



CONSTITUTION OF BLACK LAWYERS ASSOCIATION

BLA

AS AMENDED ON THE

22nd day of October 2015

20th day of October 2018

23rd day of November 2019

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CONSTITUTION OF THE BLACK LAWYERS ASSOCIATION

To amend the Constitution of the Black Lawyers Association, so as to reflect changes necessary in the realization of the aims and objectives of the association thereby bolstering efficiency in the regulation and administration of the organization for the interests of all its members.

PREAMBLE TO THE CONSTITUTION

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

AWARE of our role in contributing towards building a society that is devoid of racial and gender discrimination characterized by a number of gross inequalities.

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

Promoting and supporting investment programmes that lead to broad-based and meaningful participation in the economy by black people in order to achieve sustainable development and general prosperity.

HEREBY, on the 20 October 2012, 22nd October 2015, 20th October 2018 and 23rd November 2019, adopted 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 "National General Meeting" means the meeting of the BLA other than the AGM and shall be held in the second quarter of each year;

- I .4 "Branch General Meeting" means a General Meeting of the Branch of the BLA;
- 1.5 "Branch" shall mean a Branch as constituted by the members of the BLA and established by the National Executive Committee;
- 1.6 "The National Working Committee" shall mean a structure constituted in terms of clause 18;
- 1.7 "Branch Executive Committee" shall mean the committee elected by the Annual General Meeting of the Branch to administer and coordinate the affairs of the branch;
- 1.8 "Student Chapter" shall mean a Student BLA body constituted by law students at law schools and established in terms of clause 22 of this Constitution;

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2. NAME

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

3. SITUATION AND AREA OF OPERATION

- 3.1 The head office of the Association shall be situated 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 an association not for gain;
- 4.2 be a juristic person capable of suing and being sued in its own name;
- 4.2 acquire rights and incur obligations; and



- 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 for the politically, socially and economically marginalized;
- 5.3 co-operate with bodies that have similar objectives locally, regionally and internationally;
- 5.4 fight and challenge all discriminatory practices;
- 5.5 be and remain non-sectarian politically;
- 5.6 promote 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 young legal practitioners;
- 5.10 strive for the empowerment of disadvantaged communities;



5.1 I without limitation to its aims and objectives mentioned herein, do all or any of the things necessary for the advancements of its interests and image;

5.12 to promote and advance the evolution of jurisprudential order based on and reflective of the cultural aspirations, norms and values of the majority of our society.

6. MEMBERSHIP

6.1 Membership of the Association shall upon payment of an initial subscription fee 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, policies and principles.

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

7. ADMISSIONS FOR MEMBERSHIP

7.1 Application for membership shall be made to one of the branches of the Association in a prescribed manner as may be determined by the NEC from time to time.

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 The National Executive Committee shall have the power to either confirm or set aside the decision of the Branch Executive Committee after hearing representations both from the applicant and the branch to which the application was made.

7.5 The National Executive Committee will make a decision and such decision shall be final.

8. TERMINATION OF MEMBERSHIP

8.1 The NEC shall have the power to terminate a membership of any member based on any of the following grounds:

8.1.1 serious misconduct or any offence(s) as contemplated in Schedule A hereto

,

8.1.2 insanity,

8.1.3 resignation,

8.1.4 expulsion, or

8.1.5 death.

8.2 The termination of any membership by the NEC shall be subject to:

8.2.1 due process of the law;

8.2.2 an automatic Appeal; and

8.2.3 ratification by National Annual General Meeting

8.3 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.

9. SUBSCRIPTIONS

- 9.1 Each member shall pay as an annual subscription fee for membership of the Association such amount as may be determined from time to time by the National Annual General Meeting.
- 9.2 Subscriptions shall be paid in full annually, in advance, on or before the 31st August of each year.
- 9.3 Branches shall have the right to levy their own subscriptions.
- 9.4 Upon each subscription paid by a member to and received by each branch, the branch shall pay a portion of subscription fees to the National Executive Committee or any such amount as may be determined by the National Annual General Meeting .
- 9.5 In the event a member does not pay his or her subscription and or fail to renew his or her membership as indicated above for a period of two years and more his or her status as a member shall lapse and he or she shall apply to renew his or her membership should that member wish to remain a member.

10. RIGHTS AND OBLIGATIONS OF MEMBERS

Members of the Association shall have the following rights and duties:

- 10.1 Every member who has paid his or her subscription fees for the year shall be entitled to one vote.
- 10.2 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.
- 10.3 Take part in the formulation and discussion of the policy of the association,



- 10.4 Be eligible for election to any committee, commission or delegation of the association provided that he/she is a member in good standing at the time of such election and or delegation,
- 10.5 Submit proposals on any matter that affects the association and society in general.
- 10.6 Protection against any harassment, victimisation and/or discrimination based on race, ethnicity, sexual orientation or regionalism,
- 10.7 To appeal to the National Executive Committee in cases of expulsion and suspension.
- 10.8 Avoid litigation against any structure of BLA in any court or any other dispute resolution body outside BLA. All disputes amongst members or within its structures shall be dealt with internally by structures as set up from time to time by the association in line with its dispute resolution mechanisms. Any decision emanating from such high structure shall be final.
- 10.9 be loyal to the association and refrain from speaking ill or criticize the association in public or outside the established structures of the association;
- 10.10 carry out decisions, duties and directives with diligence and prudence;
- 10.11 desist from all forms of tribalism, regionalism, nepotism and/or any other forms of unjustified discrimination, direct or indirect, based on sex;
- 10.12 subject himself or herself and adhere to organisational discipline and code of conduct;

11. ADMINISTRATION OF ASSOCIATION

11.1 The following administrative structures of the Association shall be established:

11.1.1 National Executive Committee;



I 1 . 1.2 The National Working Committee; and

I 1 . 1 .3 The Branch Executive Committee

12. THE NATIONAL EXECUTIVE COMMITTEE ("NEC")

12. 1 The NEC is the highest administrative structure of the Association and has the authority to govern, control and administer the affairs of the association subject to the provisions of this constitution.

12.2 It consists of the following members, at least three of which shall be women:-

12.2. I President;

12.2.2 Deputy President;

12.2.3 General Secretary;

12.2.4 Deputy General Secretary;

12.2.5 Treasurer;

12.2.7 Head of Policy and Legislation;

12.2.8 Head of Legal Education and Research;

12.2.9 Head of Events and Campaigns;

12.2.10 Outgoing president (ex officio) for one year; and

12.2. II President of the Student Chapter.

13. POWERS AND DUTIES OF THE NEC

13.1 The powers and duties of the NEC as a supreme administrative structure of the Association shall be to:-

13.1.1 Manage the affairs of the Association;

13.1.2 Convene the Annual General Meeting of the Association;



13.1.3 Implement the decision and resolutions of the National and Annual General Meeting;

13.I .4 Co-ordinate all the affairs of the branches of the Association;

- 13.1.5 Execute the policies of the Association;
- 13.1.6 Convene the meetings of the National Executive Committee;
- 13.1.7 Convene any meeting of the Association;
- 13.1.8 Present the annual program of action of the Association to the first National General Meeting following its assumption of office;
- 13.1.9 Appoint sub-committees and delegate any of its powers to such sub-committees as it may deem appropriate;
- 13.1.10 Receive reports on all tasks delegated to members, commissions, committees and branches established by the Association;
- 13.1.11 Collect a portion of annual subscription fees from Branches;
- 13.1.12 Prepare and present the Annual Organizational Report to the National Annual General Meeting of the Association;
- 13.1.13 Prepare and present the Organizational Status Report to the National General Meetings of the Association;
- 13.1.14 Hold and have custody and control of the assets of the Association;
- 13.1.15 Open and operate a bank account in the name of the Association;
- 13.1.16 Establish branches, for various regions, subject to ratification by the National General Meeting;
- 13.1.17 Pursue and monitor the adherence by branches and members to the aims and objectives of the Association;

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13.1.18 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;

13.1.19 Issue directives for purposes of reporting by branches;

13. I .20 Audit all the branches of the Association subject to the Credentials Committee elected at the National Annual General Meeting;

13.1.21 Have the power to recommend to the National General Meeting members to serve as trustees in the Board of Trustees of the Legal Education Centre from a list of members submitted by branches;

13.1.22 Have the power to recommend to the National General Meeting members to serve as members of Judicial Services Committee from a list of members submitted by branches;

13. I .23 Monitor the adherence by branches and members to the aims and objectives of the Association; and

13.1.24 Do all such matters incidental to the good management of the affairs of the Association.

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

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

14. ELIGIBILITY TO THE OFFICE OF THE EXECUTIVE COMMITTEE

14.1 Any member of the Association in good standing 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.



15. MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE

- 15.1 There shall be at least one (1) meeting of the National Executive Committee per quarter in a year.
- 15.2 The meetings of the National Executive Committee shall be chaired by the President or Deputy President in the absence of the President or anyone duly delegated by the President for that purpose.
- 15.3 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.
- 15.4 Quorum of the National Executive Committee shall be constituted by fifty percent plus one (50% + 1) of members of the National Executive Committee.
- 15.5 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.

16. THE NATIONAL ANNUAL GENERAL MEETING

The National General Meetings shall:

- 16.1 Be convened at least once a year;
- 16.3 Be convened at least on 30 (thirty) calendar days' notice (written) to branches; and
- 16.3 The quorum for a General Meeting shall be at least 25 members in good standing.



17 THE NATIONAL WORKING COMMITTEE

The National Working Committee shall consist of :-

- 17.1 the NEC;

- 17.2 Chairperson of the Legal Education Trust (ex officio);
- 17.3 Branch chairpersons; and
- 17.4 The deployees of the Association, at a national level, in various structures.

18 ESTABLISHMENT OF BRANCHES

- 18.1 The Branches of the BLA shall be established along the lines of the geographical provinces of the Republic of South Africa.
- 18.2 Each Branch shall establish a Branch Executive Committee.
- 18.3 The NEC shall if so mandated by the membership of the BLA establish more branches within a province.
- 18.4 All branches of the Association shall be bound by the Constitution of the Association.
- 18.5 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.
- 18.6 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 any member, in good standing, into the Branch Executive Committee as herein provided.
- 18.7 The branches shall have the powers to discipline their members, subject to the code of conduct.



19 ELECTION, COMPOSITION AND TERM OF OFFICE OF BRANCH COMMITTEE

- 19.1 The Branch Executive Committee shall consist of the following members, at least three of which shall be women:-
 - 19.1.1 The Chairperson;
 - 19.1.2 Deputy Chairperson;

- 19.1.3 Secretary;
- 19.1.4 Deputy Secretary;
- 19.1.5 Treasurer;
- 19.1.6 Head of Policy and Legislation;
- 19.1.7 Head of Legal Education and Research; and
- 19.1.8 Head of Events and Campaigns.

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

20 MEETINGS OF BRANCHES

20.1 All Branch Executive Committee Meetings shall be convened, on 7 (seven) days written notice to members, at least Quarterly at such time and place as may be determined by the Branch Executive Committee;

20.2 Branches shall convene at least one (1) Branch General Meeting at such time, in the First half of the year, and place as may be determined by the Branch Executive Committee;

20.3 Branches shall convene at least one (1) Branch Annual General Meeting at such time, in the Second half of the year, and place as may be determined by the Branch Executive Committee;



20.4 Both the Branch General Meeting and the Branch Annual General Meeting shall be convened on 14 (Fourteen) days written notice to members;

20.5 The quorum for both Branch General Meeting and Branch Annual General Meeting shall not be less than 25 members in good standing.

20.5.1.1 If the quorum is not attained, the meeting shall be postponed for at least 14 days, and reconvened at a later stage.

20.5.1.2 If on the reconvened date a quorum is still not attained, then those members present shall constitute a quorum.

20.6 10 (ten) members may petition the calling of a Branch General Meeting by the BEC,

20.6.1 a quorum at such meeting shall consist often (10) members.

20.7 Special General Meetings shall be convened at least by four (4) days written notice given to members;

20.8 All decisions at such meetings shall be decided by a majority vote.

20.9 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.

21 STUDENT CHAPTER

21.1 The BLA may establish at tertiary institutions where there is a law faculty a Student Chapter.

21.2 Membership of a Student Chapter shall be confirmed annually by the Branch Annual General Meeting.

A handwritten signature in dark ink, appearing to be 'M.K.' with a stylized flourish at the end.

21.3 The Student Chapter shall be subject to this Constitution and code of conduct and shall be accountable to the Branch Executive Committee.

21.4 The Student Chapters established at the tertiary institutions shall constitute one National Student Chapter and the President of the National Student Chapter shall become an ex officio member of the BEC and the NEC.

21.5 Members of the Student Chapter shall have the right to attend and participate in discussions in branch and national general meetings of the Association but shall not have the right to vote.

21.6 A minimum of 30 (thirty) members shall constitute a branch of the Student Chapter.

22 LIABILITY OF MEMBERS

22.1 The liability of members for the obligations of the Association shall be limited to R 10.00 (ten rand).

22.2 Any member 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:

22.2.1 in good faith;

22.2.2 in pursuance of the aims and objectives of the Association; and

22.2.3 with reasonable care and skill.

23 VOTING ON ISSUES

23.1 Only members in good standing vote on any issues of the association; and

23.2 Such voting may be done by a way of show of hands or by secret ballot as it may be determined by the person chairing the meeting at the time.



24 ELECTIONS

24.1 Voting shall be conducted by secret ballot under the supervision of an independent electoral officer designated by the National Working Committee;

24.2 Elections shall be conducted at the AGM or Special Meeting convened for Election or By-Election purposes;

24.3 Only members in good standing shall be eligible to vote and to be voted into any office of the BLA provided in case of the latter such a member shall be eligible to be voted into any office if such a member has been nominated and has accepted such nomination in line with the provisions of this Constitution;

24.4 There shall be no voting by proxy.

24.5 Member in Good standing for purpose of this section shall be classified as follows:

A member who has paid for his / her subscriptions to the Association on or before closing date for subscription for the year in question and shall be determined by each branch and which date shall be the 31st day of August of each year.

25 NOMINATION FOR THE PURPOSE OF ELECTIONS

25.1 Nominations and acceptance of nominations of National Executive Committee members' positions shall be done in writing;

25.2 Nomination period shall be from Monday of the 3rd week up to and including the last day (30th) of September of the elective year. In the event the last day in question falls on a Sunday, only in that eventuality, the closing day for nominations shall be the 1st of October of the very same elective year; and



25.3 Notwithstanding the above, nominations from the floor on the election date shall be allowed provided such a nomination is supported by at least 25% of members present at the meeting.

26 AUDIT OF BRANCHES

26.1 Audit of branches shall take place on or before the 30th of September of each year;

26.2 The findings of the Audit shall be made available to all branches on or before the 30th October of each year; and

26.3 All disputes regarding the findings of the Audit shall be resolved by the National Credentials Committee subject to confirmation by the National Annual General Meeting.

27 AMENDMENTS

27.1 The Constitution may only be amended at a duly constituted Special Meeting or National Annual General Meeting.

27.2 Notice of any proposed amendment shall be submitted to the NEC at least thirty (30) calendar days before the National Annual General Meeting.

27.3 The NEC shall circulate the proposed amendment to branches at least twenty one (21) calendar days before the National Annual General Meeting.

27.4 Any amendment shall be of no force or effect unless approved by two thirds (2/3) of the members present at a National Annual General Meeting of the Black Lawyers Association and entitled to vote.

28 ASSETS, PROPERTY AND INCOME

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28.1 The income and assets of the Association shall be used solely for the promotion of its aims and objectives.

28.2 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:-

28.2. I remuneration as officer or servant of the Association for any services actually rendered to the Association;

- 28.2.2 interest on money lent;
- 28.2.3 reasonable rent for premises; and
- 28.2.4 reimbursement for the expenses and disbursements duly, necessarily and reasonably incurred for or when executing the duties for the Association.
- 28.3 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;
- 28.4 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.

29 INTERPRETATION

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In cases of doubt or dispute 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.

30 DISSOLUTION

The Association may be dissolved only upon the following conditions:

- 30.1 by a resolution at a National Annual General Meeting or Special General Meeting convened specifically for this purpose by a two thirds (2/3) majority of members in good standing.
- 30.2 Members shall be given at least twenty one (21) calendar days notice of a meeting wherein this resolution is to be taken.

- 30.3 Upon dissolution the assets shall be donated to a charitable organization of choice of the Association as decided by members in the above meeting.

A handwritten signature in dark ink, enclosed within a large, hand-drawn oval. The signature appears to read "N. K. Katar" in a cursive style.

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 R 100 000.00.
8. Fraud
9. Indecent assault of a child or any person where such assault involves grievous bodily harm
10. Treason and terrorism.

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature appears to be "N. H. J. van der Merwe" written in a cursive, flowing style.