

REGULATIONS
of the
FIJI LAW SOCIETY

(With amendments to 26.9.70)

(Pursuant to Section 84 (1) of the Legal Practitioners Ordinance, 1965)

APPLICATION FOR MEMBERSHIP BY OTHER MEMBERS

1. Any person described in Section 36 of the Legal Practitioners Ordinance, 1965, who seeks membership of the Society shall apply in writing to the Secretary of the Society stating his residential and office addresses, his legal qualifications and his occupation.

ROLL BOOK

2. The name and office address of every member shall be entered in a book to be kept by the Secretary for the purpose to be called The Roll Book of Members. At any meeting of the Society the Roll Book shall be deemed prima facie a correct and complete list of the members of the Society.

3. Every member changing his office address shall notify the Secretary who shall make the necessary alterations in the Roll Book.

4. It shall be the duty of the Secretary to produce such Roll Book at the Annual and any Special General Meeting of the Society and, if there be present at any such meeting any member who has not paid and is in arrear with his practising or other fees payable to the Registrar under the said Ordinance or his annual subscription to or any levy imposed by the Society or any penalty costs or expenses ordered to be paid under the said Ordinance by a Disciplinary Committee, to call the attention of the Chairman to the fact. No member so in arrears shall be entitled to take any part in the proceedings of the meeting, or in any ballot.

RESIGNATION

5. Subject to the provisions of the Legal Practitioners Ordinance, 1965, and its amendments or any enactment in substitution therefor (hereinafter called "the Ordinance") and to the provisions of these Regulations any member of the Society may with the leave of the Council resign by writing under his hand, addressed to the President or Secretary and such resignation shall (subject as aforesaid) be effective as soon as the leave of the Council is given.

COUNCIL

6. The Society shall be managed by a Council which shall be constituted, have the powers, and hold meetings as provided by the Ordinance.

7. No member who is in arrear with any subscription, levy, penalty, costs or expenses referred to in Regulation 4 hereof shall be eligible for election or appointment to the Council.

8. Any member of the Council or any officer of the Society may resign from the Council or from his office by writing under his hand addressed to the Secretary.

9. (a) If any vacancy shall occur in the office of President, Vice-President, or ordinary member of the Council, the remaining members of the Council shall appoint a member of the Society to fill such vacancy for the unexpired term of office.

(b) Subject to the presence of the necessary quorum, the Council may act notwithstanding any vacancies or that any defect may afterwards be discovered in the election appointment or qualification of any member of the Council.

10. The Council shall meet at such times and places as the Council may from time to time appoint. The President may convene the Council whenever he shall think fit to do so, and he shall convene the Council upon receiving a requisition from three members of the Council specifying the object of the meeting. At every meeting of the Council four shall form a quorum.

11. Minutes shall be recorded, in books to be kept for that purpose, of the proceedings of all meetings of the Council, and a record shall be kept of the names of members attending the meetings of the Council. At every such meeting the President of the Society, if he is present, and if not, the Vice-President shall preside. In the absence of the President and the Vice-President, some member of the Council present, to be chosen by the meeting, shall preside. At every meeting of the Council, the Chairman shall have a deliberative and a casting vote and each member present shall be entitled to vote on any question before the meeting and all questions shall be decided by a majority of the votes.

12. The members of the Council shall be elected annually by ballot of the members of the Society and shall hold office until the appointment of their successors.

13. Nominations for all appointments to the Council shall be in writing signed by two members of the Society with the consent of the nominee endorsed and shall be left with the Secretary fourteen clear days at least before the date on which the Annual General Meeting is to be held.

14. Notice of the date on which nominations close shall be embodied in or accompany the notice convening the Annual General Meeting.

15. If the number of candidates exceeds the number of vacancies a postal ballot shall be held and the following provisions shall apply thereto:

(a) The Secretary shall forthwith after the date on which nominations close, post to each member of the Society at his address appearing in the Roll Book, a voting paper containing in alphabetical order of surnames, a list of all the duly nominated candidates for all offices and also directions as to voting. Any member who satisfies the Secretary that he has not received or has lost or spoiled his voting paper, shall be entitled to receive another voting paper and complete the same in manner hereinafter provided at any time prior to the closing of the ballot. The voting paper shall be in the form or to the effect following with such additions or modifications as the

Council may in any particular case deem necessary whether by reason of a candidate being nominated for more than one office or otherwise:

FIJI LAW SOCIETY

Voting paper for use at Election to be held on the [□] day of 19 for (President and/or Vice-President and/or six members as the case may be).

Candidates

Directions:

- (1) The voter must vote for the like number of candidates as there are vacancies.
 - (2) The voter must strike out the name of any candidate for whom he does **not** wish to vote.
 - (3) This voting paper must be enclosed in a sealed envelope with the name of the voter signed on the outside of the flap of the envelope.
 - (4) The voting paper must be posted or delivered to the Secretary and be received at his office not later than 4 p.m. on the day preceding the Annual General Meeting at which time the ballot shall close.
- (b) A voting paper shall be informal in any of the following cases:
- (1) If the name of the voter does not appear signed legibly on the outside of the flap of the envelope.
 - (2) If the voter has not at the time of the closing of the ballot paid his bi-annual licensing fees for the current year or is otherwise disqualified from voting under Rule 4 of these Regulations.
 - (3) If the number of candidates whose names have not been struck out is greater or less than the number of vacancies to be filled.
 - (4) If the envelope containing the voting paper is received after the ballot.
- (c) For every postal ballot the Council shall appoint not fewer than two Scrutineers being members of the Society who are not candidates for office.
- (d) Between the time fixed for the closing of the postal ballot and the commencement of the Annual General Meeting the envelopes containing the voting papers shall be opened and the votes recorded for each candidate counted by the Scrutineers in the presence of the Secretary who shall provide them with a list upon which is indicated the names of all members who at the time of closing of the ballot were disqualified from voting under Regulation 4 of these Regulations.

16. If the number of candidates nominated for any office equals the number of vacancies the Chairman at the Annual General Meeting shall declare those nominated to be elected.

17. If the number of candidates is less than the number of vacancies the Chairman at the Annual General Meeting shall declare those nominated to be elected and shall call for nominations for any office then vacant. If such nominations exceed the vacancies a ballot shall be held at the meeting.

18. At any election of the Council whether by postal ballot or at the Annual General Meeting (as the case may require) every member voting shall record his vote for the like number of candidates as there are vacancies.

19. If by reason of any equality of votes given for two or more candidates the election is not complete the Chairman of the Annual General Meeting shall decide by lot in such manner as he may determine which of such candidates shall be elected and thereby complete the election.

20. On completion of the count of votes in any ballot the Scrutineers shall prepare a certificate showing the number of valid votes cast for each candidate and deliver such certificate to the Chairman of the Annual General Meeting who shall declare the result at such meeting.

21. Any accidental omission on the part of the Secretary to forward a voting paper to any member entitled to vote shall not invalidate election.

WESTERN DIVISION COMMITTEE

22. There shall be a committee of the Council called the "Fiji Law Society's Western Division Committee" consisting of five financial members of the Society practising in the Western Administrative Division of the Dominion whose Chairman shall be elected by the Committee. Each member of the Council practising in the said Division shall be *ex officio* a member of such Committee. Except when there be no member of the Council who is a member of the Committee, a member of the Council shall be the chairman of the Committee. The functions of the Committee shall be to make representations to the Council on matters related to the objects of the Society and generally to assist the Council. The Committee shall be elected annually by members of the Society practising as aforesaid as soon as possible after each Annual General Meeting of the Society and in default of election members may be appointed by the Council. Members of the Committee shall vacate office at the Annual General Meeting of the Society next after their election or appointment. The Committee shall in all respects be responsible to the Council which may make by-laws to regulate the activities of the Committee and the same shall be valid unless amended or rescinded at a General Meeting of the Society. Until the Council shall make such by-laws the Committee shall make such rules or otherwise determine its own procedure at meetings or otherwise in the conduct of its business as it shall from time to time determine.

EMPLOYMENT OF BARRISTER AND SOLICITOR

23. When the Council employs a barrister and solicitor to act for the Society he shall be paid out of the Society's funds such fees, remuneration and disbursements, whether as counsel or solicitor, as the Council may from time to time determine.

AUDITOR

24. An Auditor, who shall not be a member of the Society and who shall be a registered public accountant, shall be elected at each Annual Meeting of the Society and shall be paid such remuneration as the Council determines.

GENERAL MEETINGS

25. General Meetings of the members of the Society shall be convened in accordance with the provisions of Section 48 of the Ordinance.

26. The General Meetings, to be convened within six weeks after the 30th day of June in every year, shall be called Annual General Meetings; all other General Meetings shall be called Special General Meetings. *Amended*

ANNUAL GENERAL MEETINGS

27. Twenty-eight (28) clear days' notice at least specifying the place and time of the Annual General Meeting and the general nature of the business to be transacted thereat shall be given to all members of the Society.

28. Every Annual General Meeting of the Society shall consider any Motion by any Member of the Society of which notice has been given in accordance with Regulation 29 hereof. Business not specified on the notice calling an Annual General Meeting and of which notice has not been given under Regulation 29 may be transacted by leave of the Chairman and it not opposed by a majority of the members present.

29. Subject to the provisions of Regulation 40 hereof any member of the Society desiring to move any motion at an Annual General Meeting on any matter not covered by the notice convening the meeting shall notify the Secretary fourteen (14) clear days at least before the meeting and the Secretary shall thereupon send a copy of the motion with the proposer's name to each member of the Society or, where this is not practicable, shall send a summary of the motion and shall state where the full text of the motion may be seen. *Motion*

SPECIAL GENERAL MEETING

30. At least fourteen (14) clear days' notice of every Special General Meeting specifying the time and place of the meeting and the general nature of the business to be transacted thereat shall be given to all members of the Society provided that where the meeting is convened by the Council or by the President or the Vice-President less than fourteen (14) clear days' notice may be given if the Council, President or Vice-President convening the meeting so directs.

31. No business shall be transacted at any Special General Meeting other than that specified in the notice convening the meeting.

QUORUM

32. No business shall be transacted at any Annual or Special General Meeting unless at least twelve (12) members entitled to take part in the proceedings thereof are personally present at the commencement of the meeting. If within half an hour from the time appointed for the meeting the required number of members be not present the meeting if a Special

General Meeting shall lapse without prejudice to the calling of another meeting for the same purpose; if an Annual General Meeting, it shall stand adjourned for one week at the same hour and place and thence from week to week until the requisite number of members shall be present thereat.

ADJOURNED

33. Any meeting of the Society or of the Council may be adjourned from time to time.

CHAIRMAN

34. At every general meeting of the Society the President if he shall be present and if not the Vice-President and in the absence of the President and the Vice-President then some member of the Society to be chosen by the meeting shall preside.

RESOLUTIONS BINDING

35. Subject to the provisions contained herein as to resolutions amending these Regulations all resolutions of the Society shall be passed by the vote of a majority of the members who are personally present at a General Meeting and shall be binding on all members whether they are present at the meeting or not, and a declaration by the Chairman of the meeting that a resolution has been carried or lost together with an entry in the Minute Book of the Society shall be conclusive evidence of the fact.

IRREGULARITY OF MEETING

36. In case any irregularity shall occur in the convening or holding of any General Meeting or in any election or other proceedings at or ancillary to any such meeting and the same shall not be noticed and objected to at the time 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 noticed and objected to, the meeting shall determine the materiality thereof and its decision shall be final and conclusive. The decision of the Chairman as to whether an irregularity has occurred shall be binding unless forthwith reversed by a two-thirds majority vote of the members present and voting.

STANDARD OF CONDUCT

37. Every member of the Society shall conduct himself and his practice in accordance with the best traditions of the legal profession and shall not do anything of an illegal, dishonourable, improper or unprofessional nature, or conduct himself in a manner unbecoming a barrister or a solicitor. He shall at all times to the best of his ability render faithful service to his clients and be fair and just in all his professional dealings. Any breach of this regulation or of any statutory or other provision covering the conduct of a barrister and solicitor shall be deemed misconduct for the purposes of these Regulations.

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Adish Kumar Narayan, hereby move:

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- (1) that in exercise of the powers vested in it under Section 43 of the Legal Practitioners Act, the Fiji Law Society revises the fees for a Practising Certificate to be \$300 per annum, and
- (2) that the membership fee be revised to \$100.00 per annum and that as no entrance fee or affiliation fee payable that no pro-rate rate be applied and that the amount be paid irrespective of when membership sought.

Reasons for change:

at present membership fee is \$300.00 per annum and Practising Certificate fee \$50.00 per annum. It is considered that the fees for a licence to practise should be greater than the membership fees. The new rates bring about an increase of \$50.00 per annum in total fees and an increase is now necessary to meet the Society's increased operating expenses particularly those arising from Continuing Legal Education activities.

Signed:.....



Adish Kumar Narayan
24th August, 1999.

AC.N) 25/9/99.

I, Samuela Batiniyagona Vadei, a member of the Fiji Law Society hereby move that Regulations 13 and 29 of the Regulations of Fiji Law Society be amended and replaced as follows :

i) Regulation 13.

Nominations for all appointments to the Council shall be in writing signed by two members of the Society with the consent of the nominee endorsed and shall be left with the Secretary twenty one clear days at least before the date on which the Annual General Meeting is to be held.

i) Regulation 29.

Subject to the provisions of Regulation 40 hereof any member of the Society desiring to move any motion at an Annual General Meeting on any matter not covered by the notice convening the meeting shall notify the Secretary twenty one clear days at least before the meeting and the Secretary shall thereupon send a copy of the motion with the proposer's name to each member of the Society or, where this is not practicable, shall send a summary of the motion and shall state where the full text of the motion may be seen.

Reasons for the Change.

Membership of the Society has increased considerably over the years and now stands at two hundred and twenty nine. These members are scattered far and wide and quite a few are abroad. Fourteen days before the meeting is not sufficient for members to lodge the nomination papers and / or notice of any motion with the Secretary and for the Secretary to send ballot papers for Council elections to members and for members to send their votes to the Secretary before the Annual General Meeting. Twenty one days would be more practical.

Wadei

Amended

COMMON SEAL

38. The Common Seal of the Society shall be in the custody of such person or persons as the Council may from time to time determine. It shall not be affixed to any document except upon a resolution of the Council and in the presence of two members of the Council who shall be appointed for the purpose and who shall also sign the document.

39. (a) The annual subscription of members of the Society shall be twenty five dollars which shall be paid in advance on the first day of July in every year.

(b) All the funds of the Society including moneys received pursuant to the provisions of the Ordinance shall, unless received by the Society for any particular purpose, be available for all purposes of and incidental to the objects of the Society or authorised by these Regulations.

(c) All moneys paid to or received by the Society shall be paid to the credit of the Society at such Bank or Banks including Savings Banks as the Council may from time to time appoint.

(d) All disbursements, except petty disbursements, shall be made either by cheque or withdrawal forms signed by the President or Treasurer and one other member of the Council or in such other manner as the Council may from time to time authorise.

(e) The Council may invest any of the Funds of the Society in any manner of investment permitted by law for the investment of trust moneys and may from time to time vary or transpose any such investment.

(f) The Council may refund to members of the Council or the Society any travelling or other out-of-pocket expenses properly incurred in attending meetings of the Council or any committee thereof or in connection with any other business of the Council provided that such expenses shall be payable to members attending the Council only when the President certifies that the attendance of such members is specially desirable because of the particular business to be discussed.

(g) The Council may impose on all or any members of the Society levies not exceeding on any one occasion the sum of five guineas for each member so levied, provided that not less than 14 days notice of any such levy shall be given to the members concerned.

(h) Annual subscriptions and levies shall be recoverable as debts due to the Society.

(i) Subject to the provisions of paragraph (b) hereof the funds of the Society shall be dealt with as the Council shall direct.

(j) The financial year shall close on the 30th day of June in every year.

AMENDMENT OF REGULATIONS

Amend
← 40. Notice of any proposed alteration of or addition to these Regulations together with the terms of such alteration or addition shall be forwarded by the Secretary to the members of the Society not less than fourteen days before the general meeting of the Society to be convened to consider such proposals. The meeting may amend any such proposals.

41. Members of the Council and officers of the Society holding office at the time any new Regulations come into operation shall be deemed to hold office under such new Regulations.