

The Professional Deputies Forum (PDF)

Membership Rules

1. General

1.1. These rules apply to all members of the Company.

2. PDF membership

2.1 The directors have the power under article 2.2 of the Company's articles of association to determine additional classes of Membership in the future. Such current and future classes of members shall not be the "members" of the Company within the meaning of the Companies Act 2006 ("Act") and therefore do not have the voting or other rights bestowed upon the members of the Company by the articles of association or the Act. The members of the Company for the purposes of the Act shall be its appointed directors

Associate Members

Legal secretaries, paralegals, legal executives and solicitors supporting professional deputies in the practice of their duties and functions as set out by the Court of Protection and the Mental Capacity Act 2005

Deputy Members

Professional Deputies appointed by the Court of Protection in England and Wales including those approved by the Office of the Public Guardian as panel Deputies, however such members shall not be Directors or members of the PDF within the meaning of the Companies Act 2006 unless they have been formally approved as such by directors of The PDF

Senior Members

Solicitors with 2 or more years PQE and legal executives supporting professional deputies in the practice of their duties and

functions as set out by the Court of Protection and the Mental Capacity Act 2005

Honorary Members

Those persons appointed by the PDF Board due to their specialist knowledge and/or contribution to the work of the Court of Protection, or otherwise (notwithstanding they may not be governed by the SRA). The terms of their membership is to be determined by The PDF Board.

Corporate Membership

Membership programme for businesses, professional organisations, companies or associations not eligible to join as PDF Members, but who are interested in supporting the aims and objectives of The PDF or provide services relevant to PDF Members.

Committee

A combined group of not less than five (5), Deputy Members, Associate Members, Senior Members or Honorary Members as determined by the PDF Board.

Directors (The PDF Board)

Those persons registered as directors of the PDF from time to time at Companies House who collectively make up the PDF Board

The PDF Rules

The PDF's Memorandum and Articles of Association, the Membership Rules and all other guidance that may be issued by the PDF Board from time to time (as amended)

3. Eligibility

- 3.1. Subject to 3.2. below, an Associate Member, a Senior Member or a Deputy Member must be a director, member or employee of an SRA regulated organisation.
- 3.2. The Board of The PDF may in their absolute discretion appoint Honorary Members to The PDF.
- 3.3. A member firm or organisation must have at least one active Deputy Member, in order to access the Associate Member or Senior Member tiers.

4. Admission of members

- 4.1. Applications must be online via The PDF website.
- 4.2. The Directors may decline to accept any application for membership or renewal of membership without assigning any reason for its decision.
- 4.3. The applicant will only become a member once his/her annual subscription is paid.

5. Subscriptions

- 5.1. Up to date subscription rates are available on the PDF website
- 5.2. Membership to PDF is on an annual rolling basis and the PDF membership subscription fee is payable annually.
- 5.3. Payment for PDF membership cannot be refunded once paid. If membership is cancelled part-way through a membership year, then no refund will be offered. This does not affect the statutory right to cancel within the 14-day cooling off period from initial application to join PDF. No refund of the membership fee will be given if a member is expelled under Rule 10.
- 5.4. Membership renewal - a renewal reminder will be sent approximately 60 days before the membership is due to expire. The renewal fee must be paid in full by the anniversary of the membership renewal date.
- 5.5. PDF reserves the right, at its sole discretion, to charge additional fees to renew membership after the renewal date.
- 5.6. Where the membership fee is not paid by the renewal date, membership to PDF shall be deemed to have lapsed and the member will lose the right to hold him/herself out as a member of PDF and will lose all membership benefits.
- 5.7. PDF subscription rates shall be reviewed and, if necessary, revised annually.

6. Membership Rights

- 6.1. The PDF is made up of:
 - 6.1.1. The PDF Board;
 - 6.1.2. Deputy Members (as constituted under these rules);
 - 6.1.3. Senior Members (as constituted under these rules);
 - 6.1.4. Associate Members (as constituted under these rules);
 - 6.1.5. Honorary Members (as constituted under these rules).
7. Each Deputy member, Senior Member and Associate member shall have the following

rights:

- 7.1. To put their name forward to sit on a Committee and
 - 7.2. Subject to having been appointed to sit on a Committee to partake in discussions held at Committee meetings and to vote on such discussion
8. In joining the PDF as a Deputy Member, Senior Member, Associate Member or an Honorary Member, you confirm the following:
- 8.1. You agree to abide by The PDF Rules;
 - 8.2. You confirm and acknowledge that if you are in breach of any of the PDF Rules, your membership will be suspended, and you may cease to be a member of the PDF;
 - 8.3. You agree to keep your contact details up to date to enable the PDF to contact you about issues relating to your membership.

9. Complaints

- 9.1. Any complaints about Deputy members, Senior members, Associate members, or Honorary members must be directed to an SRA regulated organisation of which they are a director, member, or employee.
- 9.2. If for any reason the PDF board is required to become involved in a complaint or an investigation or is required to investigate the conduct of a member for the purposes of determining ongoing membership eligibility, full disclosure from the member will be required including; copies of any notes, correspondence, and such other documents as can reasonably be provided in the circumstances.

10. Suspension and termination of membership

- 10.1. The PDF Board has the right to suspend or terminate membership of either a Deputy Member, a Senior Member an Associate Member or Honorary Member in the event of:
 - 10.1.1. Non-payment of subscription fees;
 - 10.1.2. Non-compliance with or a breach of the PDF Rules;
 - 10.1.3. An investigation into the conduct of a Deputy Member or an Associate Member and the PDF Board determining that it would not be in the best interests of the PDF for a Deputy Member or an Associate Member to remain active during the course of the investigation;
 - 10.1.4. An investigation being carried out into the conduct of a Deputy

Member or an Associate Member by the Deputy Members' or Associate Members' professional body such as (but not limited to) the Solicitors Regulation Authority; and

10.1.5. Such other circumstances as the PDF Board thinks fit.

10.2. A PDF Member suspended from membership shall not have the right to vote at Committee Meetings nor vote on any other decisions requiring the vote of PDF Members.

10.3. A Deputy Member, Senior Member and or an Associate member shall cease to be a member in the event of:

10.3.1. Failing to renew his annual subscription with the PDF;

10.3.2. Death;

10.3.3. Being struck off the solicitors' roll or suspended from legal practice;

10.3.4. Ceasing to be a member, director, or employee of an SRA regulated organisation;

10.3.5. Being expelled by the PDF Board pursuant to paragraph 10. above;

10.3.6. Failing to comply with the PDF Rules and the PDF Board determining that the membership shall cease;

10.3.7. A Deputy Member or Associate Member becoming bankrupt.

11. Conduct

11.1. All members shall abide by the codes of conduct as set out in the latest edition of the Solicitors Regulation Authority's Code of Conduct or by the equivalent Guide to Professional Standards

12. Amendments of the Rules

12.1. The Rules may be added to, amended, or rescinded by a resolution of the Directors passed at a meeting convened in accordance with the provisions of the Company's articles of association, provided that no such resolution shall be deemed to have been passed unless it is carried by a majority of at least two-thirds of the Directors present and voting.