

Explanatory Note regarding the amendments to the Constitution

1. It is felt that the amendments below are not controversial. Getting everyone or even a majority to sign is like trying to herd cats, so you will be asked to sign the attached document at the Chambers dinner. Those who are not attending will be chased by Crystal.

Resolution 1

2. The Constitution provides that Chambers expenses and liabilities are met out of Chambers funds. In particular It states:

Indemnities

91. In the ordinary course of events all Chambers expenditure arising in connection with the Premises, or in connection with any other Contract, plant, equipment or other property acquired for the use or benefit of Chambers, or in connection with the administration of Chambers' affairs, will be met out of funds provided by the Members pursuant to paragraph 89 above. It is intended that the Deed of Indemnity will be invoked in the event and to the extent that any particular costs, expenses, actions, claims, demands or liabilities are not met from such funds.
 92. The Members undertake to indemnify any Member or former Member against all costs, expenses, actions, claims, demands and liabilities arising in connection with a trust referred to in paragraph 85 or the execution of such trust on the terms set out in the Deed of Indemnity.
3. It is thought that this protects Members and the Head(s) of Chambers being personally liable for any Chambers default (as opposed to their own personal default). The first Resolution has been drafted by Chambers solicitors to make this clear "for the avoidance of doubt" as regards any liability arising from GDPR.

Resolution 2

4. Resolution 2 has also been drafted for the avoidance of doubt. The matters are probably covered by clause 69(3) (Members must comply with their obligations under the Constitution and (69.6), (Members must comply with Chambers' policies as notified to Members from time to time). Grounds for expulsion include damaging the general interest of Chambers (79.2.1(c)) and committing material or persistent breaches of the Constitution (79.2.2.(c)).
5. The proposed resolution assists in that it illustrates that Chambers takes GDPR issues seriously.