

THE COMPULSORY PURCHASE ASSOCIATION

CONSTITUTION

1. **Name** - The Name of the Association shall be “The Compulsory Purchase Association”.
2. **Objectives of the Association:-**
 - (a) to establish a multi disciplinary association for the public benefit for persons interested and practising in compulsory purchase and compensation in all its forms;
 - (b) to promote best practice and the highest professional standards among and between practitioners at all levels;
 - (c) to promote good professional relations between the public and private sectors of compulsory purchase and compensation;
 - (d) to provide educational services;
 - (e) to promote and to participate in debate as to matters of current or pending interest in compulsory purchase and compensation, to include participation in consultation with central government and other bodies whether as to perceived problems with the present system of compulsory purchase and compensation in force from time to time, or relative to anticipated or pending changes thereto;

provided that under all circumstances the Association shall provide its services and offer its advice in a strictly non party political manner.

3. **Membership** - The Association shall consist of Honorary Members, Members, Corporate Members and Student Members.
4. **Qualification for Membership:-**
 - (a) **Honorary Member** - Every Honorary Member shall be eligible by reason of position, experience, eminence or worthiness. An Honorary Member shall have all the privileges of membership and of being present and taking part in all Meetings, but shall not be called upon to contribute to the funds of the Association.
 - (b) **Members** - No person shall be eligible for election as a Member of the Association unless the Committee is satisfied that the person is:-
 - (i) (as appropriate) the holder of a cognate professional qualification issued by one of the professional institutions listed in the first part of the schedule hereto, or is duly called to practise at one or more of the respective Bars of England and Wales, Scotland or Northern Ireland, or is duly admitted to practise as a solicitor in one or more of England and Wales, Scotland or Northern Ireland, or is a Member of one or more of the organisations named in the second part of the schedule hereto; and in any case
 - (ii) has a substantial professional interest in the field of compulsory purchase and compensation.

- (c) **Corporate Members** – Any Public Sector Organisation, being a public or local authority (for example, any Central Government Department or Regional Development Agency), statutory agency (for example, the Environment Agency or Highways Agency), statutory undertaker (for example, any water or electricity company), public trust (for example, the National Trust or English Heritage) or any higher educational body (for example, any University or University College) shall have the right to nominate up to nine persons for election as a Corporate Member of the Association PROVIDED THAT each such nominated person shall be
- (i) employed by, or a student of, the nominating Public Sector Organisation; and
 - (ii) a person eligible to election for Membership of the Association under Clause 4(b) or Clause 4(d) hereof.
- (d) **Student Members** - No person shall be eligible for election as a Student Member of the Association unless the Committee is satisfied that the person is:-
- (i) (as appropriate) a full or part-time student of any degree or other course or is in the course of completion of training for full membership of any of the organisations listed in either part of the Schedule hereto; and in any case
 - (ii) has a substantial interest in the field of compulsory purchase and compensation.

PROVIDED THAT no person who is for the time being a Student Member of the Association shall be entitled to participation in any vote or ballot of the Association, despite any indication to the contrary elsewhere in this constitution.

5. **Annual Subscription** - The amounts payable as annual subscriptions by Members and Student Members, or payable as annual subscriptions by a Public Sector Organisation on behalf of Corporate Members, shall be determined from time to time by the Committee subject to the approval of Members at an Association Meeting. All such subscriptions shall be paid by standing order, cheque or BACS unless the Committee of the Association decides otherwise. Any Member retiring and ceasing to be engaged in any professional activity or business shall pay a subscription of such amount as the Committee shall determine. Annual subscriptions shall be payable in advance to the Hon. Treasurer on the fifth day of January in each calendar year. No Member, Corporate Member or Student Member shall be entitled to attend any meetings of the Association until any annual subscription due has been paid in respect of that Member Corporate Member or Student Member .

6. **Entry to Membership**

- (a) The Committee of the Association may from time to time offer Honorary Membership of the Association to such persons as the committee considers, in its absolute discretion, fulfil the criteria in Clause 4(a) above and if such offer is accepted that person will become an Honorary Member.

- (b) Any person wishing to become a Member of the Association shall submit to the Honorary Secretary an application setting out the information required in the Association's membership application form and confirming compliance with Clause 4(b) above.
- (c) Any Public Sector Organisation (as defined in Clause 4(c) above) wishing to nominate a Corporate Member or Corporate Members shall submit to the Honorary Secretary an application in respect of each such Corporate Member setting out the information required in the Association's membership application form and confirming compliance with Clause 4(c) above.
- (d) Any person wishing to become a Student Member of the Association shall submit to the Honorary Secretary an application setting out the information required in the Association's membership application form and confirming compliance with Clause 4(d) above
- (e) An application for Membership, Corporate Membership or Student Membership shall be considered by the Committee of the Association and the Honorary Secretary shall notify the applicant and/or the Public Sector Organisation of the Committee's decision as soon as reasonably practical.

7. **Cesser and Re-election** - Any Member Corporate Member or Student Member whose annual subscription is in arrears for five months shall be notified thereof by the Hon. Treasurer and in the event of non payment within one month of the date of notification shall cease to be a Member Corporate Member or Student Member and shall not be reinstated without election unless a satisfactory explanation is given to the Committee for failing to pay within the proper period.

8. **Unprofessional Conduct and Expulsion of Members** - The Committee shall have the power to expel Members, Corporate Members and Student Members, but no Member, Corporate Member or Student Member shall be expelled except by a majority vote of two thirds of those present at the meeting at which a motion to expel shall have been considered, of which fourteen days' notice shall have been given to every Member of the Committee and to the Member, Corporate Member or Student Member concerned (which individual shall have the right to attend and address such meeting), stating the special nature of the business.

The person so expelled shall cease forthwith to be a Member, Corporate Member or Student Member.

9. **Association Meetings:-**

- (a) The Annual General Meeting of the Association shall take place in October of each year for the purpose of receiving accounts and reports, to elect the Officers and Members of the Committee and to undertake such other special business as may from time to time be required including (without prejudice to the generality of the foregoing) amendments to the constitution of the Association.
- (b) On the requisition of twenty five Members the Hon. Secretary shall summon a special meeting of the Association to take place within two months of the receipt of the requisition and give it fourteen clear days' notice of such meeting and stating the business to be transacted thereat.
- (c) Other meetings of the Association shall be held from time to time as deemed suitable by the Committee for the purpose of promoting the objects of the Association.

10. **Officers** - The Officers of the Association shall be the Chairman, the Vice Chairman, the Hon. Treasurer and the Hon. Secretary. The Officers of the Association must be Members of the Association (i.e. not Honorary Members, Corporate Members or Student Members). These officers shall take post from the Annual General Meeting at which they and each of them shall have been elected. The Chairman will serve for one year only. The outgoing Chairman shall not be eligible for re-election to any office save after a period of one year following the end of his or her previous term of office in that position. The Vice Chairman, the Hon. Treasurer and Hon. Secretary will be eligible to hold office from year to year subject to re-election at each succeeding Annual General Meeting by the membership as a whole.

11. **The Committee** - The Officers of the Association shall be members of the Committee of the Association. In addition to the Officers of the Association, there shall be elected by the membership as a whole at the Annual General Meeting five further members of the Committee to be drawn from the Members of the Association (i.e. not Honorary Members, Corporate Members or Student Members). Up to four further persons (each of whom must be a Member, Corporate Member or Student Member) may be co-opted onto the Committee by the elected members of the Committee, to hold office in no case beyond the Annual General Meeting following co-option (but subject to renewal at the discretion of the elected members of the Committee). The immediate past Chairman of the Association shall be a member of the Committee. The Committee will, therefore, comprise the elected Officers of the Association, the five further elected members of the Committee, up to four co-opted members of the Committee and the immediate past Chairman of the Association. The Committee of the Association shall administer the Association and seek to ensure that its objectives are achieved.

12. **Committee Meetings** - The Committee shall meet as often as may be required. A quorum for such a meeting shall be five or more members of the Committee in attendance, save that for the purpose of dealing with any matter relating to the election of Honorary Members under Rule 6 or for any matter under Rule 8, the quorum shall be seven and in any case the Chairman of the Meeting shall have a second or casting vote in case of a tie. The general and financial management of the Association shall be vested in the Committee which shall be entitled to appoint a full or part-time paid secretary to assist in the day to day management of the affairs of the Association (subject to the direction of the Committee). Such secretary will also attend Committee Meetings in order to minute proceedings.

The Committee shall be entitled to create sub-committees comprised of members of the Committee or working parties comprising members of the Committee and other members of the Association co-opted for that specific purpose to consider such matters as they and each of them may from time to time be asked to consider and such sub-committees or working parties shall report to the Committee.

It shall be the responsibility of the Committee (among other things) to establish working parties on an ad hoc basis to consider matters of common public and professional interest as and when there shall be a need to do so in order to meet the objectives of the Association. The membership of each such working party shall be multi disciplinary and shall reflect the range of professional qualifications of the Association to the intent that such working parties shall procure the best advice available from the Association in relation to whatever topic such working party might be asked to advise upon.

The Committee shall have the power to appoint each year an Educational Liaison Officer from the Committee membership for the purpose of promotion of lectures, seminars and similar events on compulsory purchase and compensation topics for both members and non-members. Liaison with universities which include compulsory purchase and compensation within a degree syllabus will be pursued. Assistance in providing visiting lecturers will be offered and as such shall be the remit of the Education Liaison Officer (if appointed).

13. Election of Officers and Other Committee Members – Elected members of the Committee (including the Officers) shall be elected by the membership of the Association as a whole in an Annual or General Meeting or postal ballot and shall hold office from the Annual General Meeting. Subject to the provisions of Rule 10, they shall have been elected to the next following Annual General Meeting. They and each of them shall be eligible for re-election, without limit as to term. Nominations for election to the Committee shall be submitted to the Hon. Secretary not later than 1 August in each year or where no valid nomination has been received in respect of any officer or committee member position by that date then by no later than the 1st January 2010 in respect of the Committee's year commencing at the Annual General Meeting for 2009 and by the 1st October in any later year. A nomination shall be in writing, signed by the member proposing and two other members seconding the candidate and shall indicate the nominee's willingness to serve if elected.

If the number of nominations exceeds the number of vacancies then the election shall be by ballot. The ballot papers shall be sent to each member at least fourteen days before the Annual General Meeting of the Association. Such papers shall contain the names of all candidates with a note of the number of members required. A member shall vote by placing a cross before the names of those for whom they wish to vote and return the ballot paper to the Hon. Secretary enclosed in a sealed envelope with no identification mark upon the ballot paper. No member may vote for more nominees than there are vacant places on the Committee.

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14. Funds of the Association - The funds of the Association shall be kept in a bank or held in Gilt Edge or other Securities in the name of the Association (or by its Officers as trustees for the Association) as shall be approved from time to time by the Committee. Cheques shall be signed by the Hon. Treasurer or the Hon. Secretary. The funds shall be applied by the Committee to the purposes of the Association and to meeting its expenses and no individual Honorary Member, Member Corporate Member or Student Member shall have any interest therein. In the event of the Association being wound up, the funds, if any remaining, shall be rateably apportioned amongst all fully paid up members at the date of winding up.

15. **Winding Up and Dissolution:-**

- (a) Winding up and dissolution of the Association shall be in accordance with this paragraph.
- (b) The Chairman for the time being may propose a motion to wind up and dissolve the Association to be considered at an Annual General Meeting of the Association (or an Extraordinary General Meeting convened in accordance with provisions of Rule 9b.
- (c) Any motion proposed under paragraph (b) hereof shall only be considered once it has been seconded by three other Members of the Association.
- (d) Upon consideration of any motion proposed under paragraph (b) hereof, upon a majority of two thirds or greater of those attending and voting at the meeting, the motion shall be declared to be carried.
- (e) In the event that a motion be carried pursuant to paragraph (d) hereof, the Chairman of the Association shall ballot the members on the motion as soon as practicable thereafter. The ballots shall be sent to each member whose subscription shall have been paid at the date of the passing of the motion under paragraph (d) hereof, with a notice declaring the date by which ballots shall be required to be returned to the Hon. Secretary, such date being in no event less than fourteen days after the date of posting by the Hon. Secretary of the ballot forms.
- (f) Upon a majority of two thirds or greater of votes cast in the ballot held under paragraph (e) thereof, the motion shall be declared to have been carried by ballot.
- (g) Upon the motion being carried by ballot, the Committee shall proceed to wind up the Association and to distribute its funds in accordance with Rule 14 as soon as practicable thereafter.
- (h) Upon final distribution of the Association's funds pursuant to paragraph (g) hereof, the Association shall be dissolved.

16. **Accounts** - An annual statement of accounts shall be prepared by the Hon. Treasurer, shall be subject to independent audit and shall be signed by the Chairman and sent to the members not less than fourteen days before the Annual General Meeting of the Association at which it is intended such accounts shall be reported on and received.

17. **New Rules** - No new rule, or suspension or alteration of any Rule, shall be made except by a two thirds majority of those present at an Annual General Meeting or a duly requisitioned Extraordinary General Meeting of the Association in respect of which not less than fourteen days prior notice has been given to all Members. If any member of the Association wishes to propose a new Rule, or the suspension or alteration of any Rule, notice thereof must be given in writing to the Hon. Secretary together with full text of the Rule proposed, with a statement of reasons therefore, at least two calendar months before such meeting.

18. **Schedule** – The Committee of the Association may from time to time add to or delete from the lists of professional institutions and/or organisations set out in the Schedule hereto.

THE SCHEDULE

Part 1

Institute of Highway Incorporated Engineers;
Architects and Surveyors Institute;
Association of Chartered Certified Accountants;
Central Association of Agricultural Valuers;
Chartered Institute of Building;
Chartered Institute of Management Accountants;
Institute of Chartered Accountants in England and Wales;
Institute of Chartered Accountants in Ireland;
Institute of Chartered Accountants of Scotland;
Institute of Civil Engineers;
Institute of Legal Executives;
Institute of Revenues, Rating and Valuation;
Royal Institution of Chartered Surveyors;
Royal Town Planning Institute.
Association of Building Engineers
National Association of Estate Agents
Institution of Business Agents

Part 2

Civil Servants and Local Government Officers engaged in the promotion and administration of compulsory purchase orders or the negotiation and determination of compensation;
Terraquest Limited.
Land Aspect Limited