

BYE-LAWS OF THE ASSOCIATION OF LAW COSTS DRAFTSMEN LIMITED TRADING AS THE ASSOCIATION OF COSTS LAWYERS

1. BYE-LAWS

1.1. These Bye-laws govern the Members of the Association of Law Costs Draftsmen trading as the Association of Costs Lawyers ("ACL") and the Council of the Association ("the Council") by Resolution dated 6 September 1996 under the powers vested in the Council by the Articles of Association of the Association. They were made by the Council on 13 October 2011.

1.2. These Bye-laws will come into effect in respect of the Members and the Council on 14 October 2011. They replace any and all existing bye-laws and appendices.

2. INTERPRETATION

"Affiliate"	means an Affiliate Member of the Association as prescribed by Rule 7 of these Bye-laws;
"Appendices"	means the various documents appended to these Bye-laws as amended from time to time by the Council;
"Articles of Association"	means the Articles of Association of the Association of Law Costs Draftsmen Limited;
"Association"	means the Association of Law Costs Draftsmen Limited trading as the Association of Costs Lawyers;
"Bye-laws"	means these Bye-laws of the Association as amended from time to time by the Council;
"Council"	means the Council of Management for the time being of the Association;
"Council Member"	means a person who is a member of the Council at the relevant time and "Council Members" shall be construed accordingly;
"Costs Lawyer"	means a person who is eligible for and who has been granted a Right of Audience and a Right to Conduct Costs Litigation;
"CLSB"	means the Costs Lawyer Standards Board Limited, to which the Association has delegated its regulatory functions;

“Fellow”	means a Fellow Member of the Association;
"Honorary Member"	means an Honorary Member of the Association as prescribed by Rule 8 of these Bye-laws;
“LeO”	means the Legal Ombudsman;
“Member”	means every person whose application for any class of membership of the Association has been accepted by the Council and whose name is entered on the Register of Members and “Membership” means membership of the Association;
“month”	means calendar month;
“Officers”	means the Council Members who are appointed as officers of the Association from time to time in accordance with the Bye-laws;
“Ordinary Member”	means a Council Member who is not an Officer;
“Retired Member”	means a Retired Member of the Association as prescribed by Rule 9 of these Bye-laws;
“Trainee Costs Lawyer”	means a Member of the Association who has not yet met all the requirements to become a Costs Lawyer, and who is undertaking the Association’s training course;

and

- 2.1. expressions referring to writing include references to printing, fax, email and other methods of representing or reproducing words in a visible form;
- 2.2. reference to the singular includes the plural and reference to the masculine includes the feminine, and vice versa;
- 2.3. reference to an Act of Parliament includes any statutory modification or re-enactment of it for the time being in force;
- 2.4. the headings in these Bye-laws are for convenience only and do not affect their interpretation.

3. STATUS OF BYE-LAWS AND APPENDICES

- 3.1. Every Member shall be bound to observe the provisions of these Bye-laws and any Appendices to these Bye-laws.

3.2. The Council shall have the power to suspend or terminate the membership of any Member for failing to comply with these Bye-laws or Appendices, in accordance with the Articles of Association.

4. CLASSES OF MEMBERSHIP

4.1. There shall be the following classes of Membership of the Association:

- 4.1.1. Costs Lawyer;
- 4.1.2. Trainee Costs Lawyer;
- 4.1.3. Fellow (until 31 December 2011);
- 4.1.4. Affiliate;
- 4.1.5. Honorary;
- 4.1.6. Retired.

5. COSTS LAWYERS

5.1. A Costs Lawyer (and a Fellow until 31 December 2011) shall be entitled to receive notice of all general meetings of the Association and to attend, speak and vote at such meetings.

5.2. A Costs Lawyer shall be entitled:

- 5.2.1. to use the nomenclature "Costs Lawyer";
- 5.2.2. to use the Association's logo on his stationery in circumstances where he is a sole practitioner, or a member of a firm or company where all the partners or directors practising in costs are Costs Lawyers;
- 5.2.3. to advertise the fact that he is a Costs Lawyer.

6. TRAINEE COSTS LAWYERS

6.1. A Trainee Costs Lawyer shall not be entitled to notice of, or to attend or vote at, general meetings, nor shall he be entitled to take part in the management of the Association or be elected as a Council Member.

6.2. A Trainee Costs Lawyer shall be entitled to use the nomenclature “Trainee Costs Lawyer”, but not the nomenclature “Costs Lawyer”, and shall not be entitled to use the Association’s logo.

7. AFFILIATES

7.1. The Council may at its discretion admit as an Affiliate any person who is regulated by another Authorised Regulator as defined by the Legal Services Act 2007.

7.2. An Affiliate shall be entitled to notice of, and to attend, general meetings, but shall not be entitled to vote at general meetings or take part in the management of the Association or to be elected as Council Member.

7.3. An Affiliate may use the nomenclature “Affiliate Member of the Association of Costs Lawyers”, but not the nomenclature “Costs Lawyer”, and may not use the Association's logo.

8. HONORARY MEMBERS

8.1. The Council may at its discretion appoint Honorary Members of the Association for such period as the Council may determine.

8.2. An Honorary Member shall be entitled to notice of, and to attend, general meetings, but shall not be entitled to vote at general meetings or to take part in the management of the Association or to be elected as an Officer or Council Member.

8.3. An Honorary Member may not use any nomenclature to indicate that he is a Member of the Association, nor may he use the Association’s logo.

9. RETIRED MEMBERS

9.1. A Member of the Association who no longer practises in the field of legal costs, who does not exercise a Right of Audience or a Right to Conduct Costs Litigation and who is a Member at the date of his retirement shall be entitled to be a Retired Member of the Association.

9.2. A Retired Member shall be entitled to notice of, and to attend, general meetings, but shall not be entitled to vote at general meetings or to take part in the management of the Association or to be elected as an Officer or Council Member.

9.3. A Retired Member may not use any nomenclature to indicate that he is a Member of the Association, nor may he use the Association's logo.

10. THE COUNCIL OF THE ASSOCIATION

10.1. The Officers of the Council of the Association are:

10.1.1. Chairman;

10.1.2. Vice Chairman;

10.1.3. Secretary;

10.1.4. Treasurer.

10.2. The Council shall comprise:

10.2.1. the Chairman of the Association, who must be a Costs Lawyer, and who will be elected directly by the Membership;

10.2.2. seven Ordinary Members, each of whom must be a Costs Lawyer; from which

10.2.3. the Vice Chairman, Secretary and Treasurer of the Association will be elected by the Council; and

10.2.4. any other person appointed by the Council *ex officio*.

10.3. A Costs Lawyer may serve as a Council Member for a maximum of three years without seeking re-election.

10.4. On or by the third anniversary of his last election, a Council Member must resign his position. Upon a vacancy arising on the Council, notice will be given within a reasonable time (but in any event not later than three months after the vacancy arises) to all Costs Lawyers inviting nominations for election to the vacant position. Where nominations exceed the number of positions to be filled, a ballot of Costs Lawyers will determine the appointment or appointments.

- 10.5. If the vacancy arising on the Council is for the position of Chairman, nominations will be invited for the position of Chairman. If the vacancy is for any other position on the Council, nominations will be invited for an Ordinary Member.
- 10.6. Following the election or appointment of an Ordinary Member or Members to fill the vacant position or positions, the Council will elect from its number, by a simple majority, a Vice Chairman, Secretary and/or Treasurer, if any of those positions are vacant.
- 10.7. A Council Member who is currently serving as an Ordinary Member may nominate himself for a vacant position as Chairman without resigning his Ordinary Membership.
- 10.8. A Costs Lawyer shall be eligible for nomination and election as a Council Member, unless such Costs Lawyer has been required to vacate his position as a Council Member pursuant to any of the provisions of the Association's Articles of Association. Any Costs Lawyer may apply to the Council for this bar on nomination to be removed but no application shall be considered by the Council until a period of at least three years has passed from the date on which the vacation from office occurred. The determination of any such application will be in the absolute discretion of the Council.
- 10.9. Nomination of a Costs Lawyer as Chairman or Ordinary Member shall be made by the nominee, in a form to be determined by from to time by the Council, and shall be received by the Secretary by a date and time to be set by the Council. The names of nominees will be published on the Association's website as they are received.
- 10.10. A ballot of Costs Lawyers may be held in any appropriate form, to be determined from time to time by the Council.
- 10.11. The Chairman of the Council shall have a second or casting vote in the event of an equality of voting.
- 10.12. If a ballot of Costs Lawyers results in the appointment of an existing Ordinary Member to the position of Chairman, the consequent vacancy for an Ordinary Member may, at the Council's discretion, be offered to other nominees who

appeared on the ballot, in the order of the number of votes they received, with the nominee with the highest number of votes being offered the position first.

11. PRESIDENT AND VICE PRESIDENTS

11.1. The Council may appoint a President and one or more Vice Presidents of the Association for such periods as the Council may determine of not more than three consecutive years.

11.2. A President or Vice President may be re-appointed to the same position notwithstanding his having served a full term.

11.3. No voting rights in the Association shall attach to the appointments of President or Vice President.

12. OVERSIGHT OF THE REGULATORY BODY

12.1. The Association will maintain residual oversight of the CLSB in its capacity as Approved Authorised Regulator under the Legal Services Act 2007.

12.2. The Chairman will nominate a single Council Member (which may be himself) to co-ordinate residual oversight. That Council Member will be responsible for receiving and reading the minutes of meetings of the Board of CLSB, monitoring the CLSB website for announcements, liaising with CLSB and bringing any matters of concern to the attention of the Council.

13. TRANSITIONAL ARRANGEMENTS

13.1. Council Members currently serving on the Council may serve until March 2013 before seeking re-election.