

Law Council of Wales – Constitution

Adopted on 31 January 2022

Status and Purpose of the Law Council of Wales

1. The Law Council of Wales (“the Council”) is an unincorporated association established by the agreement of the members of the Executive Committee of the Council for the purposes set out in Schedule 1.

President of the Law Council of Wales

2. The **President of the Law Council** of Wales shall be the head of the Executive Committee and the main spokesperson and representative for the Council. The President shall preside at meetings of the Executive Committee and of the Council.
3. The President shall be elected by the Council at an Annual General Meeting or special meeting of the General Membership. The President shall hold office for an initial term of one year from the date of election and shall be eligible for re-election.
4. The President is not required to be selected from the General Membership.

General Membership

5. The members of the Council are collectively referred to in this Constitution as the “General Membership”. An individual member of the Council is referred to in this Constitution as a “General Member”.
6. The General Membership of the Council on adoption of this Constitution comprises
 - a. the specific individuals identified in Schedule 2
 - b. nominees or representatives of the bodies and the persons set out in Schedules 2 and 3 (1);
 - c. Persons within the categories set out in Schedule 3(2) invited to become General Members (together “the Initial Members”).

Any body or person set out in Schedules 2 or 3 (1); can nominate a replacement for any General Member (Initial Member or otherwise) which it has nominated and such replacement shall be admitted by the Executive Committee as a General Member.

7. In addition to the Initial Members and their replacements pursuant to Article 6, admission to the General Membership of the Council is open to regulated legal professionals, academics and other persons with a demonstrable professional interest in the legal sector in Wales. Admission is by nomination made by a General Member to the Executive Committee. The Executive Committee can, by agreement, admit a person nominated as a General Member of the Council.
8. A person shall cease being a General Member (1) by giving notice to that effect to the Executive Committee, (2) by the body or person who nominated that person or of

whom that person is a representative giving such notice or (3) by the withdrawal of membership by the Executive Committee where it considers that is necessary.

Structure of the Law Council of Wales

9. The **Council**, which is the association of the General Membership.
10. The **Executive Committee**, which is responsible for the leadership and management of activity to further the Council's purpose.
11. Ad hoc **Working Groups** that are established by the Executive Committee to undertake projects examining specific issues remitted to it by the Executive Committee. The Executive Committee may appoint General Members and / or co-opt persons with particular expertise to any Working Group that it establishes. In relation to projects that a Working Group is asked to undertake, the Working Group shall be responsible for:
 - i. consulting with the General Membership and, where appropriate, more widely, including with the legal sector in Wales; and
 - ii. reporting to the Executive Committee and the full Law Council.

The Executive Committee

12. The composition of the Executive Committee on the adoption of this Constitution is made up of the President and the individuals and the nominees or representatives of the bodies and the persons who are part of the General Membership set out in Schedule 2.
13. The composition of the Executive Committee as stated at Schedule 2 can be changed by simple majority agreement of the Executive Committee. Save for the President, any deputy President who may be appointed and the Secretary, to become and remain a member of the Executive Committee a person must be part of the General Membership.
14. There shall be a register kept by the secretariat of the Executive Committee Members' interests. If a conflict of interest arises, the person who has the conflict of interest shall not take part in the discussion or vote on that particular issue.

Officers of the Law Council of Wales

15. The President can appoint:
 - a. with the approval of the Executive Committee one or more Deputy Presidents (to deputise for the President at meetings in the President's absence) and a secretary, who shall all on appointment become members of the Council and the Executive Committee.
 - b. such officers from amongst the membership of the Executive Committee as the President considers necessary to facilitate the functioning of the Council.

Meetings

16. A meeting of the General Membership shall take place annually ("the Council AGM"). The first Council AGM shall be held not more than fifteen months after the adoption of this Constitution and subsequent Council AGMs held not more than fifteen months after the date of the preceding Council AGM. The General Membership must be given at least 28 days' notice of the Council AGM. At each Council AGM, the Executive Committee will present an annual report of the work undertaken in the previous year and outline a programme of work for the year ahead.
17. Special meetings of the General Membership may be held more frequently for a specific purpose at the request of the Executive Committee. The General Membership must be given 21 days' notice if such a special meeting is to take place.
18. The Executive Committee must meet at least once in every calendar year but otherwise can determine its own frequency of meetings. The Executive Committee can determine its own procedure for meetings and for the Council AGM and special meetings of the General Membership.
19. Working Groups meet on an ad hoc basis as this depends on the nature of the project they are asked to take forward and the timescales at hand. The Executive Committee may suggest the number of meetings it anticipates will be needed at the commencement of a project and the Working Group can take a view on this as the project progresses. Each Working Group can agree how it wishes to take forward a project allocated to it.
20. The quorum at a Council AGM or special meeting shall be not less than one third of the General Membership. There shall be a quorum present notwithstanding that General Members are not present together in the same room, provided that they are connected by video or telephony or online links so that each General Member is in communication with all the other General Members present at the meeting.
21. The quorum at a meeting of the Executive Committee shall be not less than eight of its members. There shall be a quorum present notwithstanding that Committee members are not present together in the same room, provided that they are connected by video or telephony or online links so that each member is in communication with all the other Committee members present at the meeting.
22. Given the purposes of the Council, it is desirable that all questions are approached with a view of obtaining a mutual result. However, where this is not possible, most questions at any meeting shall be decided by a simple majority (the exceptions being matters pertaining to the amendment and dissolution of this Constitution). In the event of a tie, the person presiding at a Council or Executive Committee meeting shall have a casting vote (a second vote).
23. The Executive Committee can extend an invitation to the Counsel General or other Welsh Government Ministers and officials to attend and participate but not to vote in any of its meetings or those of the Council. The Council, and its Executive

Committee and Working Groups, can allow any person to attend and observe the proceedings at any of their meetings, as they may agree.

Secretariat

24. Secretariat services will be provided by the Law Society Wales Office through a Council Secretary and a supporting secretariat team. This shall include preparing agendas in collaboration with the President and the circulation of said agenda and any supporting papers for meetings substantially in advance (save in the case of items of urgency) and preparing and circulating the minutes of meetings promptly after meetings. The arrangements for the Law Society Wales Office to provide the secretariat services shall be reviewed after a period of 18 months from the date upon which the Constitution of the Council is adopted.

Finance

25. The Council may charge fees including a General Membership admission fee and an annual membership fee. The Executive Committee shall determine any fees payable. The Executive Committee shall have the power to set the level of any fees and to vary or waive the level of fees in particular circumstances.
26. The Council can maintain a bank account for the purpose of holding funds received by the Council. A member of the Executive Committee shall manage the Council's account in accordance with arrangements specified by the Executive Committee for:
- i. making payments from the account and the authorised signatories;
 - ii. presenting financial statements to the Executive Committee and the Council and if thought appropriate or is otherwise required, for the auditing of the Council's accounts

Miscellaneous Provisions

27. Amendments to the Constitution may be made by a resolution passed by a two-thirds majority of the General Membership present at a Council AGM or special meeting. Proposed alterations should be circulated to the General Membership not less than 21 days before the date of the meeting.
28. In order to dissolve the Council, a resolution to that effect must be passed at a Council AGM or special meeting and carried by a two-thirds majority of those present. Any assets held by the Council after the satisfaction of all debts and liabilities shall be given or transferred to an organisation with similar aims.

This Constitution was adopted on 31 January 2022.

Signed

President of the Law Council of Wales

Schedule 1

Law Council of Wales – Statement of purpose

The Law Council of Wales is a forum for the legal sector to come together to deliberate and act on common issues affecting the legal sector in Wales, including the following:

- i. Developing a collective approach to the economic development of the legal sector in Wales to promote the sector and facilitate its growth and sustainability;
- ii. promoting the interests of legal education and training and the awareness of the law in Wales;
- iii. facilitating proper provision of teaching the law in Welsh;
- iv. assisting students in Wales in their education and training as future practitioners;
- v. encouraging and supporting the development of pathways into the legal professions (such as apprenticeships) to support their sustainability and diversity;
- vi. promoting legal technology and innovation;
- vii. contributing to the process of improving the accessibility of the law in Wales and legal services;
- viii. helping to shape the scope and delivery of legal education for the public in Wales; and
- ix. identifying, and where possible responding to, any matters that may arise and that are of specific concern to the legal sector or the wider justice system in Wales.

Schedule 2

Members of the Executive Committee

1. The President of the Law Council of Wales and any Deputy President or Secretary who is not otherwise a member of the Executive Committee
2. Three nominees from the University law schools in Wales, serving on a rotational basis as those establishments collectively agree
3. Two nominees from the Law Society Wales Office
4. Two nominees from the Leader of the Wales & Chester Circuit Bar
5. One representative of in-house legal work selected in such manner as the President with the agreement of the Executive Committee may approve
6. The President of Welsh Tribunals or a nominee
7. One of the Presiding Judges for Wales or a nominee
8. The Chief Crown Prosecutor for Wales or a nominee
9. A representative from the Law Commission
10. A representative from the Judicial College
11. A representative of the National Advice Network for Wales
12. A lay representative with experience of business and legal affairs selected in such manner as the President with the agreement of the Executive Committee may approve

In the absence of the collective agreement on nominees under each of paragraphs 2, 3 and 4, the President shall select the nominees to serve as members of the Executive Committee.

Schedule 3

Initial Members of the Law Council of Wales

In addition to those offices and bodies represented on the Executive Committee, the Initial Members of the Law Council shall include:

1. nominees of the following bodies and persons:
 - a. Each of the remaining University law schools in Wales;
 - b. the Open University
 - c. each of the Chartered Institute of Legal Executives, the Bar Council, the Bar Standards Board, the Solicitors Regulation Authority and the Legal Services Board;
 - d. the Legal Wales Foundation.
2. so far as possible representatives from the following categories:
 - a. other legal education and training providers in the higher education and further education sectors;
 - b. providers of legal services who together cover a representative sample of areas of legal practice and the geographical regions of Wales;
 - c. other legal sector membership and regulatory bodies,
 - d. representatives of business and of those employed in businesses
3. The Council is able to extend the categories of members and invite / adopt further members as it sees fit.
4. No vacancy, defect or irregularity in the membership of the Law Council, the Executive Committee or any other Committee shall invalidate any proceedings conducted, decision made or steps taken by the Law Council, the Executive Committee or such other Committee.