in (a) make such transitional arrangements as appear to it necessary to ensure an even rotation of retirements.
- (3) Where two or more vacancies are to be filled in the same constituency, then -
- (a) if the election was contested, the candidate with the highest number of votes (or the candidate remaining at the conclusion of the single transferable voting process) shall be elected for the longest period;
  - (b) if the election was not contested, a candidate who is a Council member retiring in rotation shall be deemed to fill the vacancy thus arising; and
  - (c) in any other case, or where there is a tie between candidates, the length of terms will be decided by lot drawn by the President, Vice President or Deputy Vice President.

### **Mandatory equality and diversity training for Council members**

- 83(1) Each Council member shall complete a programme of approved equality and diversity training within a specified period, failing which he or she shall then be rendered ineligible to exercise any Council functions until that training has been completed.
- (2) In this Bye-Law, "Council functions" means any duties, powers or rights attaching to Council members individually or to the Council as a collective body, whether under the Charter, these Bye-Laws or any statutory provision and (without limitation) include –
- (a) attending (other than where permitted under regulations as a member of the Society), speaking and voting at Council meetings or being counted as part of the quorum for such meetings;
  - (b) voting in the election of the Deputy Vice President under Bye-Law 93(1) and in any other election restricted to Council members;
  - (c) standing for election as Deputy Vice President or for any post or appointment created by regulations;
  - (d) serving as chair or a member of any body established by the Council, or of any body subordinate to such a body;
  - (e) attending, or receiving agenda papers, as an observer for any meeting of a body within (d); and
  - (f) Exercising any wider access to information held by the Society than will apply generally under the Freedom of Information Act 2000 (when this is made to apply to the Society) or the Code of Practice on Freedom of Information adopted by the Council.

## **Automatic vacation of office by Council members**

- 84(1) A Council member shall vacate office automatically if he or she -
- (a) dies;
  - (b) resigns;
  - (c) retires in rotation at the end of his or her term of office;
  - (d) ceases to be a member of the Society;
  - (e) is absent without the consent of the Council from three consecutive Council meetings;
  - (f) is adjudged bankrupt or has entered into a deed of arrangement with his or her creditors;
  - (g) is subject to Sections 15-16 of the Mental Capacity Act 2005; or
  - (h) is removed from office under Bye-Law 85.
  - (i) he or she has been convicted of any criminal offence in any court, other than -
    - (i) one leading to an absolute or conditional discharge,
    - (ii) a motoring offence where a fine or disqualification from driving for 12 months or less was imposed;
  - (j) he or she has been the subject of findings by the Tribunal leading to -
    - (i) suspension from practice, either indefinitely or for a specified period,
    - (ii) payment of a financial penalty to Her Majesty, or
    - (iii) exclusion from legal aid work, either indefinitely or for a specified period.
- (2) A resolution of the Council declaring the reason for a vacation of office shall be conclusive.

## **Removal of Council members**

- 85(1) Subject to (2), the Council may -
- (a) by two-thirds majority of those present and voting (excluding the member concerned); and
  - (b) at a meeting convened on not less than 21 days' notice
- remove a Council member from office if he or she is adjudged, following an investigation and report by the Council Members' Conduct Committee, or by such other person or body as may be authorised by the Council, to have seriously breached the Code of Conduct for Council members by -

- (c) a breach of rules regarding conflicts of interest, or
  - (d) a breach of policies relating to dignity at work, prevention of harassment and relations between Society staff and Council members, or
  - (e) neglect of duties, other than a failure to attend meetings of the Council.
- (2) No Council member may be removed from office under this Bye-Law unless –
- (a) he or she has been given not less than 21 days' notice in writing of the proposal to suspend him from office, together with a reasonably sufficient statement of the reasons for the proposal; and
  - (b) he or she has been given a reasonable opportunity to make representations to the Council, either in person or by a legal representative as he or she shall decide, on the subject of the proposed removal.
- (3) A Council member who is the subject of the removal procedure in this Bye-Law shall be automatically suspended while the procedure is followed and the consequences of suspension stated in Bye-Laws 86(4) and 86(5) shall apply to the member during such suspension as if he had been suspended under Bye-Law 86(1).

### **Suspension of Council members**

- 86(1) Subject to (2), the Council may if it considers it appropriate to do so in the circumstances suspend from acting any Council member who is the subject of -
- (a) an investigation by the Council Members' Conduct Committee, or by such other person or body as may be authorised by the Council, into any allegation that he or she has breached the Code of Conduct for Council Members;
  - (b) criminal proceedings in any court; or
  - (c) disciplinary proceedings before the Tribunal.
- (2) No Council member may be suspended under (1) unless –
- (a) he or she has been given not less than 21 days' notice in writing of the proposal to suspend him or her from office, together with a reasonably sufficient statement of the reasons for the proposal; and
  - (b) he or she has been afforded a reasonable opportunity to make representations to the Council, either in person or by a legal representative as he or she shall decide, on the subject of the proposed suspension.
- (3) Any suspension under (1) shall terminate on the conclusion of the investigation or proceedings concerned, without prejudice to any further suspension which will then apply if the Council Members' Conduct Committee, or other person or body concerned, has recommended following the investigation that the member be removed.
- (4) A Council member suspended under (1) shall not -

- (a) carry out any Council or other Law Society duties,
  - (b) go onto Law Society premises (other than those members' facilities generally open to members of the Society), and
  - (c) refrain from contact with staff of the Society, except to the extent permitted by the Council.
- (5) Suspension of a Council member under (1) shall automatically act to suspend a member from acting as President, Vice President or Deputy Vice President.

## **COUNCIL PROCEDURES**

### **Regulations**

- 87 The Council may make, vary, suspend and revoke regulations for its meetings and proceedings, for the appointment of committees, and generally for the management of the Society, if consistent with statute, the Charter and these Bye-Laws.

### **Admission of members to Council meetings**

- 88 Regulations shall permit members to attend Council meetings, subject to conditions decided by the Council.

### **Audit Committee**

- 89 Regulations shall establish an Audit Committee with a majority of non-Council members to report to the Council on -
- (a) external and internal audit matters;
  - (b) financial control;
  - (c) value-for-money issues related to the Society's expenditure; and
  - (d) corporate governance issues within the Society.

### **Council Membership Committee**

- 90 Regulations shall establish a committee ("the Council Membership Committee") with a majority of non-Council members to -
- (a) keep under review the size of the Council;
  - (b) keep under review the constituency boundaries;
  - (c) keep under review the representative nature of the Council;
  - (d) advise the Council on the designation of non-geographical Council seats; and
  - (e) advise the Council on the designation of sections, groups, associations and other bodies to be represented by organisational seats.

## **Compensation in respect of Council members**

- 91(1) Subject to (3), reasonable compensation fixed by the Council may be payable, in accordance with arrangements made by the Council, to the firms or employers of Council members and non-Council solicitor members of boards and committees appointed by the Council.
- (2) Compensation under (1) shall be payable half-yearly in arrears on or after 31 December and 30 June in each year.
- (3) The firm or employer of the President, Vice-President and Deputy Vice-President shall receive no compensation under this paragraph.
- (4) In this Bye-Law, "year" means 1 July to the next 30 June.

## **Expenses**

- 92 Reasonable travelling and out-of-pocket expenses fixed by the Council shall be paid to Council members and members of Council and Society bodies for attending meetings of the Council and those bodies or otherwise being engaged on the Society's business.

## **Minutes of Council meetings**

- 93 Minutes of every Council meeting shall be taken and once confirmed signed by the chair of that or the next meeting.

## **Record of attendances**

- 94 Information on how many times each Council member has attended Council, board and committee meetings during the period covered by the last Annual Report shall be made available to any member on request.

## **PRESIDENT, VICE PRESIDENT AND DEPUTY VICE PRESIDENT**

### **Election of Deputy Vice President**

- 95(1) The Deputy Vice President shall be elected by the solicitor-members of the Council from among the solicitor-members of the Council, all of whom shall be eligible for election.
- (2) The name of the candidate the Council has elected to be Deputy Vice President shall be published as soon as practicable following the election.
- (3) If, within 14 days following publication of the name of the candidate elected, 500 or more members send to the Chief Executive a demand, which may include the names of additional candidates, that a ballot shall be held for the office, such a ballot shall take place, in which every member shall be eligible to vote.
- (4) The procedure and timetable for a ballot under (3) for Deputy Vice President shall be decided by the Council.
- (5) If no demand falling within (3) is received, the election by the Council shall be final.
- (6) The Deputy Vice President shall hold office for one year and take office at the end of the first session of the annual general meeting immediately following his or her election (whether by the Council or following a ballot of members).

- (7) In this Bye-Law, "solicitor-member" includes a Council member who is a registered European lawyer or a registered foreign lawyer.

### **Automatic succession of office-holders**

- 96(1) Subject to (3), the Deputy Vice President shall automatically succeed as Vice President at the conclusion of his or her term of office, providing he or she will still be a Council member for the following year.
- (2) Subject to (3), the Vice President shall automatically succeed President at the conclusion of his term of office, providing he or she will still be a Council member for the following year.
- (3) Automatic succession as Vice President or President shall not take place if the Council has passed a resolution, at a meeting convened on not less than 14 days' notice, requiring an election to be held by the Council for the office concerned.
- (4) If the Council has passed a resolution under (3), the Council shall elect a Council member to fill the office to which automatic succession would have taken place but for the passing of that resolution.

### **Casual vacancies for office-holders**

- 97(1) (a) If a casual vacancy occurs in the office of President, the Vice President shall succeed immediately to the office and a casual vacancy shall arise in the office of Vice President.
- (b) If the Vice President declines to succeed as President, the Deputy Vice-President shall succeed as President and a casual vacancy shall arise in the office of Deputy Vice-President.
- (c) If the Deputy Vice President declines to succeed as President, the Council shall elect a solicitor-member of the Council as President until the next annual general meeting.
- (2) (a) If a casual vacancy occurs in the office of Vice President, the Deputy Vice-President shall succeed immediately to the office and a casual vacancy shall arise in the office of Deputy Vice President.
- (b) If the Deputy Vice President declines to succeed as Vice President, the Council shall elect a solicitor-member of the Council to hold the office until the next annual general meeting.
- (3) If a casual vacancy occurs in the office of Deputy Vice President, the Council shall elect one of its members to hold the office until the next annual general meeting.
- (4) Where the Vice President has succeeded to that office on filling a casual vacancy under Bye-Law 95(2), he or she shall, subject to (4), be treated as if he or she had done so under the automatic succession provisions in Bye-Law 94, for the purpose of automatic succession to the office of President.
- (5) Where the Deputy Vice President or the Vice President has been elected by the Council to fill a casual vacancy in the relevant office under (3) and (2)(b) respectively, he or she shall, subject to (4), be treated as if he or she had done

so under the automatic succession provisions of Bye-Law 94, for the purpose of automatic succession to the office of Vice President or President, as the case may be.

### **Compensation in respect of office-holders**

- 98(1) Reasonable compensation shall be payable to the firm or employer of the President, Vice President and Deputy Vice President or, if the relevant office-holder so wishes, to him or her directly.
- (2) Compensation under (1) shall be payable in equal instalments during the period of office of the President, Vice President and Deputy Vice President, and generally in accordance with arrangements approved by the Council.
- (3) The Council shall decide the compensation payable to the firm or employer of the President, or to him or her directly, but this shall not exceed the annual salary of a district judge in England and Wales.
- (4) The compensation payable to the firms or employers of the Vice President and the Deputy Vice President, or to them directly, shall be 50% and 25% respectively of that payable in respect of the President.

### **Accommodation**

- 99 The Council may permit the President, Vice-President and Deputy Vice-President to live in any of the Society's premises.

## **MISCELLANEOUS**

### **Common seal**

- 100(1) The common seal of the Society shall be used only by authority of the Council.
- (2) Every document to which the common seal is applied shall be signed by a Council member, counter-signed, either by the Chief Executive or by a second Council member, and recorded in a register.

### **Staff**

- 101 The Council may appoint and remove a Chief Executive and such staff as they shall think fit, and pay them such salaries as it thinks fit.

### **Use of Hall**

- 102 The Society's Hall shall be used for the provision of catering, library and other services for the members, for holding general meetings of the Society, and for any other purpose which the Council shall think beneficial to the Society, including commercial use by non-members.
- 103 The Council may make regulations about use of the Society's Hall and the members' facilities.

### **Notices**

- 104(1) Any notice sent to a member by post, addressed to him or her with his or her name and registered address, shall be deemed to have been properly given on the day of posting.

- (2) Any notice or document may be sent through a document exchange service, and shall be deemed to have been properly given on the day when it is left at the relevant document exchange office.
- (3) Subject to any specific requirement in these Bye-Laws, any notice or other document required by these Bye-Laws to be published may be published -
  - (a) on the Society's website;
  - (b) sent in or with the Gazette; or
  - (c) published by such other means, or combination of means, as the Council may direct.

### **Electronic communications**

- 105 In these Bye-Laws, subject to any express provision to the contrary -
- (a) any reference to a document includes a document in electronic form; and
  - (b) any reference to a procedure carried out in writing includes a procedure carried out wholly or partly using one or more documents in electronic form or using electronic communications.

### **Commencement**

- 106 These Bye-Laws shall come into force on being made, when the Bye-Laws made on 15 July 1993, and all amendments to them, shall be revoked, but without affecting the validity of anything done under them.



# APPENDIX 1

## Constituency boundaries descriptions

1. The number and name of each constituency shall be as set out in the following descriptions.
2. Subject to paragraphs 3 and 4, each constituency shall consist of the area comprising the addresses described by the post codes listed in the description of the constituency.
3. In the case of Constituency No 2 - The City of London, the area of the constituency shall also include the additional addresses designated in accordance with the procedure set out in the description for that constituency.
4. Where a particular post code covers parts of two or more constituencies the parts of the area covered by that post code within the constituencies concerned shall be determined by reference to the narrative description set out after the list of post codes for each constituency.
5. The name of each constituency, and (where no narrative description is given) the general description of the area of the constituency, where this given, are given as general guidance but are not part of the operative description; in the event of any inconsistency between the name of a constituency or its general description and any post code in the description, the latter shall prevail.
6. The number in parentheses after the list of post codes in each constituency indicates the number of Council members allocated to the constituency.

### 1 Central and South Middlesex

HA0–9; NW2 (part); NW9, NW10; TW1–8; TW11–18; UB 1–11; UB18; W3–7; W13. (1)

#### Narrative

The London Boroughs of Hillingdon, Harrow, Brent, Ealing and Hounslow; that part of the London Borough of Richmond-upon-Thames lying west of the River Thames and the Borough of Spelthorne.

### 2 The City of London

EC1A; EC1M (part); EC1P (part); EC1Y (part); EC2A (part); EC2M (part); EC2N (part); EC2P (part); EC2R (part); EC2V (part); EC2Y (part); EC3; EC4; WC2A (part). (5)

#### Narrative

The area of the City, together with designated addresses outside areas described by the foregoing codes in this description of firms undertaking financial, commercial and corporate practice who previously undertook such practice inside the City.

In this description, 'designated' means designated for this purpose by the Council Membership Committee, provided that such a designation may only be made –

- (a) on the recommendation of the City of London Law Society;

- (b) with the consent of the local law society in the area of which the relevant firm now has its address; and
- (c) following a ballot, conducted by the firm, of members whose registered address is the address in question, in which a majority of those voting have voted in favour of the designation.

### **3 Holborn**

EC1M (part); EC1N; EC1P (part); EC1R (part); WC1A (part); WC1B (part); WC1E (part); WC1H (part); WC1N (part) WC1R (part); WC1V (part); WC1X (part); WC2A (part); WC2B (part); WC2H (part). (2)

#### Narrative

The area of the former Metropolitan Borough of Holborn enclosed by a continuous line drawn along the middle of the following streets or parts thereof - Torrington Place, Byng Place, south sides of Gordon Square and Tavistock Square, Tavistock Place, Marchmont Street, Coram Street, Kenton Street, Bernard Street, Herbrand Street, Guilford Street, Doughty Mews, Roger Street, Gray's Inn Road, Elm Street, Mount Pleasant, Warner Street, Herbal Hill, Clerkenwell Road, Farringdon Road, Charterhouse Street, Holborn, Chancery Lane, Carey Street, Serle Street, south side of Lincoln's Inn Fields, Sardinia Street, Kingsway, Kemble Street, Wild Street, Drury Lane, Shelton Street, Litchfield Street, West Street, Cambridge Circus, Charing Cross Road, St Giles Circus and Tottenham Court Road to its junction with Torrington Place.

### **4 North East London**

E1; E2–3; E5; E8–9; E14; E77; E98; EC1P (part); EC1R (part); EC1V (part); EC1Y (part); EC2A (part); EC2M (part); EC2N (part); EC2P (part); EC2R (part); EC2V (part); EC2Y (part); N1; N4–5; N6 (part); N7; N16; N19; WC1X (part). (1)

#### Narrative

The London Boroughs of Islington, Hackney and Tower Hamlets.

### **5 West London**

EC1P (part); N6; NW1; NW2 (part); NW3; NW5–6; NW8; NW26; SW1W (part); SW1X (part); SW3; SW5–7; SW10; W1A (part); W1B (part); W1C (part); W1D (part); W1G; W1H; W1M; W1N; W1P; W1R (part); W1S (part); W1T; W1U; W1W; W2; W6; W8–12; W14; WC1A (part); WC1B (part); WC1E (part); WC1H (part); WC1N (part); WC1R (part); WC1V (part); WC1X (part). (2)

#### Narrative

The London Borough of Hammersmith and Fulham; the Royal Borough of Kensington and Chelsea; that part of the City of Westminster lying north of a line drawn along the middle of the Bayswater Road and Oxford Street from the junction of the Bayswater Road and Ossington Street to St Giles Circus; that part of the London Borough of Camden lying west of a line drawn along the middle of Tottenham Court Road from Torrington Place to St Giles Circus and lying north and east of a continuous line drawn along the middle of the following streets or parts thereof - Torrington Place, Byng Place, south sides of Gordon Square and Tavistock Square, Tavistock Place, Marchmont Street, Coram Street, Kenton Street, Bernard Street, Herbrand Street, Guilford Street, Doughty Mews, Roger Street, Gray's Inn Road, Elm Street and Mount Pleasant.

## **6 North Middlesex**

EN1–5; HA8; N2–4; N6 (part); N8–15; N17–18; N20–22; NW2 (part); NW4; NW7; NW9; NW11. (1)

### Narrative

The London Boroughs of Barnet, Enfield and Haringey.

## **7 South London**

SE1–19; SE21–24; SE26–28; SW2; SW4; SW8–9; SW11–12; SW15 (part); SW16 (part); SW18; SW19 (part). (1)

### Narrative

The London Boroughs of Wandsworth, Lambeth, Southwark, Lewisham and Greenwich.

## **8 The City of Westminster**

SW1A, SW1E; SW1H; SW1P; SW1V; SW1W; SW1X (part); SW1Y; SW7 (part); W1A (part); W1B (part); W1C (part); W1D (part); W1F; W1J; W1K; W1R (part); W1S (part); W1V; W1X; W1Y; WC2A (part); WC2B (part); WC2E; WC2H (part); WC2N; WC2R. (3)

### Narrative

The City of Westminster (excluding that part lying north of a line drawn along the middle of the Bayswater Road and Oxford Street from Queensway Tube Station to St. Giles Circus).

## **9 Croydon and North Kent**

BR1–8; BR14; CR0; CR2; CR4–5; CR7–9; DA1–9; DA14–18; SE2 (part); SE9; SE19–20; SE25–26; SM5-6; SW16 (part); SW17; SW19 (part). (1)

### Narrative

The London Boroughs of Croydon, Bromley and Bexley; that part of the London Borough of Merton which was formerly the Borough of Mitcham; that part of the London Borough of Sutton which was formerly the Borough of Beddington and Wallington and the Urban District of Carshalton; those parts of the Districts of Dartford and Sevenoaks which were formerly within the Borough of Dartford and the Rural District of Dartford.

## **10 Kent**

*Kent, with the exception of Dartford.*

CT1–21; DA10–13; ME1–20; TN1–4; TN8–18; TN23–30. (1)

## **11 Surrey**

CR3; CR6; GU1–10; GU12; GU15–27; KT1–24; RH1–5; RH6 (part); RH7–9; SE19 (part); SM1-4; SM7; SW13–14; SW15 (part); SW19 (part); SW20; TW9-10; TW19–20. (2)

## Narrative

The County of Surrey (excluding the Borough of Spelthorne); the Royal Borough of Kingston-upon-Thames; that part of the London Borough of Sutton which was formerly the Borough of Sutton and Cheam; that part of the London Borough of Merton which was formerly the Borough of Wimbledon and the Urban District of Merton and Morden; that part of the London Borough of Richmond-upon-Thames lying east of the River Thames.

### **12 Inner Sussex**

BN1–3; BN5–10; BN18–19; BN25; BN27; BN41–45; BN50–52; BN88; RH6 (part); RH10–20; TN5–7; TN19–22. (1)

## Narrative

The County of East Sussex (excluding the Boroughs of Eastbourne and Hastings, the District of Rother - excluding the Parishes of Burwash, Etchingam and Ticehurst - and that part of the Wealden District comprising the Parishes of East Dean, Folkington, Friston, Hooe, Jevington, Ninfield, Pevensey, Polegate, Westham, Willingdon and Wilmington) and the area of the unitary authority of Brighton and Hove. The County of West Sussex (excluding the Borough of Worthing and the Districts of Arun, Chichester and that part of the Adur District comprising the Parishes of Coombes, Lancing and Sompting).

### **13 Outer Sussex**

*Broadly covers the remaining coastal towns of East and West Sussex (Eastbourne, Hastings and Worthing), together with Chichester.*

BN11–18; BN20–24; BN26–27; BN99; GU28–29; GU31; PO10; PO18–22; TN31–TN40. (1)

### **14 Oxfordshire and Buckinghamshire**

HP5–22; HP23 (part); HP27; LU7 (part); MK1–19; MK46; MK98; OX1–18; OX20; OX25–29; OX33; OX39; OX44; OX49; RG9; SL0; SL7–9; SN7. (1)

## Narrative

The Counties of Oxfordshire and Buckinghamshire and the area of the unitary authority of Milton Keynes.

### **15 Berkshire and North Hampshire**

GU11; GU13–14; GU32 (part); GU34 (part); GU46–47; GU51–52; RG1–8; RG10–31; RG40–42; RG45; SL1–6. (1)

## Narrative

The Royal County of Berkshire and that part of the County of Hampshire comprising the Districts of Basingstoke and Dene, Rushmoor and Hart. The areas of the unitary authorities of Bracknell Forest, Newbury, Reading, Slough, Windsor and Maidenhead and Wokingham.

## **16 Hampshire and the Isle of Wight**

BH24 (part); BH25; GU30–31; GU32 (part); GU33 (part); GU34–35; PO1–17; PO30–41; SO1–3; SO9; SP10–11; SO13–24; SO30–32; SO40–43; SO45; SO50–53; SP6; SP9.  
(1)

### Narrative

The County of Hampshire excluding the areas of the Districts of Basingstoke and Dene, Rushmoor and Hart. The areas of the unitary authorities of Portsmouth, Southampton and the Isle of Wight.

## **17 Dorset**

BH1–23; BH24 (part); BH31; DT1–11; SP7–8. (1)

### Narrative

The County of Dorset and the areas of the unitary authorities of Bournemouth and Poole.

## **18 West Country and Gwent**

BA1–16; BA20–22; BS17–32; BS34–37; BS39–41; BS48–49; BS98; EX1–39; GL1–20; GL50–56; NP1–7; NP9–13; NP15–16; NP18–20; NP22–26; NP44; PL1–35; SN1–6; SN8–17; SN25–26; SN38; SN42; SN86; SN99; SP1–5; TA1–24; TQ1–14; TR1–27. (4)

### Narrative

The Counties of Cornwall, Devon, Gloucestershire, Somerset, Wiltshire and the Isles of Scilly. The areas of the unitary authorities of North Somerset, Bath and North East Somerset, South Gloucestershire, Plymouth, Torbay, Blaenau Gwent, Monmouthshire, Newport, Torfaen and Swindon and that part of the unitary authority of Caerphilly which was part of the former County of Gwent.

## **19 South Wales**

*Covers Bridgend, Cardiff, Merthyr Tydfil, Caerphilly (except that area which was part of Gwent), Rhondda Cynon Taff and Vale of Glamorgan.*

CF1–8; CF10–11; CF14–15; CF23–24; CF31–48; CF61–64; CF71–72; CF81–83; CF99  
(1)

## **20 Mid and West Wales**

*Covers Carmarthenshire, Ceredigion, Neath Port Talbot, Pembrokeshire and Swansea.*

LL23; LL35–37; LL40–42; LL46; LL48; SA1–48; SA61–73; SA99; SY15–22. (1)

## **21 The Welsh Marches**

*Covers Powys, Hereford and Worcester and Shropshire*

B60–61; B96–B98; DY10–14; HR1–9; LD1–8; NP8; SY1–13; TF1–13; WR1–15; WR78; WR99; WV15–16. (1)

## **22 Coventry and Warwickshire**

*Covers most of Warwickshire, together with Coventry, Meriden and Balsall Common*

B49–50; B80; CV1–13; CV21–23; CV31–37; CV47. (1)

## **23 Birmingham and District**

*Covers Birmingham and part of the rest of the West Midlands, excluding Wolverhampton*

B1–48; B62–76; B90–95; DY1–9. (2)

## **24 Wolverhampton and Staffordshire**

*Covers Wolverhampton, part of the West Midlands, Stoke-on-Trent and certain other parts of Staffordshire*

B77–79; ST1–21; ST55; WS1–15; WV1–14. (1)

## **25 Cheshire and North Wales**

CH1–8; CH25–34; CH65 (part); CH66 (part); CW1–12; L65–66; LL11–39; LL43–49; LL51–78; SY14; WA7. (1)

### Narrative

The County of Cheshire (excluding the area of the unitary authority of Warrington, the portion of the area of the unitary authority of Halton which lies to the north of the River Mersey, the area of Neston in the District of Ellesmere Port, the District of Macclesfield and the former Rural District of Disley). The areas of the unitary authorities of Anglesey, Caernarfonshire and Merionethshire, Conwy, Denbighshire, Flintshire and Wrexham.

## **26 Merseyside and District**

CH41–49; CH60–63; CH64 (part); CH65 (part); CH66 (part); L1–49; L60–74; M99; PR8–9; WA1–6; WA8–13; WN1–8. (2)

### Narrative

The Metropolitan County of Merseyside; the District of Wigan in the County of Greater Manchester; the area of the unitary authority of Warrington, the portion of the area of the unitary authority of Halton which lies to the north of the River Mersey, and the area of Neston in the District of Ellesmere Port, all in the County of Cheshire; the areas of Ormskirk and Skelmersdale in the District of West Lancashire in the County of Lancashire.

## **27 Manchester, Salford, Stockport and District**

*In addition to the areas mentioned in the title, also covers Macclesfield in Cheshire.*

OL5–7; M1–23; M27–34; M38–41; M43–44; M46; M50; M54; M90; M99; SK1–16; WA14–16. (2)

## **28 Central Lancashire and Northern Greater Manchester**

*Includes Blackburn, Blackpool, Bolton, Bury, Oldham and Rochdale.*

BB1–12; BL1–9; FY1–8; M24–26; M35; M45; OL1–4; OL8–13; OL15–16; PR1–9; PR25–26. (2)

## **29 Cumbria and Lancaster**

CA1–27; LA1–23. (1)

## **30 Northumbria**

*Includes County Durham, Northumberland, Tyne and Wear and certain parts of North Yorkshire*

DH1–9; DH98–99; DL1–17; NE1–49; NE61–71; NE82–83; NE85; NE88; NE98–99; SR1–9; SR43; SR88; TD12; TD15; TS1–29; TS90; YO21–22. (1)

## **31 Yorkshire**

*Most of Yorkshire, other than certain parts of North Yorkshire, and a few small areas of Lancashire.*

BB18; BD1–24; BD97–99; DL6–7; DN1–12; DN14; HD1–9; HG1–5; HU1–20; HX1–7; OL14; S1–14; S17–21; S25–26; S30–31; S33; S35–36; S60–66; S70–75; WF1–17; YO1–8; YO10–19; YO23–26; YO30–32; YO41–43; YO51; YO60–62; YO90. (3)

## **32 Derbyshire and East Staffordshire**

*Most of the County of Derbyshire together with a small part of Nottinghamshire and part of East Staffordshire.*

DE1–7; DE11–15; DE21–24; DE28; DE45; DE55; DE66; DE72–75; DE99; S32; S40–45; S49; S80; SB1; SK17; SK22–23. (1)

## **33 Nottinghamshire**

DN22; NG1–25. (1)

## **34 Lincolnshire**

DN15–21; DN31–41; LN1–13; NG31–34; PE9–12; PE20–25. (1)

## **35 Leicestershire, Northamptonshire and Rutland**

LE1–19; LE21; LE65; LE67; LE87; LE94; LE99; NN1–18; NN29; NN99. (1)

## **36 Bedfordshire and Cambridgeshire**

CB1–8; CB10–11; HP23 (part); IP27; LU1–6; LU7 (part); MK40–45; PE1–8; PE13–19; PE26–29; SG15–19. (1)

### Narrative

The Counties of Bedfordshire and Cambridgeshire including the township of Saffron Walden in the County of Essex and the District of Forest Heath in the County of Suffolk. The areas of the unitary authorities of Luton and the City of Peterborough.

### **37 Hertfordshire**

AL1–10; CM21–23; EN6– 8; EN10-11; HP1–4; HP23 (part); SG1–14; WD1–7; WD18–19; WD23–25. (1)

### **38 Norfolk**

IP20–21; IP22 (part); IP24–26; NR1–35; PE30–38. (1)

#### Narrative

The County of Norfolk including the City of Norwich and also including the towns of Bungay, Beccles and Lowestoft in the County of Suffolk and that part of the County of Suffolk north of the line of the A46 highway between Harleston and Shadingfield to include Pakefield, Carlton Colville, Kessingland, Homersfield, St John and Ilketshall.

### **39 Suffolk and North Essex**

CB9; CO1–16; IP1–21; IP22 (part); IP23–33. (1)

#### Narrative

The County of Suffolk (excluding the District of Forest Heath and excluding the towns of Bungay, Beccles and Lowestoft and excluding that part of the County north of the line drawn between Harleston and Shadingfield to include Pakefield, Carlton Colville, Kessingland, Homersfield, St John and Ilketshall); the north-east part of Essex comprising the whole of the Districts of Colchester and Tendring and that part of the District of Braintree formerly comprising the Urban and Rural Districts of Halstead.

### **40 Essex**

*Covers the County of Essex and certain London Boroughs to the East of London.*

CM1–9; CM11–20; CM24; CM77; CM99; E4; E6–7; E10–13; E15–18; EN9; IG1–11; RM1-20; SS1–9; SS11–17; SS99. (1)

### **41 Leeds**

LS1–29. (1)

### **42 Bristol**

BS1–16. (1)



## **APPENDIX 2**

### **Single transferable voting in Council elections**

#### **Where there is only ONE vacancy to be filled**

- 1 Each member shall have one transferable vote.
- 2 Each member in recording his vote on the voting paper -
  - (1) must place on the voting paper the figure 1 opposite the name of the candidate for whom he votes;
  - (2) may indicate the order of his preference for as many other candidates as he pleases by placing against their respective names the figures 2, 3, 4 and so on.

#### **Sorting the voting papers**

- 3 The Ballot Scrutineer shall examine the voting papers and shall sort them into parcels according to the first preference recorded for each candidate, rejecting any that are invalid.

#### **Counting the voting papers**

- 4 The Ballot Scrutineer shall count the papers in each such parcel and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate.
- 5 If the vote for any one candidate equals or exceeds the votes of all the other candidates combined, that candidate shall be declared elected.
- 6 If not, the Ballot Scrutineer shall exclude together the two or more candidates with the least votes if the total vote of such two or more candidates does not exceed the vote of the candidate next above; otherwise the Ballot Scrutineer shall exclude the candidate having the fewest votes.
- 7 The papers of the excluded candidates shall be transferred to whichever of the continuing candidates is marked by the member as his next available preference, and the votes thus transferred shall be added to the first preference votes of those candidates.
- 8 Any voting paper on which no further preference is marked shall be set aside as non-transferable and the total of such voting papers shall be recorded.
- 9 This process shall be continued until the vote for some one candidate exceeds or equals the votes for all the other continuing candidates

#### **Ties**

- 10 If, when a candidate has to be excluded, two or more candidates have each the same number of votes and are lowest on the poll, the candidate having the lowest number of votes at the earliest stage in the count, at which the candidates in question had an unequal number of votes, shall be excluded.

- 11 If two or more candidates are still equal and lowest, the Ballot Scrutineer shall draw lots to decide which shall be excluded.

### **Where several vacancies are to be filled**

#### **The first stage**

- 12 Each member shall have as many transferable votes as there are vacancies.
- 13 Each member in recording his vote or votes on the voting paper -
- (1) must place on the voting paper the figure 1 opposite the name of one candidate for whom he wishes to vote;
  - (2) may indicate the order of his preference for as many other candidates as he pleases by placing against their respective names the figures 2, 3, 4 and so on.
- 14 The Ballot Scrutineer shall examine the voting papers and shall sort them into parcels according to the first preference recorded for each candidate, rejecting any that are invalid.
- 15 The Ballot Scrutineer shall count the papers in each parcel and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for that candidate. The total number of valid votes shall thereby be determined.
- 16 The quota for election shall be determined by dividing the total number of valid votes by one more than the number of places to be filled, the result being rounded up if not exact to the next whole number above.
- 17 Any candidate who is credited with a number of votes equal to, or exceeding, the quota shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of vacancies to be filled. This completes the first stage of the count.

#### **Subsequent stages**

- 18 If one or more candidates have surpluses above the quota, and the total value of such surpluses together with any votes in suspense does not exceed the difference between-
- (1) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes; or
  - (2) the total number of votes credited to the two or more candidates with the smallest numbers of votes and the number of votes credited to the candidate with the next smallest number of votes;
- the transfers of such surpluses shall be deferred.
- 19 Otherwise, if one or more candidates have surpluses, the largest surplus shall be transferred.

- 20 If the two or more candidates with the largest surpluses have equal surpluses, the surplus of the candidate who was credited with the largest number of votes at the earliest stage at which they had an unequal number of votes shall be transferred. If such two or more candidates have been credited with the same number of votes at all stages of the count, it shall be determined by lot (to be drawn by the Ballot Scrutineer) which surplus to transfer.
- 21 If, after all surpluses have been transferred or deferred, one or more vacancies remain to be filled, the candidate or candidates credited with the smallest number or numbers of votes shall be excluded.
- 22 The two or more candidates credited with the smallest numbers of votes shall be excluded together if the total number of votes of such two or more candidates together with the total of any deferred surpluses and any votes in suspense does not exceed the number of votes credited to the candidate with the next smallest number of votes.
- 23 Otherwise, the candidate credited with the smallest number of votes shall be excluded if the number of votes of such candidate together with the total of any deferred surpluses and any votes in suspense does not exceed the number of votes credited to the candidate with the next smallest number of votes.
- 24 If the two or more candidates credited with the smallest numbers of votes are each credited with the same number of votes, then the candidate who had the smallest number of votes at the earliest stage at which they had an unequal number of votes shall be excluded. If such two or more candidates have been credited with the same number of votes at all stages of the count, then it shall be determined by lot (to be drawn by the Ballot Scrutineer) which candidate to exclude.

### **The transfer of a surplus**

- 25 In the case of a surplus arising at the first stage, all the voting papers received by a candidate shall be examined by the Ballot Scrutineer.
- 26 In the case of a surplus arising at a later stage consequential on the transfer of another surplus or from the exclusion of a candidate or candidates, only the last parcel of voting papers, all of one value, which gave rise to the surplus, shall be examined by the Ballot Scrutineer.
- 27 The voting papers to be examined shall be sorted into sub-parcels according to next available preferences for continuing candidates, any voting papers on which no next available preference is expressed being set aside.
- 28 The number of voting papers in each sub-parcel, the total number of transferable voting papers, and the number of non-transferable voting papers shall then be determined.
- 29 If the present total value of the transferable voting papers exceeds the surplus, the transfer value of each voting paper shall be determined by dividing the surplus by the number of transferable voting papers to two decimal places, ignoring any remainder, and the voting papers shall be marked with the new transfer value. Otherwise, the transfer value of each voting paper shall be its present value.

30 Each continuing candidate shall be credited with the value of any voting papers received, and any non-transferable difference between the total value of such voting papers and the surplus shall be added to the previous non-transferable total.

31 Any candidate who is now credited with a number of votes equal to or exceeding -

(1) the quota; or

(2) the sum, divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates, any votes in suspense and any untransferred surpluses

shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of vacancies to be filled.

32 The transfer of a surplus constitutes a further stage in the count.

### **Exclusion of a candidate or candidates**

33 The voting papers of the excluded candidate or candidates, together with any voting papers held in suspense, shall be arranged in parcels in descending order of transfer value.

34 The parcel of voting papers of highest transfer value shall be sorted into sub-parcels according to next available preferences for continuing candidates, any voting papers on which no next available preference is expressed being set aside.

35 The number and value of voting papers in each sub-parcel, and the number and value of non-transferrable voting papers shall be determined.

36 Each continuing candidate shall be credited with the value of any voting papers received, and the value of any non-transferrable voting papers shall be added to the previous non-transferrable total.

37 Any candidate who is now credited with a number of votes equal to or exceeding -

(1) the quota; or

(2) the sum, divided by one more than the number of places remaining to be filled, of the votes credited to continuing candidates, the value of any parcels of voting papers not yet transferred, and any untransferred surpluses;

shall be deemed to be elected, provided that the number of candidates deemed elected does not exceed the number of vacancies to be filled.

38 Any remaining parcels of voting papers shall be sorted and transferred in turn in descending order of transfer value in the same way, and candidates deemed elected where appropriate.

39 After the transfer of a parcel of voting papers of any one value, if the total value of the remaining voting papers of lower value does not exceed the difference between -

- (1) the number of votes credited to the candidate with the smallest number of votes and the number of votes credited to the candidate with the next smallest number of votes; or
- (2) the total number of votes credited to the two or more candidates with the smallest numbers of votes and the number of votes credited to the candidate with the next smallest number of votes;

the transfer of the remaining parcels of voting papers may be deferred and their value held in suspense.

40 The exclusion of a candidate or candidates constitutes a further stage in the count.

### **Filling the last vacancies**

41 If at any stage, as a result of the proposed exclusion of one or more candidates, the number of continuing candidates would be equal to the number of places remaining to be filled, such continuing candidates shall be deemed elected.

42 If at any stage the number of candidates deemed elected is equal to the number of vacancies to be filled, no further transfer of voting papers shall be made, and the remaining continuing candidate or candidates shall be formally excluded.

43 The count is now concluded.

### **Definitions**

44 In this Appendix the following definitions shall apply:

- (1) "continuing candidate" means any candidates not yet excluded;
- (2) "first preference" means the figure "1" standing alone opposite the name of a candidate or the name of a candidate given first in the list of order of preference by the member;
- (3) "invalid voting paper" means a voting paper on which no first or only preference is expressed, or on which any first preference is void for uncertainty;
- (4) "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate or candidates, passing over earlier preferences for candidates already excluded; and
- (5) "valid voting paper" means a voting paper on which a first or only preference is unambiguously expressed.