

**BYE-LAWS
OF
THE ISLE OF MAN LAW SOCIETY**

At a General Meeting of the Isle of Man Law Society, held on the 20th day of November 2000, John L. M. Quinn Esq. President of the Society, in the Chair, resolved: -

“That the Bye-Laws and ordinances of the Society passed by the Society on the 6th day of September 1996 approved by His Honour J. W. Corrin Her Majesty’s First Deemster on the 18th day of September 1996 be rescinded, and that the following bye-laws made by the Council of the Isle of Man Law Society be confirmed and adopted as the bye-laws of the Isle of Man Law Society with effect from the 1st day of January 2001 subject to the approval of the First Deemster pursuant to section 13 (5) (b) of the Advocates Act 1995”

These Bye-laws were approved by His Honour T. W. Cain, Q.C. Her Majesty’s First Deemster on the 11th day of December 2000 pursuant to Section 13 (5) (b) of the Advocates Act 1995.

I – THE MEMBERS

1. The Society shall consist of –

(a) ordinary members, being persons who either –

(i) were advocates and members of the Society immediately before the commencement of Part I of the Advocates Act 1995 (“the 1995 Act”); or

(ii) hold an advocate's commission issued under Part II of the 1995 Act;

(a) associate members, being persons who are registered under the Legal Practitioners Registration Act 1986;

(b) trainee advocates; being persons who have entered into articles of training;

(c) honorary members; being persons who have been elected members of the Society in accordance with Part I of the Advocates Act 1995 and these bye-laws or, in relation to those persons referred to in paragraph (a) (i), in accordance with the Isle of Man Law Society Act 1859 and bye-laws under that Act.

2. A person seeking to become an ordinary member or an associate member or a trainee advocate member shall apply to Council in writing to be so elected.
3. The name of every person applying for admission as an ordinary member or as an associate member or as a trainee advocate member of the Society shall be circulated to the senior partner of each firm of Advocates or of Registered Legal Practitioners (in the case that partners in a firm of Registered Legal Practitioners are associate members of the Society) and to all individual members who are not members of a firm at least fourteen days before the meeting of the Council at which the proposal shall be considered.
4. No person shall become an ordinary member or an associate member or trainee advocate of the Society unless elected by the Council or by the Visitor on appeal from the Council.
5. Any person whose application for election to membership of the Society is rejected by Council who is desirous of appealing from its decision to the Visitor of

the Society must lodge an appeal in writing with the Secretary General of the Society (who shall forthwith transmit the same to the Visitor), within one calendar month after the Secretary General shall have notified to the applicant the decision of Council; otherwise the decision of Council is final.

6. Honorary members may be elected by the Society in a General Meeting on the recommendation of Council. The name of any person whom Council wishes to recommend shall be circulated to all members at least seven days before the General Meeting at which the proposal is to be considered. Honorary members shall be entitled to attend and to speak at General Meetings of the Society, but shall not be entitled to vote.
7. Trainee advocates shall be entitled to attend and to speak at General Meetings of the Society, but shall not be entitled to vote.
8. Council shall have power from time to time: -
 - (i) to fix the amount of the annual subscription payable by each member
 - (ii) to fix the annual education levy to be paid by each practising ordinary member
 - (iii) to fix the annual sum payable by each advocate who is the principal of a trainee advocate in articles by way of an education levy
 - (iv) to fix different amounts for different classes of membership and for non-practising members and
 - (v) to reduce or rebate a proportion of the annual subscription payable or paid by any member, in the event of prolonged absence from work through incapacity or illness, or in the event of the member ceasing to practise.

All subscriptions are to be paid by members annually, in advance, on the 30th day of June in each year or on such other date as may be determined by Council.

9. If any member shall not pay his or her annual subscription or any amount due under Bye-law 13 hereof within one calendar month after the same shall have become due, the member shall be given written notice of default; and if the money due be not paid within the space of one calendar month after such notice, or within such further time as Council may grant upon special cause to them shown, the Treasurer shall lay a complaint to Council in terms of Bye-law 13 detailing such default.
10. A member may, at any time after he or she has paid his or her subscription for the current year, resign from the Society by sending in his or her resignation in writing to the Council.
11. No member who shall have been excluded from the Society or resigned membership shall at any time be re-admitted a member of the Society except on payment of all arrears of annual subscriptions, moneys, and fines due by him or her at the time of his or her exclusion, or resignation, and upon such further terms and conditions as the Council shall determine.
12. The Secretary General shall keep a record of the name and home and business addresses of every member and each member shall notify the Secretary General of their home and business addresses and any change in either.
13. (a) If any member shall make a written complaint to the Council about the conduct or behaviour of another member and if upon hearing such complaint, the Council is satisfied that the complaint has been proved then the Council may either reprimand the member or impose a fine not exceeding £2,000.00 and/or make an Order for compensation in a sum not exceeding £1,000 (or

such other amount as Council may - subject to confirmation by the membership at the Annual General Meeting - from time to time determine) and/or make an Order for costs. Any such fine shall be payable to the Society and form part of its general revenue. The amount ordered in respect of compensation and/or costs shall be payable to the member making the complaint. Any sum so imposed or ordered shall be enforceable as a civil debt.

(b) Council may delegate its right to hear any disciplinary matter to a Committee who shall reports its findings and recommendations to Council. The findings and recommendations of any such Committee shall be considered by Council and Council's decision thereon shall be final. If Council has delegated its right as aforesaid where the context so permits, wherever the word 'Council' appears in this Rule 13 it may be interpreted as if the word 'Committee' appears.

(c) Council shall make rules as to the constitution and procedures of any Committee to whom its right may be delegated for Rule 13(b).

(d) Council shall give to the member against whom a complaint has been made under sub-paragraph (a) a copy of the written complaint and other documents in connection therewith received by Council. The member shall have twenty-one days (or such longer period as Council may allow) in which to reply to the complaint.

(d) Any member against whom a complaint is made under this bye-law shall be entitled, on receipt of a copy of the written complaint and other documents, to notify Council in writing within twenty one days of his receipt of such notice that he or she does not wish to submit to the jurisdiction of the

Council under this bye-law, in which event Council shall notify the Complainant accordingly and shall not proceed to hear the complaint. In the event that the member against whom a complaint is made does not object to Council dealing with the complaint within twenty one days as aforesaid Council may proceed to hear and determine the complaint or delegate the hearing thereof to a Committee as aforesaid. Not less than fourteen days written notice of the date, time and place at which the hearing of the complaint shall take place shall be given to the member against whom the complaint has been made.

- (f) Any member against whom a complaint is made under this bye-law shall be entitled to appear and be heard by the Council either in person or by an Advocate.
- (g) If the member complained against fails to appear at the hearing, the Council may, upon proof of service of the notice of hearing, adjourn the hearing or proceed to hear and determine the complaint in his or her absence. If the hearing is adjourned Council shall give notice of the adjourned date to the member as soon as practicable.
- (h) At the hearing of the complaint the Council may, either as to the whole case or as to any particular fact or facts, proceed and act either upon verbal evidence, sworn, or unsworn, or by affidavit. All affidavits, books, papers, documents or exhibits produced or used at a hearing shall be kept in the custody of the Secretary General of the Society and shall be retained until the time for appeal has expired and in the event of an appeal, until the appeal has been determined. On the expiration of the required retention the items retained shall be returned to their sender.

- (i) Any member aggrieved by an Order made by the Council under this bye-law shall within fourteen days of service upon him or her of notice of the Council's Order be entitled to appeal to the Visitor of the Society whose decision shall be final, and no Order made by the Council shall be final until the expiration of fourteen days from the date of service.
- (j) An appeal to the Visitor of the Society shall be by way of rehearing.
- (k) No member shall make a complaint to the Council under this bye-law after making a complaint to the Advocates' Disciplinary Tribunal about the same matter and no member having made a complaint to and which is determined by the Council under this bye-law shall subsequently make a complaint to the Advocates' Disciplinary Tribunal about the same matter.
- (l) Save insofar as is expressly stated the Council and the Visitor to the Society may regulate their own procedure in dealing with any complaint made under this bye-law.

II – GENERAL MEETINGS

- 14. All General Meetings shall be held at such place and time as the Council shall fix.
- 15. An Annual General Meeting shall be held in every calendar year and shall be held not less than nine months nor more than eighteen months after the previous Annual General Meeting. Notice of the Annual General Meeting and of the matters to be dealt with thereat shall be given in writing to each member by the Secretary General at least fourteen days before the day of the meeting.
- 16. A Special General Meeting may be called at any time by the Council.
- 17. Ten or more ordinary and/or associate members of the Society may at any time, by writing under their hands, require the Council to call a Special General Meeting for any purpose relating to the Society.

18. Every requisition calling for a Special General Meeting shall be delivered to the Secretary General, and shall express the object for which such meeting is required to be called. The President, or in his absence the Vice-President, shall within seven days from the delivery of such requisition, cause fourteen days notice to be given to the members calling a meeting in pursuance thereof, to be held not later than twenty eight days from the delivery of such requisition.
19. If notice under Rule 18 shall not, within fourteen days after the delivery of the requisition, be given, the members who signed the requisition may, at any time after the expiration of such fourteen days, call such Special General Meeting by delivering to the Secretary General, or in his absence the Secretary, a notice for that purpose, specifying the object for which the meeting is to be called and a day and time for holding such meeting, not being sooner than eighteen days from the time of delivering such notice. The Secretary General or Secretary shall forthwith forward a copy of such notice to all members.
20. Notice of every General Meeting shall be sent to each member at least fourteen days before the day for holding the same. With respect to Special General Meetings or special business to be considered at the Annual General Meeting, notice specifying the object of the meeting shall be sent to each member by the Secretary General at least fourteen days before the day for holding the meeting and it shall also be stated in such notice by whom or on whose requisition a Special General Meeting has been called.
21. If on the day appointed for holding the Annual General Meeting or a Special General Meeting there shall not be ten ordinary members present at the time appointed or within half an hour thereafter, no business shall be transacted at the meeting except to adjourn the same to a future day date and time of which notice

shall be given to the membership of the Society and if on the day date and time fixed for the adjourned meeting ten ordinary members shall not attend the adjourned meeting, the meeting shall fix a further day date and time for the meeting to be reconvened and adjourn the meeting to that date and so on from time to time until at any such meeting there shall be ten ordinary members present when the meeting shall proceed to business and not before.

22. The Chairman of the Meeting shall have power to adjourn every General Meeting to a future day.
23. Whenever a General Meeting shall be adjourned to a future day, notice of such adjournment shall be sent to each member of the Society not present at the time of adjournment.
24. No business shall be transacted at a Special General Meeting other than the business for which it shall have been expressly called, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.
25. No motion for the repeal or alteration of a Bye-Law, or for the enactment of a new Bye-Law, shall be considered at the Annual General Meeting, unless notice shall have been previously given as for special business; and in all cases of notice of special business to be transacted at the Annual General Meeting the holding of such Annual General Meeting shall supersede the necessity of convening a Special General Meeting for the consideration of such business.
26. All questions at General Meetings shall be determined by a show of hands, unless a ballot shall be demanded by any five ordinary and/or associate members present, in which case the same shall take place immediately. Only ordinary and associate members shall have a vote at General Meetings and each ordinary and associate

member shall have one vote; associate members shall not be entitled to vote on matters relating to the professional indemnity insurance of ordinary members (unless such associate member be a member of any scheme of professional indemnity insurance operated by the Society) or amendments of bye-laws affecting only ordinary members. Any ordinary or associate member may in writing appoint any other ordinary or associate member as proxy to vote at any General Meeting of the Society. A member must lodge his or her written proxy with the Secretary General at the latest one hour before the time fixed for the General Meeting to which it relates.

27. In case there be an equality of votes for or against any question submitted to a meeting, the Chairman shall have a second, being the casting vote.
28. In all cases of dispute or doubt, or difficulty, at a General Meeting, an appeal shall be made to the Chairman; the Chairman's decision thereon shall be final.
29. Minutes of the proceedings at every General Meeting shall be entered in a book to be provided for that purpose, and signed by the Chairman of such meeting, or of any subsequent meeting at which such Minutes are approved.
30. In case any irregularity shall occur in the convening or holding of any General Meeting (other than failure to give proper notice of such meeting) or in any election or other proceeding at any such meeting, and the same shall not be publicly noticed and objected to at such meeting, all proceedings of such meeting shall be of the same force and validity as if no such irregularity had occurred; but if any irregularity shall be publicly noticed and objected to, the meeting shall decide thereon, and such decision shall be final and conclusive.

III – THE PRESIDENT, VICE-PRESIDENT AND COUNCIL

31. The affairs of the Society shall be managed by a Council consisting of the President, Vice-President and six ordinary members (hereinafter called “the ordinary members of Council”) and an associate member (if elected as hereinafter provided and hereinafter called “the associate member of Council”).
32. Council may sell, lease, mortgage, improve, manage, develop, exchange, dispose of, turn to account, or otherwise deal with any real or personal property of the Society.
33. Five members of Council shall constitute a quorum.
34. At every Annual General Meeting an election of President, Vice-President, and other members of the Council, in the place of those who go out of office, shall take place.
35. At every Annual General Meeting two ordinary members of Council and the associate member of Council shall retire from office. The retiring members shall be eligible for re-election at the same or any subsequent Annual or Special Meeting of the Society.
36. The ordinary members of Council shall be nominated, seconded and elected by the ordinary members of the Society and the associate member of Council shall be nominated, seconded and elected by the associate members of the Society.
37. The ordinary members of Council shall retire in order of date of election, and in the case of equal seniority, the order of retirement shall be determined by lot.
38. The President and Vice-President shall be elected yearly from the ordinary members of the Society who have been previously members of the Council for at least one year.

39. The President, Vice-President and other members of the Council going out of office shall continue in office until others shall be elected in their respective places.
40. On a vacancy in the office of President or Vice-President, (howsoever arising) Council may appoint a member of Council to fill such vacancy.
41. On a vacancy of a member of Council (howsoever arising) Council may co-opt a member of the Society to fill such vacancy. Any member so co-opted shall retire from office on the date on which the member he or she replaces would have retired, but shall be eligible for re-election at the Annual General Meeting at which he or she retires or at any subsequent Annual or Special General Meeting of the Society.
42. The office of the President, Vice-President, or other member of Council shall be vacated if the holder thereof absents himself without obtaining the leave of Council by Resolution to that effect, from four consecutive ordinary meetings of Council.
43. (a) The President, Vice-President, and members of Council going out of office at the Annual General Meeting shall be eligible for re-election, except that the offices of President and Vice-President shall not be held by any member for more than two consecutive years.
- (b) Any person who is or becomes the holder of a full-time salaried office or appointment under the Crown or the Isle of Man Government shall not be eligible for election as President or Vice-President and shall, if already the holder of the office of President or Vice-President, resign from the office of President or Vice-President within twenty eight days.

(c) H. M. Attorney-General shall, if not an elected member of Council, be an additional member of Council ex officio and

- (i) shall be invited to attend such meetings of Council as Council shall think fit
- (ii) subject to any objection by a member of Council, shall be entitled to attend any other meeting of Council upon giving not less than three days prior notice (written or verbal) to the President, Vice-President or Secretary General
- (iii) at any meeting attended ex officio by H. M. Attorney-General he or she shall be entitled to speak but not vote
- (iv) in calculating whether any meeting of Council shall be quorate, the ex officio attendance of H. M. Attorney-General thereat shall be ignored
- (v) unless the President or in his absence the Vice-President shall from time to time direct otherwise, H. M. Attorney-General shall be entitled to receive, as if he were not an ex officio member, a copy of Council Agendas
- (vi) H. M. Attorney-General shall be provided with all other documents pertaining to meetings of Council as Council shall from time to time think fit

44. Any member of Council who shall be desirous of vacating office may send his resignation in writing to Council and, upon the acceptance of such resignation by Council and the entry of the same in their minutes, the office shall become vacant, and not before. Acceptance of any such resignation shall not be postponed beyond the next but one meeting of Council following receipt of such resignation.

45. Council may, if they shall consider it prudent to do so, resolve to suspend any member from acting as a member of the Council.
46. Whenever the Council shall, in the manner hereinbefore directed, have suspended any member from acting as a member of Council, it shall immediately convene a Special General Meeting of the members of the Society, to be held within twenty one days next thereafter, which meeting shall have full power to remove from office the member so suspended, if it shall think it expedient so to do, or otherwise to act as it shall think fit.
47. The ordinary meetings of Council shall be held in the Hall of the Society or such other place as Council may fix, on such day and time as Council shall appoint: special meetings of Council shall be held in like manner, on a day and at a time to be appointed by the President or any two members of the Council.
48. Notice of special or other meetings of Council shall be given by the Secretary General, in such manner as Council may direct. A copy of the Agenda for each meeting of Council except with regard to matters which are considered by the President to be of a confidential nature, shall be available for inspection by any member of the Society at the office of the Secretary General on the day before the day fixed for such meeting.
49. At meetings of Council the President, if present shall preside; in case of his absence the Vice-President shall preside; and in the absence of both, one of the ordinary members of the Council, to be chosen by the members present shall preside as Chairman.
50. Minutes of the proceedings of every meeting of Council shall be entered in a Book to be provided for that purpose, and signed by the Chairman of such meeting or of any subsequent meeting at which such Minutes are approved. A copy of the

approved Minutes of any Meeting of Council (except with regard to disciplinary matters and other matters which the Council considers to be of a confidential nature) shall be supplied to any member on his or her written request to the Secretary General.

51. Council may appoint a committee consisting of members of the Society, to investigate into any matter and to report to Council. Such committee may be appointed by Council for such period as Council may determine. Council shall appoint one member of the committee to be Chairman and convenor thereof.

52. The common seal of the Society shall not be affixed to any document except by resolution of Council and the same be signed by the President or Vice-President and countersigned by the Secretary General. A copy of every instrument to which the common seal has been affixed shall be entered in a book to be kept for that purpose. The common seal shall be kept in the custody of the Secretary General.

IV – THE TREASURER

53. Council shall appoint an ordinary member of the Society to be Treasurer, and on a vacancy shall appoint another ordinary member of the Society.

54. All annual subscriptions, fines and monies due or payable to the Society shall be paid to the Treasurer.

55. No demands against the Society shall be paid except under an Order of Council.

56. The Treasurer shall pay, from time to time, into such bank as may be appointed by Council the monies of the Society and shall invest such monies of the Society in such manner as Council may from time to time direct.

57. Cheques on the Bankers of the Society shall be signed by the Treasurer or the President or the Vice-President.

58. The Secretary General shall keep the Accounts of the Society. The accounts shall be balanced to such date as the Council shall determine, and the Accounts for the year ending on that date shall be laid before the next following Annual General Meeting.

V – THE AUDITORS

59. The ordinary members of the Society shall at the Annual General Meeting appoint two ordinary members to be Auditors, who shall prior to the next following Annual General Meeting, audit the accounts of the Society in accordance with such directions as the Society in General Meeting shall determine.

VI – THE SECRETARY GENERAL

60. Council may appoint, on such terms as to salary and terms of service as Council shall determine, a Secretary General who shall be responsible for the administration of the Society

61. The Secretary General shall attend the meetings of the Society and of the Council and shall keep minutes of such meetings, and shall conduct the correspondence of the Society and attend to such other matters as Council shall from time to time determine

62. All requisitions or notices of communications to or for the Society or Council shall be left with the Secretary General

63. Every notice or letter relating to any matter concerning the Society which shall be sent by the Secretary General to the last address notified by a member to the Secretary General shall be deemed to be sufficiently served on such member.

VII – ADMINISTRATIVE STAFF

64. Council may employ such other administrative staff from time to time on such terms as to salary or remuneration and terms of employment or service as Council shall determine.
65. Any such other employee shall carry out such duties as Council shall from time to time determine and may, with the prior approval of Council, attend meetings of Council and may, with the prior approval of the Society, attend meetings of the Society.

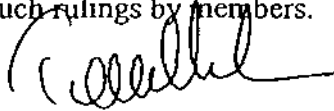
VIII – THE LIBRARY

66. Subject to such regulations as the Council may from time to time issue, members shall have access to the library on such days and at such times as Council shall from time to time determine.
67. Council may appoint a Librarian on such terms of service and at such salary as Council shall determine.
68. No books, CD-roms or other reference material shall be removed from the Library except with the prior approval of the Secretary General
69. Smoking is not permitted within the library.
70. Any member shall make good any damage done to any books, CD-roms or other reference materials whilst in his or her possession and shall replace any books, CD-roms or other reference materials lost, damaged or destroyed whilst in his or her possession.
71. Council shall have power to permit the use of the Hall of the Society for such purposes and on such terms as they may from time to time decide.

IX – APPLICATION OF BYE-LAWS

72. The Council may from time to time give rulings in respect of the application of these bye-laws and may require the observance of such rulings by members.


President


Secretary

