

**CONSTITUTION OF  
BLACK LAWYERS  
ASSOCIATION**

**B L A**

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CONSTITUTION OF THE BLACK LAWYERS ASSOCIATION

**PREAMBLE TO THE CONSTITUTION**

**WHEREAS WE**, members of the Black Lawyers Association, being:

**AWARE** of our role in building a society that is devoid of racial and gender discrimination.

**COMMITTED** towards a democratic society and an independent judiciary that is transparent, accountable, non-sexist and non racial.

**DO HEREBY** today the 31 May 2003 adopt this amended version of the constitution of the Black Lawyers Association.

**1. Definitions**

1.1 “BLA” means Black Lawyers Association.

1.2 “Annual General Meeting” means the meeting of the BLA held during the last quarter of each year;

1.3 “General Meeting” means the meeting of the BLA other than the AGM and shall be held in the second quarter of each year.

1.4 “Branch” means a Branch as constituted by the members of the BLA and established by the National Executive Committee;

“Branch Executive Committee” means the governing body of the Branch;

1.5 “Student Chapter” means a Student Chapter as constituted in terms of Clause 15.

## **2. Name**

The name of the Association shall be the BLACK LAWYERS ASSOCIATION, hereinafter called the BLA. Association shall have a corresponding meaning.

## **3. Situation and area of operation**

3.1 The head office of the Association shall be situate in the Gauteng Province, Republic of South Africa, or any other place as the BLA may decide from time to time.

3.2 There shall be branch offices situated at various regions as may be determined at a meeting of the BLA.

3.3 The Association shall operate throughout the territory of the Republic of South Africa.

## **4. Legal Personality**

### **The BLA shall:**

4.1 be a juristic person capable of suing and being sued in its own name;

4.2 acquire rights and incur obligations;

4.3 have a perpetual life and succession.

## **5. Aims and Objectives**

### **The BLA shall:**

- 5.1 foster, protect and uphold the rights and interest of its members;
- 5.2 uphold, protect and advance human rights, civil liberties and the Rule of Law;
- 5.3 co-operate with bodies that have similar objectives;
- 5.4 fight and challenge all discriminatory practices;
- 5.5 be and remain non-sectarian politically;
- 5.6 actively participate in its programmes to create a non racial, non sexist judicial system and society;
- .
- 5.7 be the national and inter national voice for its members;
- 5.8 strive for the empowerment of women;
- 5.9 strive for the empowerment of disadvantaged communities;
- 5.10 without limitation to its aims and objectives mentioned herein, do all or any of the things which advances its image.

## **6. Membership**

- 6.1 Membership of the Association shall be open to all lawyers and aspirant lawyers irrespective of colour, race, gender or creed who accept BLA's policies, principles and abide by its Constitution.

6.2 Membership of the Association shall be renewable annually and subject to such additional conditions as may be imposed in regulations made in terms of this Constitution.

6.3 Any Association that subscribes to the aims and objectives of this Association shall be eligible to affiliate.

## **7. Admissions and Termination of Membership**

7.1 Application for membership shall be made to one of the branches of the Association on such forms and in such manner as the NEC may from time to time decide.

7.2 The Branch Executive Committee shall have the power to admit or refuse admission by an applicant to the Association

7.3 An applicant who has been refused membership may appeal such decision to the National Executive Committee.

7.4 Termination of membership will occur under the following circumstances:

- i) misconduct,
- ii) insanity,
- iii) resignation,
- iv) expulsion.

7.5 The NEC shall have the power to expel any member who has been found guilty of having committed an act of serious misconduct or an offence as set out in Schedule A hereto.

7.6 The procedures for the disciplinary enquiry of a member consequent upon the misconduct shall be set out in Schedule B hereto and hereinafter referred to as the code of conduct.

## **8. Subscriptions**

8.1 Each member shall pay as an annual subscription for membership of the Association such sum as may be determined from time to time by the National Executive Committee.

8.2 Subscriptions shall be paid annually in advance before the 31<sup>st</sup> August of each year.

8.3 Branches shall have the right to levy their own subscriptions.

8.4 Upon each subscription paid by a member to and received by each branch, the branch shall pay a portion of subscription to the National Executive such amount as may be determined by the National Executive Committee .

## **9. Rights and Obligations of Members**

9.1 Every member who has paid his or her subscription for the year shall be entitled to one vote.

9.2 Members of a branch shall receive not less than fourteen (14) days notice of any meeting of the branch, except in emergency cases. Such notice shall be sent to the address of the member as it appears in the records of the General Secretary.

**Every member of the Association shall have the right to:**

- 9.3 take part in the formulation and discussion of the policy of the association,
- 9.4 be elected to any committee, commission or delegation of the association,
- 9.5 submit proposals on any matter that affects the association and society in general.
- 9.6 protection against any harassment, victimisation and/or discrimination based on race, ethnicity, sexual orientation or regionalism,
- 9.7 To appeal to the National Executive Committee in cases of expulsion and suspension.

**AND**

**Every member of the association shall: -**

- 9.8 be loyal to the association;
- 9.9 carry out decisions, duties and directives with diligence and prudence;
- 9.10 desist from all forms of tribalism, regionalism, nepotism and/or any other forms of discrimination based on sex;
- 9.11 subject himself or herself and adhere to organisational discipline and code of conduct;

## **10. Administration of Association**

The National Executive Committee shall govern, control and administer the Association.

## **11. Branches**

### **Establishment of the Branches**

11.1 The Branches of the BLA shall be established along the lines of the geographical provinces of the Republic of South Africa.

11.2 The NEC shall if so mandated by the membership of the BLA establish more branches within a province.

## **12. Duties and Functions of Branches Generally**

12.1 All branches of the Association shall be bound by the Constitution of the Association

12.2 All branches and members thereof shall abide by the decisions made and the resolutions passed by the National Executive Committee and, if required to do so, shall implement such decisions and resolutions.

12.3 The branches shall have the powers to discipline their members, subject to the Code of Conduct.

## **13. Election, Composition and Term of Office of Branch Committee**

13.1 On the formation of each branch and thereafter at every second Annual General Meeting of such branch, the members thereof shall by a majority of votes elect each member of the Branch Executive Committee as herein provided.

13.2 The Branch Executive Committee shall consist of the following members, at least two of which shall be women:-

- The Chairperson
- Deputy Chairperson
- Secretary
- Deputy Secretary
- Treasurer
- Two (2) additional members

13.3 The branch executive committee shall have the power to co-opt members to form and constitute sub committees.

#### 14. **Meetings of Branches**

14.1 Each branch shall meet quarterly at such time and place as may be determined by the Branch Executive Committee.

14.2 A quorum at such meetings shall consist of ten (10) members. If the quorum is not attained, the meeting shall be postponed for at least 14 days, and reconvened. If on the reconvened date a quorum is still not attained, then those members present shall constitute a quorum.

14.3 All decisions shall be decided by a majority vote.

14.4 The affairs of the branches shall be conducted in accordance with branch regulations, provided that such regulations shall not be inconsistent with the provisions of this Constitution.

## **15. Student Chapter**

- 15.1 The BLA may establish at tertiary institutions where there is a law faculty, a student chapter.
- 15.2 Membership shall be confirmed annually by the Branch Annual General Meeting.
- 15.3 The student chapter shall be subject to this Constitution and code of conduct and shall be accountable to the Branch Executive Committee.
- 15.4 The Chairperson of the Student Chapter shall have the right to attend meetings of the branches and of the BEC.
- 15.5 Students shall have the right to participate in discussions in branch and general meetings but shall not be entitled to vote.

## **16. Liability of Members**

- 16.1 The liability of members for the obligations of the Association shall be limited to R 10.00 (ten rand).
- 16.2 Any official of the Association shall be indemnified against all legal proceedings and costs incurred by reason of any act or omission in the performance of such person's duties for and on behalf of the Association provided that such act or omission was done:
  - (i) in good faith;

- (ii) in pursuance of the aims and objectives of the Association; and
- (iii) with reasonable care and skill.

## **17. Structures**

The following structures shall be established:-

- (i) the National Executive Committee;
- (ii) the National Working Committee;
- (iii) the Branch Executive Committee.

## **18. National Executive Committee (“NEC”)**

18.1 The NEC shall consist of the following members, at least two of which shall be women:-

- (i) the President;
- (ii) the Deputy President;
- (iii) the General Secretary;
- (iv) the Deputy General Secretary;
- (v) the Treasurer;
- (vi) two additional members

(vii) outgoing president (ex officio) for one year.

18.2 The National Working Committee shall consist of :-

(i) the NEC;

(ii) chairperson of the Legal Education Trust (ex officio);

(iii) branch chairpersons

18.3 Powers and Duties of the NEC

18.3.1 The powers and duties of the NEC shall be to :-

(i) manage the affairs of the Association;

(ii) co-ordinate all the affairs of the branches of the Association;

(iii) execute the policies of the Association;

(iv) convene the meetings of the National Executive Committee;

(v) convene any meeting of the Association;

(vi) appoint sub-committees and delegate any of its powers to such sub-committees;

(vii) hold and have custody and control of the assets of the Association;

(viii) open a bank account in the name of the Association;

- (ix) establish branches, for various regions, subject to ratification by the National General Meeting;
- (x) pursue and monitor the adherence by branches and members to the aims and objectives of the Association;
- (xi) after a consultative process nominate and appoint persons to serve as trustees in the Board of Trustees of the Legal Education Centre who shall be answerable to the NEC
- (xii) do all such things as are incidental to the good management of the affairs of the Association.

18.3.2 The administration of the funds and property of the Association;

18.3.3 Consideration of such matters referred to the National Executive by affiliated branches or by any General Meeting;

18.4 Eligibility to the Office of the Executive Committee

Any member of the Association shall be eligible to be elected to the office of the National Executive Committee, provided that he or she is not under any legal disability.

18.5 Meetings of the National Executive Committee

- (i) There shall be at least one (1) meeting of the National Executive Committee per each quarter in a year.

- (ii) The meetings of the National Executive Committee shall be chaired by the President or anyone duly delegated by the President for that purpose.
- (iii) Members of the National Executive Committee shall be given at least fourteen (14) calendar days notice of any meeting of the National Executive Committee, except in emergency cases.
- (iv) Quorum of the National Executive Committee shall be constituted by fifty one (51%) percent of members of the National Executive Committee present and entitled to vote.
- (v) If the quorum is not attained the meeting shall be postponed for at least fourteen (14) days, and reconvened. If on the reconvened date a quorum is still not attained then those members present shall constitute a quorum.

The general meeting shall be held during the second quarter of the year.

#### 18.6 Meetings of the BLA

- (i) The National Executive Committee shall call at least two (2) ordinary General Meetings and one annual general meeting per annum.
- (ii) The National Executive Committee may call a Special General Meeting at any time.
- (iii) The National Executive Committee may call a Special General Meeting mero motu or upon request by a quarter ( $\frac{1}{4}$ ) of the membership.
- (iv) The quorum for any meeting shall not be less than 25 members in good standing.

## **19. Elections**

19.1 Voting shall be by secret ballot.

19.2 Elections at the AGM shall be conducted by a person appointed as electoral officer by the BLA.

19.3 Members in good standing shall be eligible to vote and to be voted into any office of the BLA.

19.4 Voting by proxy is allowed provided that:

19.4.1 such proxy shall be accompanied by a certified copy of the member's identity document;

19.4.2 further a certificate by the Branch Treasurer or the Branch Chairperson that such member is in good standing;

19.4.3 such original and accompanying documents shall be submitted to the National Treasurer at the elections.

## **20. Amendments**

20.1 The Constitution may be amended at a special meeting or annual general Meeting.

20.2 Notice of any such proposed amendment shall be circulated to the branches and given to the members at least twenty-one (21) calendar days before such meeting.

20.3 Any amendment shall be of no force of effect unless approved by two thirds (2/3) of the members present at a meeting of the Black Lawyers Association and entitled to vote.

## **21. Assets**

The income and assets of the Association shall be used solely for the promotion of its aims and objectives and it is recorded that the Association has been formed not for profit.

## **22. Property and Income**

22.1. The income and property of the Association, from whatsoever source derived, shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, profit or otherwise howsoever, to members of the Association. Nothing herein contained shall prevent the payment in good faith to any member of the Association of:

22.1.1 remuneration as officer or servant of the Association for any services actually rendered to the Association;

22.1.2 interest on money lent;

22.1.3 reasonable rent for premises;

22.2 Immovable property or mortgages shall be registered in the name of the Association, or in the name of the Trustees for and as determined by the Association;

22.3 In the event of the acquisition or disposal of immovable property, all documents necessary for the acquisition or disposal of such immovable property or mortgage shall be signed by the President for the time being and at least one member of the National Executive or by two members of the National Executive being duly authorised.

### **23. Interpretation**

In cases of doubt as to the meaning of any clause of this Constitution, the National Executive Committee shall in a resolution taken by itself give a meaning to such clause provided that the meaning shall not be inconsistent with the aims and objectives of the Association.

### **24. Dissolution**

The Association may be dissolved only upon the following conditions:

24.1 At a Special General Meeting convened specifically for this purpose or at an Annual General meeting, by a two thirds (2/3) majority of members in good standing.

24.2 Members shall be given at least twenty one (21) calendar days notice of a meeting wherein this resolution is to be taken

24.3 Upon dissolution the assets shall be donated to a charitable organization.

## **SCHEDULE A**

1. Insubordination.
2. Divulging confidential information of the BLA without authority from the BLA.
3. Acting contrary to the lawful resolutions of the BLA.
4. Any act which in the sole opinion of the National Executive of the BLA seriously prejudices the BLA.
5. Conviction of rape , murder, attempted murder, assault with intention to do grievous bodily harm.
6. Robbery with aggravating circumstances.
7. Conviction of theft where the value of the stolen exceeds R100 000,00.
8. Fraud
9. Indecent assault of a child or any person where such assault involves grievous bodily harm
10. Treason and terrorism.