



BURY BOMBERS CONSTITUTION

A: Name

The name of the Association is the 'Bury Bombers Wheelchair Basketball Club' ('the Charity')

B: Administration

Subject to the matters set out below, the Charity and its property shall be administered and managed in accordance with the constitution by the members of the Executive Committee, constituted by clause G of this constitution ('the Executive Committee').

C: Objects

The Charity's objects ('the objects') are the promotion of community participation in healthy recreation in particular by the provision of facilities for the playing of wheelchair basketball.

D: Powers

In furtherance of the objects but not otherwise the Executive Committee may exercise the following powers:

1. Power to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
2. Power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
3. Power, subject to any consents required by law, to sell or lease or dispose of all or any part of the property of the Charity;
4. Power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;
5. Power to establish or support any charitable trusts, associations or institutions formed for all or any of the objects;
6. Power to appoint and constitute such advisory committees as the Executive Committee may think fit;
7. Power to do all such other lawful things as is necessary for the achievement of the objects.

E: Membership

1. Membership of the charity shall be open to any member of the public over the age of 5 interested in furthering the objects and who has paid the subscription, weekly or annual, laid down from time to time by the Executive Committee.
2. Every member shall have one vote. If they are under 18, the parent(s)/ guardian will have one vote per player.
3. All members will sign a 'Code of Conduct' upon joining. If they are under 18 the parent(s)/ guardian will sign on their behalf.
4. The Executive Committee may, by unanimous vote and for good reason terminate the membership of any individual: provided that the individual concerned shall have the right to

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be heard by the Executive Committee, accompanied by a friend, before the final decision is made.

F: Honorary Officers

At the annual general meeting of the Charity the members shall elect, from amongst themselves a chairman, a secretary and a treasurer, in conjunction with clause **G** (5)), who shall hold office from the conclusion of that meeting.

G: Executive Committee

1. The Executive Committee shall consist of not less than 5 members nor more than 9 members being:
 - a. The honorary officers in the proceeding clause;
 - b. Not less than 5 and not more than 9 members elected at the annual general meeting who shall hold office from the conclusion of that meeting;
2. The Executive Committee may in addition appoint not more than 2 co-opted members but so that no-one may be appointed as a co-opted member if, as a result, more than one third of the members of the Executive Committee would be co-opted members . Each appointment of a co-opted member shall be made at a special meeting of the Executive Committee called under clause J (1) and shall take effect from the end of that meeting unless the appointment is to fill a place which has not then been vacated in which case the appointment shall run from the date when the post becomes vacant.
3. All the members of the Executive Committee shall retire from the office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.
4. The proceedings of the Executive Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.
5. Nobody shall be appointed as a member of the Executive Committee who is aged under 18 or who would, if appointed, be disqualified under the provision of the following clause.
6. No person shall be entitled to act as a member of the Executive Committee, whether on a first or on any subsequent entry into office until after signing in the minute book of the Executive Committee, a declaration of acceptance and of willingness to act in the trusts of the Charity.

H: Determination of membership of Executive Committee

A member of the Executive Committee shall cease to hold office if he or she:

1. Is disqualified from acting as a member of the Executive Committee by virtue of section 72 of the Charities Act 2005 (or any statutory re-enactment or modification of that provision);
2. Becomes incapable by reason of mental disorder, illness or injury of managing or administering his or her own affairs;
3. Is absent without permission of the Executive Committee from all their meetings held within a period of 6 months and the Executive Committee resolve that his or her office be vacated; or
4. Notifies the Executive Committee a wish to resign (but only if at least three members of the Executive Committee will remain in office when the notice of resignation is to take effect).

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I: Executive Committee Members not to gain from the Charity

No member of the Executive Committee shall acquire any personal gain from the Charity, such as property or remuneration. Neither will they be interested otherwise than as a member of the Executive Committee in any contract entered into by the Executive Committee.

J: Meeting and proceedings of the Executive Committee.

1. The Executive Committee shall hold at least 6 meetings each year. A special meeting may be called upon at any time by the chair person or by any two members of the Executive Committee upon no less than 4 days' notice being given to other members of the Executive Committee of the matters to be discussed but if the matters include an appointment of a co-opted member, then no less than 21 days' notice must be given.
2. The chair person shall act as a chair person at meetings of the Executive Committee. If the chair person is absent from any meeting, then the members of the Executive Committee present shall choose one of their numbers to be the chair person of the meeting before any business is transacted.
3. There shall be a quorum, when at least one third of the number of the Executive Committee, or three members, whichever is greater, are present at a meeting.
4. Every matter shall be determined by a majority of the members of the Executive Committee present and voting on the question. However, in the case of equality of votes then the chair person, will have a second or casting vote.
5. The Executive Committee shall keep minutes, in either electronic or written form, of the proceedings at the meetings of the Executive Committee and any other committee group.
6. The Committee may from time to time alter any rules for the conduct of their business, the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.
7. The Executive Committee may create other committees for specific tasks. The "sub-committee" must report fully and promptly to the Executive Committee when required.

K: Receipts and Expenditure

1. The funds of the Charity, including all donation contributions and bequests, shall be paid into an account operated by the Executive Committee in the name of the Charity and such bank as the Executive Committee shall from time to time decide.
2. The funds belonging to the Charity shall be applied only in furthering the objects of the Club set out in this Constitution.

L: Property

1. Subject to the provisions of sub-clause **2.** of this clause, the Executive Committee shall cause the title to:
 - a. All land held by or in trust for the charity which is not vested in the Official Custodian for Charities; and
 - b. All investments held by or on behalf of the charity;

to be vested either in a corporation entitled to act as custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Executive Committee at their pleasure and shall act in accordance with the lawful directions of the Executive Committee. Provided they act only in accordance with the lawful directions of the

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Executive Committee, the holding trustees shall not be liable for the acts and defaults of its members.

2. If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the charity, the Executive Committee may permit any investments held by or in trust for the charity to be held in the name of a clearing bank, trust corporation or any stock broking company which is a member of the International Stock Exchange (or any subsidiary of any such stock broking company) as nominee for the Executive Committee, and may pay such a nominee reasonable and proper remuneration for acting as such.

M: Accounts

The Executive Committee shall comply with their obligations under the Charities Act 2005 (or any statutory re-enactment or modification of that Act) with regard to:

1. The keeping of accounting records for the Charity;
2. The preparation of annual statements of account for the Charity;
3. The auditing or independent examination of the statements of account of the Charity; and
4. The transmission of the statements of account of the Charity to the Commission.

N: Annual Report

The Executive Committee shall comply with their obligations under the Charities Act 2005 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its transmission to the Commission.

O: Annual Return

The Executive Committee shall comply with their obligations under the Charities Act 2005 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the Commission.

P: Annual General Meeting

1. There shall be an AGM of the Charity which shall be held in the month of July in each year or as soon as practical thereafter.
2. Every AGM shall be called by the Executive Committee. The secretary shall give at least 21 days notice of the AGM to all members of the Charity. All the members shall be entitled to attend and vote at the meeting.
3. Before any other business is transacted at the AGM, the persons present shall appoint a chair person of the meeting. The chair person shall be the chair person of subsequent AGMs but if he/she is not present, before any other business is transacted, the persons present shall appoint a chair person of the meeting.
4. The Executive Committee shall present to each AGM the report and accounts of the Charity for the preceding year. The treasurer will present the accounts and the chair person shall present the general report The Head Coach will present a coaches report.
5. Nominations for election to the Executive Committee must be made by members of the Charity by voting at the AGM. In the situation of a joint vote, then the majority will rule.

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Q: Special General Meetings

The Executive Committee may call a special general meeting of the charity at any time. If at least ten members of the charity request such a meeting in writing stating the business to be considered, then the secretary shall call such a meeting. At least 14 days notice must be given. The notice must state the business to be discussed.

R: Procedure at General Meetings

1. The secretary or other person specially appointed by the Executive Committee shall keep a full record of proceedings at every general meeting of the Charity.
2. There shall be a quorum when at least one tenth of the number of members of the Charity for the time being, or ten members of the Charity, whichever is greater, are present at any general meeting.

S: Notices

Any notice required to be served on any member of the Charity shall be in writing and shall be served by the secretary or the Executive Committee on any member either personally or by sending it through the post in a prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting.

T: Alterations to the Constitution

1. Subject to the following provision of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.
2. No amendment may be made to clause A, clause C, clause I, clause U or this clause (T) without the prior consent in writing of the Commissioners.
3. No amendments may be made which would have the effect of making the Charity cease to be a charity at law.

U: Dissolution

If the Executive Committee decides that it is necessary or advisable to dissolve the Charity it shall call a meeting of all members of the Charity, of which not less than 21 days' notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting, the Executive Committee shall have power to realise any assets held by or on behalf of the Charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Charity as the members of the Charity may determine, or failing that, shall be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting period of the Charity must be sent to the Commission.

V: Signatories

Date: