

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

## 1. BY-LAWS

- 1.1. These by-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 Resolutions dated 6 September 1996 and 13 October 2011, under the powers vested in the Council by the Articles of Association of the Association.
- 1.2. These by-laws will come into effect in respect of the Members and the Council on 12 03 2025. They replace any and all existing by-laws and appendices.

## 2. INTERPRETATION

- 2.1. Words and expressions shall have the meanings as defined at Article 1.1 of the Articles of Association, except where defined below:

**“Accredited Study Provider”** means a training provider accredited by the CLSB to provide the Costs Lawyer Qualification;

**“Appendices”** means the various documents appended to these by-laws as amended from time to time by the Council;

**“Costs Lawyer Qualification”** a course of study to ensure that all Costs Lawyers meet the requisite standard of competency for authorisation;

**“CLSB”** means the Costs Lawyer Standards Board Limited, to which the Association has delegated its regulatory functions;

**“LeO”** means the Legal Ombudsman;

**“Ordinary Member”** means a Council Member who is not an Officer; and

**“Qualifying work experience”** means work undertaken in costs law and practice for a period of two years under the supervision of a qualified person.

- 2.2. In these by-laws:

- 2.2.1. expressions referring to writing include references to printing, email and other methods of representing or reproducing words in a visible form;

- 2.2.2. reference to the singular includes the plural and vice versa;

- 2.2.3. reference to an Act of Parliament includes any statutory modification or reenactment of it for the time being in force; and

- 2.2.4. the headings in these by-laws are for convenience only and do not affect their interpretation.

## 3. CLASSES OF MEMBERSHIP

- 3.1. There shall be the following classes of Membership of the Association:

- 3.1.1. Costs Lawyer;
- 3.1.2. Trainee Costs Lawyer;
- 3.1.3. Fellow Costs Lawyer;
- 3.1.4. Costs Paralegal;
- 3.1.5. Affiliate;
- 3.1.6. Honorary; and
- 3.1.7. Retired.

#### **4. COSTS LAWYER**

- 4.1. A person may apply for the class of Membership of Costs Lawyer if they meet the general requirements for Membership as defined at Article 4.3 of the Articles, and they meet the following specific requirements:
  - 4.1.1. hold, or will hold, a valid Practising Certificate to practice as a Costs Lawyer at the commencement of their Membership; and
  - 4.1.2. shall not have had their Membership terminated by the Association in the previous 12 months.
- 4.2. A person who holds the Membership class of Costs Lawyer shall be entitled to:
  - 4.2.1. receive notice of all general meetings of the Association and to attend, speak and vote at such meetings;
  - 4.2.2. receive all membership benefits, as determined by the Council;
  - 4.2.3. take part in the management of the Association;
  - 4.2.4. use the nomenclature "Costs Lawyer";
  - 4.2.5. use the Association's logo on company stationery and in electronic communications where they are specifically named in those communications; and
  - 4.2.6. advertise the fact that they are a Costs Lawyer.

#### **5. TRAINEE COSTS LAWYERS**

- 5.1. A person may apply for the class of Membership of Trainee Costs Lawyer if they meet the general requirements for Membership as defined at Article 4.3 of the Articles, and they meet the following specific requirements:
  - 5.1.1. are studying the Costs Lawyer Qualification with an Accredited Study Provider; or
  - 5.1.2. have completed the Costs Lawyer Qualification but have yet to complete the pre-exquisite qualifying work experience.
- 5.2. A person who holds the Membership class of Trainee Costs Lawyer shall:

- 5.2.1. be entitled to receive notice of, and to attend, general meetings of the Association;
- 5.2.2. not be entitled to vote at general meetings of the Association;
- 5.2.3. not be entitled to take part in the management of the Association except where an Office, or role, is specifically created for the Membership class of Trainee Costs Lawyer;
- 5.2.4. receive limited membership benefits, as determined by the Council;
- 5.2.5. be entitled to use the nomenclature "Trainee Costs Lawyer", but not the nomenclature "Costs Lawyer"; and
- 5.2.6. not be entitled to use the Association's full logo but can use the Association's Trainee Logo if they wish.

## **6. FELLOW COSTS LAWYER**

- 6.1. A person may apply for the class of Membership of Fellow of the Association of Costs Lawyers (or Fellow Costs Lawyer), if they hold the class of Membership of Costs Lawyer, as set out within Article 4 of the by-laws, and they meet the following specific requirements:
  - 6.1.1. they have held a practicing certificate for a period of not less than eight years;
  - 6.1.2. they have been a member of the Association of Costs Lawyers, in whichever category, for a period of five years prior to application for Fellow; and
  - 6.1.3. the Council may apply its discretion to shorten the period in Article 6.1.2 of the by-laws when determining the period of five years, to allow for short absences, career breaks, or parental leave.
- 6.2. A person who holds the Membership class of Fellow Costs Lawyer shall be entitled to:
  - 6.2.1. receive notice of all general meetings of the Association and to attend, speak and vote at such meetings;
  - 6.2.2. receive all membership benefits, as determined by the Council;
  - 6.2.3. take part in the management of the Association;
  - 6.2.4. use the nomenclature "Fellow of the Association of Costs Lawyers" and "Fellow Costs Lawyer";
  - 6.2.5. use the Association's logo on company stationery and in electronic communications where they are specifically named in those communications; and
  - 6.2.6. advertise the fact that they are a Fellow Costs Lawyer.

## **7. COSTS PARALEGAL**

- 7.1. A person may apply for the class of Membership of Costs Paralegal if they meet the general requirements for Membership as defined at Article 4.3 of the Articles, and they are supervised by a Member who is a Costs Lawyer or Fellow Costs Lawyer.
- 7.2. A person who holds the Membership class of Costs Paralegal shall:
- 7.2.1. not be entitled to notice of, or to attend, general meetings of the Association;
  - 7.2.2. not be entitled to vote at, general meetings of the Association;
  - 7.2.3. not be entitled to take part in the management of the Association except where an Office, or role, is specifically created for the Membership class of Costs Paralegal;
  - 7.2.4. receive limited membership benefits, as determined by the Council;
  - 7.2.5. be entitled to use the nomenclature "Costs Paralegal", but not the nomenclature "Costs Lawyer"; and
  - 7.2.6. not be entitled to use the Association's logo.

## **8. AFFILIATES**

- 8.1. A person may apply for the class of Membership of Affiliate Member if they meet the general requirements for Membership as defined at Article 4.3 of the Articles, and they meet the following specific requirements:
- 8.1.1. are regulated by another Authorised Regulator as defined by the Legal Services Act 2007 or the Financial Conduct Authority or the Financial Reporting Council; and
  - 8.1.2. hold, or will hold, a valid Practising Certificate to practice as an Authorised Individual, other than Costs Lawyer, at the commencement of their Membership; or
  - 8.1.3. are a serving member of the judiciary, except for those sitting as a lay Magistrate.
- 8.2. A person who holds the Membership class of Affiliate shall:
- 8.2.1. be entitled to receive notice of and to attend general meetings of the Association;
  - 8.2.2. be entitled to vote at general meetings of the Association;
  - 8.2.3. not be entitled to take part in the management of the Association except where an Office, or role, is specifically created for the Membership class of Affiliate Member;
  - 8.2.4. receive limited membership benefits, as determined by the Council;
  - 8.2.5. be entitled to use the nomenclature "Affiliate Member of the Association of Costs Lawyers", but not the nomenclature "Costs Lawyer"; and

8.2.6. not be entitled to use the Association's logo.

## **9. HONORARY MEMBERS**

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

9.2. A person who holds the Membership class of Honorary Member Lawyer shall:

9.2.1. be entitled to receive notice of and to attend general meetings of the Association;

9.2.2. not be entitled to vote at general meetings of the Association;

9.2.3. not be entitled to take part in the management of the Association, except as a coopted Council Member for a period not exceeding six months;

9.2.4. receive no membership benefits;

9.2.5. not be entitled to use any nomenclature to indicate they are a member of the Association; and

9.2.6. be entitled to use the Association's logo.

## **10. RETIRED MEMBERS**

10.1. A person who holds the Membership class of Costs Lawyer, or Fellow Costs Lawyer, at the date of their retirement shall be entitled to be a Retired Member of the Association.

10.2. A person who holds the Membership class of Retired Member Lawyer shall:

10.2.1. be entitled to receive notice of and to attend general meetings of the Association;

10.2.2. not be entitled to vote at general meetings of the Association;

10.2.3. not be entitled to take part in the management of the Association;

10.2.4. receive limited membership benefits, as determined by the Council;

10.2.5. not be entitled to use any nomenclature to indicate they are a member of the Association; and

10.2.6. be entitled to use the Association's logo.

## **11. THE COUNCIL OF MANAGEMENT**

11.1. The Council of Management shall be comprised of:

11.1.1. the Officers of the Council; and

11.1.2. not less than two and not more than nine Ordinary Members.

11.2. The Officers of the Council of Management are:

11.2.1. Chair;

- 11.2.2. Vice-Chair; and
- 11.2.3. Treasurer.
- 11.3. The Officers of the Council of Management shall be selected in the following ways:
  - 11.3.1. the Chair shall be elected by a vote of all members;
  - 11.3.2. the Vice-Chair shall be appointed by the Council; and
  - 11.3.3. the Treasurer shall be appointed by the Council.
- 11.4. A Chair or Ordinary Member shall hold office for a fixed term of three calendar years. There is no limit to the number of terms a Member may serve as a Chair or Ordinary Member.
- 11.5. A Vice-Chair or Treasurer's term will run concurrent to their fixed term as an Ordinary Member.
- 11.6. No less than 30 calendar days before the Chair or Ordinary Members term is due to expire, the Council will invite nominations for the next term.
- 11.7. A nomination of Chair or Ordinary Member must be made by the nominee, and shall be done by the format, time, and date, prescribed by the Council.
- 11.8. A nominee for Chair must;
  - 11.8.1. hold Membership as a Costs Lawyer or Fellow Costs Lawyer;
  - 11.8.2. have been a Member of the Association for a period of not less than two years; and
  - 11.8.3. not have been removed from their Office or as Ordinary Member within the last three years.
- 11.9. A nominee for Ordinary Member must;
  - 11.9.1. have a category of Membership eligible to take part in the management of the Association;
  - 11.9.2. have been a Member of the Association for a period of not less than six months; and
  - 11.9.3. not have been removed from their Office or as Ordinary Member within the last two years.
- 11.10. Where the number of nominees exceeds the number of positions to be filled, a ballot of Members eligible to vote will determine the appointment.
- 11.11. In the event of equality of voting, the Chair, shall have a second or casting vote.
- 11.12. If the Office of Vice-Chair is vacated as a result of that Officer's fixed term expiring, then the Council will elect a new Vice-Chair from its number, by a simple majority vote.

- 11.13. An Ordinary Member or Officer (other than the Chair) may nominate themselves for the new fixed term as Chair without resigning their Ordinary Membership, or current Office.
- 11.14. If the term of an Ordinary Member becomes vacant due to their appointment to the Office of Chair, then the Council may, at its discretion, offer the vacant term to other nominees for the office of chair, in order of most ballots received.

## **12. HONORARY PRESIDENT**

- 12.1. The Council may, by a simple majority vote, appoint an Honorary President of the Association for such periods as the Council may determine, of not more than three consecutive years.
- 12.2. An Honorary President shall have the same Membership rights as an Honorary member.

## **13. COMMITTEES, REGIONAL MEETINGS AND WORKING PARTIES**

- 13.1. Further to Article 5.14 of the Articles, the following committees shall be constituted:
  - 13.1.1. Commercial Costs Group;
  - 13.1.2. Court of Protection Group;
  - 13.1.3. Legal Aid Group; and
  - 13.1.4. Solicitor / Client Groups.
- 13.2. Committees will be governed by Appendices to these by-laws and subject to amendment by simple majority vote of the Council.
- 13.3. A Committee can be dissolved by a vote of the members of said Committee, with the consent of the Council.
- 13.4. Regional Meetings shall be held for all Members by Cost Lawyers or Fellow Costs Lawyers with approval of the Council.
- 13.5. The Council may in its absolute discretion, from time to time, establish working parties to undertake a specific task, work or project.
- 13.6. The purpose, duration and membership of a working party is at the absolute discretion of the Council.

## **14. GENERAL MEETINGS**

- 14.1. The Council shall hold at least one general meeting each calendar year.
- 14.2. The Council shall, subject to Article 13 of the Articles, ensure that all Members eligible to attend are given 21 days' notice of general meetings.
- 14.3. The time, place, and/or format of general meetings is at the discretion of the Council.
- 14.4. The following must be presented at the general meeting of the Association:
  - 14.4.1. annual business plan;

- 14.4.2. the previous year's annual accounts (in draft if not yet submitted to HMRC); and
- 14.4.3. budget for the next calendar year.