

CONSTITUTION OF THE SOUTH CAPE SOCIETY OF ADVOCATES¹

NAME AND OBJECTIVE

1.

The name of the Association is the South Cape Society of Advocates (hereinafter “the Association”).

2.

The objectives of the Association are:

- 2.1 the safeguarding and promotion of the interests of the Association and its members in their professional capacities;
- 2.2 the supervision of the professional conduct of the members of the Association;
- 2.3 the promotion of the public’s access to legal services and the legal system;
- 2.4 to assist with, and contribute to, the proper and effective provision of legal services within the area of the Eastern Circuit Local Division of the Western Cape High Court;

¹ Translated from the original Afrikaans version signed on 7 November 2008.

2.5 to promote and safeguard the independence of the judiciary.

MEMBERSHIP

3.

The members of the Association are all of the advocates who accept and sign this constitution (“the constitution”) at the founding meeting.

New members

4.

Only advocates that are properly admitted and enrolled as Advocates of the High Court of South Africa and who permanently practice, or intend to permanently practice as such, qualify for membership.

5.

5.1 New members who are not associated members of the Cape Bar must, within six (6) months after their acceptance of membership of the Association, apply for such

associated membership. A copy of the application must be provided to the Secretary of the Association.

- 5.2 The Council may, in exceptional circumstances, deviate from this requirement or extend the period of six (6) months.
- 5.3 Every member of the Association must hold his or her own chambers, which have been approved by the Association, in either George or Knysna.
- 5.4 Approved chambers shall be at Church Corner Building (George), Dynarc Building (George) and at Centreville Building (Knysna) or any such building that may be approved from time to time.² It is the objective of the Association that, as far as is possible, all of its members shall hold chambers in one building in either George or Knysna respectively.
- 5.5 Members, or prospective members, that have reached the age of 65 may, upon application to the council, be exempt from the requirements set out in 5.3 and 5.4 above, as well as 8.1.4 and 8.1.5 below.³

Application for membership

6.

² Amended at the SGM of 7 May 2019.

³ Inserted at the SGM on 8 December 2017.

- 6.1 Prospective members of the Association must apply in writing for membership. Applications must be addressed to the Secretary of the Association.
- 6.2 Within five (5) days after receipt of an application as provided for in 6.1, the Secretary must provide all members with a copy of the application. Members must provide the Secretary with commentary on the application within 10 (ten) days after receipt thereof from the Secretary.
- 6.3 The Secretary shall thereafter present the application to the Council for consideration.
- 6.4 If, after considering any commentary from the members as provided for in 6.2 above, the Council is satisfied that the applicant complies with the prescribed requisites and, is a fit and proper person to be admitted as a member of the Association, the applicant shall be so admitted as a member of the Association.

Honorary or Associated members

7.

The Council may, in its own discretion, award honorary or associated membership of the Association to any person.

LOSS OF MEMBERSHIP

8.

8.1 A member of the Association shall lose his or her membership:

8.1.1 if his or her name is struck or removed from the Roll of Advocates of the High Court of South Africa;

8.1.2 if he or she resigns as member;

8.1.3 if, in the Council's view, he or she is no longer a fit and proper person to be a member of the Association;

8.1.4 if he or she does not hold approved chambers;

8.1.5 if he or she no longer permanently practices as an advocate in either George or Knysna;

8.1.6 if he or she fails to comply with 5.1 above in the absence of the Council having consented thereto, or, should the Cape Bar Council dismiss his or her application for associated membership;

8.1.7 if he or she fails to pay within such time as the Council may determine, or within any extended time period which the Council may in exceptional circumstances grant, any monies due as determined by the Council; and

8.1.8 if he or she fails to comply with any requirement, obligation or provision of the Constitution.

DISCIPLINE

9.

Every member of the Association is bound by the provisions of the Constitution, to the Rules of the Cape Bar (or any other Rules of any other Bar of which he or she may be an associated member), and to the Uniform Rules of Professional Ethics of the General Council of the Bar in respect of practice and professional conduct.

GENERAL MEETINGS

10.

- 10.1 A general meeting of members must be held at least once a year. The annual general meeting shall be held during October of each and every year on a date to be determined by the Chairperson.
- 10.2 The election of the Council shall take place annually at the annual general meeting. Any other aspect that is of importance to the Association, or its members, shall be considered at the annual general meeting.
- 10.3 A general meeting:
- 10.3.1 may be called by the Chairperson; or
- 10.3.2 upon the request of at least 30% of the members of the Association to the Chairperson who must then call such a meeting.
- 10.4 Members must receive at least five (5) court days written notice of any general meeting. The agenda for the meeting must accompany the notice.
- 10.5 At least half of the members of the Association shall form a quorum for a general meeting.
- 10.6 The Chairperson, the Vice-Chairperson, or the most senior member of the Council who is present, shall in that order, function as the chairperson of a general meeting. Seniority for purposes of this clause is determined according to the member's date of admission as advocate or the date of a senior member's letters patent.

10.7 Decisions at a general meeting shall be by way of a majority vote of the members in attendance. In the event of an equal number of votes, the chairperson (of the meeting) will have a deciding vote.

10.8 Minutes of the proceedings of each general meeting shall be taken.

THE COUNCIL

11.

11.1 The management of the Association shall vest in the Council.

11.2 The Council comprises of the Chairperson, Vice-Chairperson, Secretary and Treasurer elected at the founding meeting, and elected annually thereafter at the annual general meeting. Members of the Council must be elected from members from both George and Knysna.

11.3 Members of the Council are elected for a period of one (1) year which shall expire at the next annual general meeting. Members of the Council may be re-elected.

11.4 The manner in which members of the Council are elected will be determined by the Chairperson. Special votes may be approved by the Chairperson in exceptional circumstances, and may be delivered to the Secretary prior to the annual general meeting.

- 11.5 Should any position on the Council become vacant prior to the next annual general meeting, the remaining members of the Council may co-opt any other member of the Association to fill that vacancy until the next annual general meeting.

Meetings

12.

- 12.1 The Council shall determine its own procedure for meetings.
- 12.2 Decisions shall be taken by a majority vote. In the event of an equal number of votes, the Chairperson shall have the determining vote.
- 12.3 Three members of the Council shall form a quorum.
- 12.4 Minutes of all Council meetings shall be held.

Powers

13.

The Council will have the following powers:

- 13.1 to act on behalf of the Association in any matter involving the Association or its members;
- 13.2 to administer the Association in general;
- 13.3 to monitor and control the professional conduct of the members of the Association, and to enforce and promote the standards of professional ethics;
- 13.4 to determine membership fees, or any other fees, and to collect same;
- 13.5 to open a bank account;
- 13.6 to appoint sub-committees from any of the Association's members for any purpose that is not in conflict with the Constitution;
- 13.7 to exercise any powers and functions necessary to fulfil the objectives of the Association and the interest of its members.

ASSETS AND FINANCES

- 14.1 Any assets or funds of the Association shall vest in the Council, and the Council may institute and/or defend proceedings on behalf of the Association.
- 14.2 Every member is liable to pay to the Council such fees, levies and costs as may be determined from time to time.

GENERAL

15.

- 15.1 This Constitution can be amended by way of a majority vote of the members in attendance at a general meeting, provided that the Secretary has given at least fourteen (14) days written notice to all members of the proposed amendment. Notice by way of e-mail shall be sufficient.
- 15.2 Where this Constitution is silent on any particular matter, the Constitution of the Cape Bar will serve as guideline.

FOUNDING MEMBERS

16.

The undersigned are the founding members of the Association:

Name	Date of letters patent or date of first admission as advocate	Signature
D L van der Merwe	7/02/98	*signed
D J Badenhorst	10/2/04	*signed
E C D Bruwer	16.10.79	*signed
P P J van der Berg	15.07.88	*signed
P J de Bruyn	13.03.06	*signed
L J Joubert	30-3-81	*signed
R C Hiemstra		*signed
A De Vos	5.4.1997	*signed by Hiemstra with proxy
H P D Van Wyk		*signed by Hiemstra with proxy
T E Lotz		*signed by Hiemstra with proxy
J M Barnard		*signed by Hiemstra with proxy
D J Coetsee		*signed by Hiemstra with proxy

EFFECTIVE DATE

17.

The Constitution shall come into effect upon signature thereof by the Chairperson, as appointed by the members at the founding meeting.

SIGNED at GEORGE on the 7th day of NOVEMBER 2008.

*signed

CHAIRPERSON