

CONSTITUTION OF THE PRIVATE PROSECUTORS' ASSOCIATION

A. NAME OF THE ASSOCIATION

1. The name of the association is the Private Prosecutors' Association ("the PPA").

B. OBJECTS OF THE PPA

2. The broad objectives of the PPA ("the Objectives") are to:

- i) develop best practice and a code of conduct in conducting private prosecutions;
- ii) advance the education and training of its Members ("the Members") in this area of specialism;
- iii) raise public awareness as to the use of private prosecutions;
- iv) identify lacunae in the UK law and make recommendations to UK Government;
- v) respond to consultation papers in this area of law;
- vi) assess how far existing international treaties meet the challenges that arise in the conduct of private prosecutions and make recommendations to UK Government;
- vii) liaise with practitioners in other jurisdictions;
- viii) undertake research; and
- ix) promote social and networking opportunities for the Members.

3. In furtherance of the Objectives, the PPA may:

- i) Employ and pay any person or persons;
- ii) Promote and carry out research and publish the results to the Members or to any wider audience that the PPA sees fit;
- iii) Arrange and provide for meetings, lectures, seminars and training courses;
- iv) Collect and disseminate information on all matters affecting the Objectives;
- v) Acquire any property and any rights and privileges necessary for the promotion of the Objectives;

- vi) Subject to such consents as may be required by law, borrow or raise money;
- vii) Raise funds and invite and receive contributions from any person or persons, provided that the PPA shall not undertake trading activities in raising such funds;
- viii) Invest the monies of the PPA not immediately required for the Objectives as may be thought fit, subject to such conditions (if any) as may for the time being be required by law; and
- ix) Undertake such other activities as are thought appropriate and desirable.

4. Responsibility for furtherance of the Objectives shall lie with the Executive Committee of the PPA (“the Executive Committee”), assisted by the wider General Committee of the PPA (“the General Committee”). Details on the composition and respective functions of these bodies are set out later in this document.

C. MEMBERSHIP OF THE PPA

Eligibility

5. Subject to the provisions set out below, membership of the PPA shall be open to the following individuals:

- i) Solicitors of over 2 years’ post qualification experience;
- ii) Barristers of over 2 years’ call;
- iii) Members of the Institute of Legal Executives of over 3 years’ admission;
- iv) Legal academics of at least 4 years’ post graduate standing;
- v) Accountants of over 2 years’ post qualification experience; and
- vi) Any other individual whom the Executive Committee considers has sufficient expertise in the field of private prosecutions law and practice.

Applications

6. Applications for membership may be made by completing the relevant application form, which is available on request from the Membership Secretary or online via the website [ADD ADDRESS]. All such applications shall be determined by the Executive Committee (or on delegation to the Membership Secretary if it so decides). In exercising that discretion, the Executive Committee and/or the Membership Secretary shall take all relevant matters into account, including:

- i) The background, experience and areas of expertise of the applicant;
- ii) The desirability of having a range of expertise within the PPA; and
- iii) The interests of equality and diversity (as reflected in policy statements issued by the Bar Council and the Law Society).

7. Successful applicants shall be notified accordingly and will become Members on payment of the annual subscription. They shall thereafter be bound by the terms of this constitution.

8. Unsuccessful applicants shall have no right of appeal, whether to the Executive Committee or otherwise.

Subscriptions

9. The annual membership subscription rates shall be determined by the Executive Committee and notified to the Members accordingly.

10. The PPA's membership year shall be the calendar year. In the event that a Member resigns part way through the year, no partial refund shall be paid.

Benefits of membership

11. All Members of the PPA are entitled to:

- i) Receive all PPA mailings;
- ii) Attend training days, educational events and social events organised by the PPA (subject to any charge levied and the availability of places);
- iii) Attend and vote at any Annual General Meeting or Extraordinary General Meeting of the PPA;
- iv) Apply for membership of the General Committee (and thereafter for a place on the Executive Committee);
- v) Receive a copy of this constitution (on 21 days' written notice to the Executive Secretary); and
- vi) Receive a copy of the minutes of any meeting of the Executive or General Committees, or of any Annual or Extraordinary General Meeting (again on 21 days' written notice to the Executive Secretary).

12. The Membership Secretary shall keep an up-to-date list of all Members.

13. The Executive Committee shall have the power to expel any Member or to suspend his or her membership (for a maximum of 12 months), if in all the circumstances it would be appropriate to do so. There shall be no appeal from any such decision, whether to the Executive Committee or otherwise.

D. THE EXECUTIVE COMMITTEE OF THE PPA

Composition

14. The day to day running of the PPA shall be delegated to the Executive Committee, which shall comprise individual members of the PPA elected to the following posts:

- i) Chairman
- ii) Vice Chairman
- iii) Treasurer

- iv) Executive Secretary
- v) Educational Secretary
- vi) Social Secretary
- vii) Membership Secretary
- viii) Publicity Secretary
- ix) Lobbying Secretary

Powers and duties of the Executive Committee

15. The Executive Committee shall meet at least 3 times a year in order to discuss the affairs of the PPA (such number to include meetings to be held jointly with the General Committee, see below).

16. Meetings of the Executive Committee will be quorate provided that not less than 3 members of it are in attendance (whether in person or by telephone/video link). The meetings will be chaired by the Chairman. In the event that the Chairman cannot attend, the Vice Chairman will undertake this role. If neither Chairman nor Vice Chairman can attend, the meeting will nominate an individual to fulfil this role.

17. Whether at its meetings or otherwise (eg. in email correspondence), the Executive Committee shall be authorised to make decisions on any aspect of the PPA's business, including (but not limited to) the following:

- i) Applications for membership;
- ii) Events to be arranged (whether educational or social);
- iii) The expenditure of funds, the raising of additional monies and the certification of the annual accounts;

- iv) The response to be given on behalf of the PPA to consultation papers (whether issued by the Government or otherwise);
- v) The response to be given on behalf of the PPA to any other matters (whether by way of press release or otherwise);
- vi) Applications for membership of the General Committee of the PPA (see below);
- vii) The composition, purpose and scope of any Sub Committee of the General Committee (see below), and the frequency with which such Sub Committees should report back to the Executive and/or General Committees;
- viii) The delegation of any of the matters set out above (for example, the delegation of membership applications to the Membership Secretary).

18. All decisions at meetings of the Executive Committee shall be made by a simple show of hands (to include those not present but who have previously indicated their views in writing to the Executive Secretary). In the event of a tie, the Chairman shall have a casting vote. The same principles apply in relation to decisions taken other than in meetings (eg. in email correspondence, as above).

19. In making decisions on individual issues, the Executive Committee shall take into account (but not be bound by) any prior views expressed in writing by members of the General Committee (either individually or as a part of a Sub Committee). Such members may be invited to attend and further address meetings of the Executive Committee in the event that the Executive Committee would find this to be of assistance.

20. Members of the Executive Committee shall be ex officio members of the General Committee and free to attend such meetings of the General Committee (or any Sub Committees thereof) as they see fit.

Notice of meetings

21. Not less than 14 days' notice of Executive Committee meetings shall be given to all members of that committee. Such notice shall be accompanied by an agenda of items for discussion at the meeting and draft minutes for approval from the previous meeting.

22. Such notice and attachments shall also be provided to all members of the General Committee. If they wish to contribute to any of the items on the agenda, they shall communicate their views in writing to the Executive Secretary not less than 24 hours before the date and time fixed for the Executive Committee meeting.

Election to the Executive Committee

23. The first members of the Executive Committee will be those individuals holding the posts outlined at paragraph 14 above at the date that this constitution is approved by the PPA in its inaugural General Meeting (whether Annual or Extraordinary). A list of the names of such individuals, and the posts which they hold, is attached at Annex A.

24. The composition of the Executive Committee thereafter will be determined by reference to the election procedures set out later in this document.

E. THE GENERAL COMMITTEE OF THE PPA

Powers and duties of the General Committee

25. The Executive Committee will be assisted in the discharge of its functions by the members of the General Committee.

26. It will be the responsibility of the members of the General Committee to further the aims and the objectives of the PPA. This is primarily to be achieved in the following ways:

- i) By attending joint meetings of the Executive Committee and the General Committee (which will be quorate provided that they are attended by at least 3 members of the Executive Committee and by 5 members of the General Committee);
- ii) By agreeing to sit on such Sub Committees as the Executive Committee may reasonably require of them and by (a) undertaking such tasks as the Executive Committee may identify and (b) submitting such reports as may be thereafter be requested;
- iii) By making informal written representations to the Executive Committee on such topics as may be appropriate, in order that such representations may be taken into account by the Executive Committee whilst making decisions on behalf of the PPA as a whole;
- iv) By attending whenever possible educational and social events organised by the Executive Committee and by encouraging both members and (where appropriate) non-members of the PPA also to attend; and
- v) By participating in the election of new members to the Executive Committee, as set out below.

Notice of meetings

27. Not less than 14 days' notice of joint Executive Committee/General Committee meetings shall be given in writing to all members of both committees.

28. Such notice shall be accompanied by an agenda of items for discussion at the meeting and draft minutes for approval from the previous joint meeting.

Election to the General Committee

29. The first members of the General Committee will be those individuals who are de facto in this position already at the date that this constitution is approved by the PPA (ie. those members of the current PPA committee who do not hold one of the specific posts referred to at paragraph 14 above). A list of names of such individuals is attached at Annex B.

30. The composition of the General Committee thereafter will be determined by reference to the procedures set out below.

F. ELECTION PROCEDURES FOR THE EXECUTIVE AND GENERAL COMMITTEES

Initial elections to the Executive Committee

31. Subject to resignation, incapacitation, suspension or expulsion, the individuals listed at Annex A will continue to serve in their present capacities for 36 months from the date upon which this constitution is approved by the PPA.

32. Not less than 28 days before the expiry of that 36 month period:

- i) Such individuals must inform the Executive Secretary in writing whether they intend to resign their post, or whether they wish to stand for re-election to it; and
- ii) The Executive Secretary must invite all members of the General Committee who wish to stand for election to the Executive Committee to put forward their names in writing and to identify the post they wish to hold (such indication to be given within 5 working days of the invitation from the Executive Secretary being issued).

33. In the event that there is subsequently only 1 candidate for any given post on the Executive Committee, that candidate will be deemed elected to it. If there is more than 1 candidate, there shall be an election for the position in question.

34. That election shall be conducted by way of secret ballot, as follows:

i) Not less than 21 days before the expiry of the 36 month period referred to in paragraph 31 above, the Secretary to the Executive Committee shall distribute to all members of the Executive and General Committees a ballot paper in the form attached (Annex C).

ii) The Secretary to the Executive Committee shall simultaneously nominate a member of the General Committee to act as Returning Officer in the ballot (provided that such member is not standing for election).

iii) Within 7 days of receipt of his or her ballot paper, each member of the Executive and General Committees shall vote for his or her preferred candidate for each position under consideration, and return the ballot paper by email to the Returning Officer. For the avoidance of doubt:

a) Candidates may vote for themselves; and

b) Members of the Executive and General Committees may not vote for candidates who work at the same firm or set of chambers as themselves.

iv) The Returning Officer will then count the votes cast for each candidate in relation to each position under consideration, and inform the incumbent Chairman of the results. In the event that two or more candidates are tied, the Chairman shall have a casting vote (unless the position under consideration is that of Chairman, in which case the casting vote shall vest in the Criminal Vice Chairman instead).

v) The results will be announced by the Chairman not less than 7 days before the expiry of the 36 month period referred to in paragraph 31 above. The new appointments will take effect on the expiry of that period.

Subsequent elections to the Executive Committee

35. In relation to subsequent elections to the Executive Committee, the same procedure will be followed as above, save that:

- i) The period between each such election will be 2 years; and
- ii) No member of the Executive Committee shall apply to serve for a 4th consecutive term of office (such period to include the initial 36 month term referred to in paragraph 31 above).

Resignations from the Executive Committee

36. Members of the Executive Committee may resign their position at any time on 14 days' written notice to the Executive Secretary.

37. In such circumstances, or if there are vacancies on the Executive Committee for any other reason, the Chairman may at his or her sole discretion appoint individuals from the General Committee to fulfil such roles, pending the next scheduled Executive Committee election.

38. For the avoidance of doubt, the Executive Committee is empowered to conduct business as usual even if from time to time some of the posts on it are subject to a vacancy.

Initial election to the General Committee

39. Subject to resignation, incapacitation, suspension or expulsion, the individuals listed at Annex B will continue to serve as members of the General Committee for 24 months from the date upon which this revised constitution is approved by the PPA.

40. Not less than 42 days before the expiry of that 24 month period:

- i) Such individuals must inform the Executive Secretary in writing whether they intend to resign from the General Committee, or whether they wish to stand for re-election; and

ii) The Executive Secretary must notify all Members of the PPA of a forthcoming election and invite those who wish to stand to put forward their names in writing (such indication to be given within 7 days of the invitation from the Secretary being issued).

41. A maximum of 20 places will be available on the General Committee. In the event that there are fewer applicants than places, and providing that the Executive Committee is satisfied of their fitness to serve, all such applicants will be deemed to have been elected on to the General Committee, such appointment taking effect on the expiry of the 24 month period referred to above.

42. In the event that there are more applicants than places available, the following procedure will be adopted:

i) Not less than 28 days before the expiry of the 24 month period referred to in paragraph 39 above, the Executive Secretary will distribute to all prospective candidates (whether presently serving on the General Committee or not) an application form as per the template at Annex D, attached.

ii) Within 7 days thereafter, each candidate will complete and return such form, giving brief reasons for his/her suitability for a position on the General Committee.

iii) Within 14 days of the expiry of the said 24 month period, the Executive Committee shall meet to consider the completed application forms and to decide upon the composition of the next General Committee. In making decisions about individual applicants, the Executive Committee shall take all relevant factors into account, including:

a) The background, experience and areas of expertise of the applicant;

b) The desirability of having a range of expertise on the General Committee;

c) The interests of equality and diversity (as reflected in the policy statements issued by the Bar Council and the Law Society); and

d) In respect of applicants who are currently serving on the General Committee, the extent to which such applicants have attended meetings or otherwise contributed to the effective running of the PPA.

iv) In the event that the Executive Committee cannot agree on a particular applicant, the issue shall be resolved by a show of hands (to include those not present but who have previously indicated their views in writing to the Executive Secretary). For the avoidance of doubt, members of the committee may vote for applicants who work at the same firm or set of chambers as themselves. In the event of a tie, the Chairman shall have a casting vote.

v) The successful applicants shall thereafter be notified by the Executive Secretary as soon as possible and in any event within 7 days of the meeting referred to in paragraph 42(iii) above. Their appointment will take effect on the expiry of the 24 month period referred to above.

vi) There shall be no right of appeal on the part of any unsuccessful candidate, whether to the Executive Committee or otherwise.

Subsequent elections to the General Committee

43. The procedure in relation to subsequent elections to the General Committee will be as set out above, save that:

i) The period between each election shall be extended to 3 years; and

ii) No member of the General Committee shall be permitted to serve more than 2 consecutive terms (such period to include the initial 24 month term referred to in paragraph 39 above).

Resignations from the General Committee

44. Members of the General Committee may resign at any time on 14 days' written notice to the Executive Secretary.

45. In this event, the Chairman of the Executive Committee may at his or her discretion invite another Member of the PPA to fill that vacancy pending the next scheduled election to the General Committee.

Notice periods and technicalities

46. Provided that reasonable notice is always given, the Executive Committee may shorten or lengthen any of the notice periods referred to in this section.

47. None of the following matters shall invalidate an election:

- i) The accidental omission to give notice of the election to any Member entitled to receive it;
- ii) The non-receipt by a Member of the same; or
- iii) The failure of a Member to vote when he would otherwise have been obliged or entitled to do so.

48. It is important that the PPA is free to undertake its business with the minimum amount of bureaucracy. In the event, therefore, that additional unforeseen technicalities arise in due course with the election procedures, the Executive Committee is empowered to resolve such issues as it sees fit, applying basic principles of fairness and common sense.

G. ANNUAL GENERAL MEETINGS AND EXTRAORDINARY GENERAL MEETINGS

49. The Annual General Meeting (the "AGM") of the PPA shall be held within 3 months of the end of the PPA's financial year. At least 21 days' notice of it shall be given in writing to all Members.

50. The business to be conducted at the AGM shall be determined by the Executive Committee and shall be notified to the Members accordingly.

51. Notice of any resolution to be proposed at the AGM shall be submitted in writing to the Executive Secretary at least 14 days before the AGM, and shall be distributed to all Members at least 7 days before the AGM.

52. An Extraordinary General Meeting (an "EGM") of the PPA may be called at any time by the Executive Committee, and in any event shall be called within 21 days of receiving a written request for such a meeting from at least 15 Members.

53. The Chairman of the Executive Committee shall officiate at any General Meeting of the PPA (or the Vice Chairman in his or her absence). In the absence of both the Chairman and the Vice Chairman, any member of the Executive Committee may chair the meeting.

54. General meetings of the PPA will be quorate provided they are attended by at least 5 Members (to include members of the Executive and/or General Committees).

55. Save as set out in paragraph 56 below, all resolutions at a General Meeting shall be determined on a simple show of hands (both from those present and also from those who have indicated their views in writing to the Executive Secretary in advance). In the event of a tie, the Chairman shall have a casting vote.

56. The exceptions to this rule arise in the event of resolutions:

- i) To remove from office a member of the Executive or General Committees;
- ii) To amend the constitution; or
- iii) To dissolve the PPA, in which case the resolution must be passed by two thirds of those either present or who have indicated their views in advance, as above.

57. If deemed necessary, the Executive Committee may in its discretion shorten or lengthen the notice periods outlined above in relation to General Meetings, provided that reasonable notice is always given.

58. The accidental omission to give notice to any Member of a General Meeting, or the non receipt by a Member of the same, shall not invalidate any proceedings undertaken at that meeting. For the avoidance of doubt, it shall be the responsibility of Members to ensure that any changes in their contact details are notified promptly to the Membership Secretary.

H. NOTICES

59. Any notice may be served on Members by sending it via the post, DX, fax or by email.

60. Any notice served by post or DX shall be deemed to have been received within 2 days following that on which it was sent. Any notice served by fax or email shall be deemed received 2 hours after sending it.

I. ACCOUNTS & FINANCES

61. All monies raised by the PPA shall be used to further its Objectives, as set out above. This shall include the purchase of minor gifts for those who have assisted the PPA (eg. Guest speakers), and the reimbursement of out of pocket expenses incurred by Members on behalf of the PPA, provided that such expenditure has been approved by the Executive Committee in advance.

62. The Treasurer of the PPA shall keep an account of all sums of money received or owing to it, and sums expended or owed by it. He or she shall arrange for the accounts to be submitted once a year for certification to an accountant appointed for that purpose by the Executive

Committee. The certified accounts shall thereafter be approved by the Members at the AGM and subsequently made available to any Member on request (on 21 days' written notice to the Executive Secretary).

63. The underlying books of account shall be kept by the Treasurer and made available for inspection by Members on prior written notice of at least 21 days, at a time and place convenient to the Treasurer.

64. The funds of the PPA shall be held in a bank account in its name. The Treasurer and the Membership Secretary of the PPA shall be the authorised signatories on the account.

65. The Treasurer and the Membership Secretary shall both be authorised to sign cheques, make payments by debit card and arrange bank transfers on behalf of the PPA, provided that transactions in excess of £2000 must be authorised by both such individuals. Appropriate arrangements to that effect must be made with the bank at which the PPA holds its account.

J. DISSOLUTION OF THE PPA

66. In accordance with the voting procedures set out above, the Members may vote to dissolve the PPA.

67. In the event that they choose to do so, the net funds in the PPA bank account (ie. net of any debts which may be due and owing) shall be transferred to a charity of the Executive Committee's choice

68. Within 7 days of all the debts being paid, any surplus funds being transferred as set out above and the bank account being closed, the PPA shall automatically be dissolved.

Approved this day by the PPA and signed by the Chairman on its behalf

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31 October 2016

Annex A – Executive Committee

Chairman: Hannah Laming

Vice Chairman: Annabel Kerley

Treasurer: TBC

Executive Secretary: TBC

Educational Secretary: TBC

Social Secretary: TBC

Membership Secretary: TBC

Publicity Secretary: TBC

Lobbying Secretary: TBC

Annex B – General Committee

Patrons: William Boyce QC

FACT, SKY, SIA etc

Annex C – Ballot Paper for election to Executive Committee

This ballot paper is for use in the forthcoming election for the Executive Committee of the Private Prosecutors’ Association. In relation to each of the posts under consideration (see below), please put a cross against the name of the candidate you wish to vote for. Please note:

- i) You may vote for only 1 candidate in relation to each available post;
- ii) If you are standing for election, you may vote for yourself; and
- iii) You are not permitted to vote for someone who works with you (for example at the same firm or in the same set of chambers).

Once you have cast your vote, please return this form by email to the designated Returning Officer for this election (whose identity will have been separately notified to you).

Election for the post of [insert post]

	Name of Candidate	
1		
2		
3		
4		

Election for the post of [insert post]

	Name of Candidate	
1		
2		
3		
4		

Election for the post of [insert post]

	Name of Candidate	
1		
2		
3		
4		

Annex D - Application form for membership of the General Committee of the PPA

Name:

Firm/Chambers:

Email address:

Mobile number:

Brief details of relevant background and experience in the field of private prosecutions (max. 200 words)

Brief reasons for wanting to serve on the General Committee (max. 100 words)

From the Chair of the Private Prosecutors' Association.

[DATE]

Dear Member,

Annual General Meeting

I hereby give you notice under paragraph 49 of the Constitution of the Private Prosecutors' Association (referred to hereinafter as "the Association") that the Annual General Meeting of the Association shall be held at [ADDRESS] on [DATE & TIME].

The Chair of the Association, Hannah Laming, will take the Chair or in her absence the Vice Chair of the Association, in accordance with paragraph 53 of the Constitution of the Association.

Notice is given of the following business that will be dealt with at the Annual General Meeting.

- 1.
- 2.
- 3.

Notice

This notice is served on all members by email and is deemed to have been received two hours after sending.

Signed

Hannah Laming

Peters & Peters

Chair of the Private Prosecutors' Association.