

CONSTITUTION

AIMS AND OBJECTIVES AND POWERS

1. Objects

- 1.1 To assist members in the pursuit of gardening as a means of recreation and promoting health, well-being, education and community fellowship as a sustainable way of life.
- 1.2 To acquire land on lease or freehold to provide allotments for members and to let land so acquired to members of the Association (or other persons as may be decided by the Committee) for allotments.
- 1.3 To actively co-operate with other groups and organisations to increase the provision of allotments and to improve standards and facilities.
- 1.4 To promote good landlord/tenant relationships with the emphasis on tenant participation in decision taking.
- 1.5 To represent the views of its members to other bodies and formulate and advise its members on allotment matters.
- 1.6 To act as mediator in any dispute or disagreement with its membership.
- 1.7 To administer the provision of any communal service or scheme on behalf of all members in respect of the acquisition of seeds, plants, equipment or machinery, or to organise events, shows, demonstrations or competitions where appropriate.
- 1.8 It shall be an express object of the Association that no member or prospective member shall be discriminated against on the grounds of gender, ethnic origin, age, marital status or sexual orientation in any rule, meeting or resolution of the Association or in furtherance or any power or object of the Association.

2. Powers

- 2.1 Power to appoint, where appropriate, Trustees to hold land, property and leases for the benefit of the Association.
- 2.2 Power to raise funds and to invite and receive contributions provided that in raising funds the Committee shall not undertake and substantial trading activities and shall conform to any relevant requirements of the law applying to the Island of Jersey.
- 2.3 Power to take action or enter into any contract of insurance to protect members property against damage, trespass and theft.
- 2.4 Power to do all things necessary or expedient in accomplishment of its objectives.
- 2.5 Power to co-operate with other charities, voluntary bodies and statutory Authorities operating in furtherance of the objects of similar charitable purposes and to exchange information and advice with them.
- 2.6 Power to establish or support any charitable Trust, Association or Institution formed for all or any of the objects.
- 2.7 Power to buy, take on lease or exchange of land or property necessary for the achievements of the objects and to maintain and equip it for use.
- 2.8 Power to, subject to any consent required by law to sell, lease or dispose of all or any part of the property of the Association
- 2.9 Power to, subject to any consent required or allowed by law, to borrow money and to charge all or any property of the Association with repayment of the money so borrowed.

3. Membership

- 3.1 Membership of the Association shall be open to any person who is leasing (or intends to lease) an allotment in the administration or management of the Association (and has paid any annual subscription as determined by the Committee) or has paid the subscription/rental due on the plot allocated to them.
- 3.2 For the avoidance of doubt, the term subscription/rental shall be the total sum due inclusive of ground rent, subscription to the Association, insurance and any other fees or disbursement(s) managed by the Association on behalf of the member but for which the member is liable.
- 3.3 Every member shall pay the annual subscription/rental which will be due on the prescribed date of each year. The annual subscription/rental will be reviewed at each Annual General Meeting and set by ordinary resolution thereat.
- 3.4 Affiliated membership of the Association shall be open to any other person coming within any other category of membership created by ordinary resolution of the Association in general meeting or fulfilling any condition that may from time to time be set by ordinary resolution of the Association in general meeting and in any event has paid their annual subscription as required by such resolution. Provided that at all times that any resolution passed under this clause shall not permit any person any voting rights at any meeting of the Association.

- 3.5 The Committee may for good reason terminate the membership or refuse the application for membership of any individual. Provide that the individual concerned shall have the right to be heard by the Committee, accompanied by a friend or representative, before a final decision is made.
- 3.6 Any person who has had their membership terminated or their application for membership refused shall have the following right of appeal:
 - (a) On being informed of the decision to terminate or refuse membership the person must be informed of the right of appeal
 - (b) The aggrieved person must submit a letter of appeal to the Committee setting out the grounds of appeal to the Committee within 7 days of the decision
 - (a) Within 28 days of receiving the letter of appeal the Committee must appoint a person or persons to consider the appeal. Such person or persons appointed shall have taken no part in the original decision to terminate or refuse membership
 - (d) Within 90 days of the original decision the person or persons considering the appeal shall convene a meeting at which the Committee shall be represented and the aggrieved person shall have the right to be heard and to be accompanied by a friend or representative.
 - (e) The person or persons considering the appeal may dismiss the appeal or may require that membership be granted or reinstated. This decision will be final.
- 3.7 Membership will be deemed as terminated if a member has not paid their subscription or subscription/rental unless explanation in writing of extenuating circumstances is given to and accepted by the Committee

4. The Committee

- 4.1 The Officers of the Association shall be (President) Chairman, Vice Chairman, Secretary, Treasurer and any other Officers as may be decided by ordinary resolution of a general meeting. The Officers will constitute the Committee of the Association.
- 4.2 The Officers shall be elected at the Annual General Meeting and will take office at the end of the Annual General Meeting at which elected until the end of the next Annual General Meeting at which they will resign, but remain eligible for re-election.
- 4.3 All members of the Association shall be eligible to stand for election for any Committee position upon a proposal and seconding of their nomination by any two members of the Association
- 4.4 The Committee may, at their discretion, fill any vacancy arising during the year.
- 4.5 The Officers shall have full power to supervise and manage the day to day business of the Association
- 4.6 The Committee may from time to time make and alter the rules for the conduct of their business, the summoning and conduct of Association meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.

5. Trustees of Association property

- 5.1 The Committee may appoint Trustees from amongst the Members of the Association to act for the time being to hold land or property for the benefit of the Association
- 5.2 The Trustees so appointed shall act in accordance with any instruction of the Committee or in accordance with any ordinary resolution of a general meeting of the Association.
- 5.3 The Association will indemnify the Trustees from any action taken against them in relation to any acts by them in furtherance of their *bona fide* powers and duties as trustees in law.
- 5.4 The Trustees so appointed shall retire on their own volition or when required to do so by the Committee or by a resolution of two-thirds of the Members in general meeting.

6. Finance

- 6.1 The Treasurer will keep, in date order, a full record of income and expenditure relating to the Associations transaction.
- 6.2 The funds of the Association, including all donations, contributions, grants and bequests, shall be paid into an account operated by the Committee in the name of the Association at such bank as the Committee shall from time to time decide. All cheques drawn of the account must be signed by at least two members of the Committee.
- 6.3 The funds belonging to the Association shall be applied only in furthering the objects
- 6.4 Receipts from membership fee income or subscription/rental will be given, on which the date paid, amount, name and plot number is recorded. The receipt shall be proof of membership and shall be the instrument by which a membership card may be obtained from the Association Secretary.

7. Accounts

- 7.1 Audited accounts shall be made available at the Associations Annual General Meeting.
- 7.2 Auditors shall be appointed at each Annual General Meeting and shall hold office until the end of the next Annual General Meeting.

8. General Meetings

- 8.1 Each member of the Association present at the meeting shall have one vote. But, in the case of equality of votes, the chairperson of the meeting shall have a second or casting vote.
- 8.2 There shall be an Annual General Meeting of the Association which shall be held in the month of [] in each year or as soon as practicable thereafter.
- 8.3 At all General Meetings the elected Chairperson shall preside. In the absence of the elected Chairperson or Vice-Chairperson the members may elect a Chairperson for that meeting only.
- 8.4 A quorum at a General Meeting shall consist of [] members.
- 8.5 A special or Extraordinary General Meeting shall be held whenever the Committee of the Association thinks it expedient, or a written request for such a Meeting has been received by the Secretary signed by not less than [] Association members.
- 8.6 The Secretary of the Association, within 4 weeks of the request, shall convene an Extraordinary General Meeting. Should the Secretary fail to convene the Meeting, the members requesting the meeting may convene an Extraordinary General Meeting by issuing the notice themselves.
- 8.7 No sectarian or party political questions shall be introduced into any meeting and no action of the Association shall be directed towards the propagation of political or religious doctrines, racial or gender discrimination or political or religious activities.

9. Meetings

- 9.1 The Association shall meet on no less than [] times a year. One meeting shall be designated as the Annual General Meeting. At the end of each meeting the date for the next meeting is kept.
- 9.2 The quorum for an Association meeting shall be [] or such other number as may be agreed by ordinary resolution at the Annual General Meeting.
- 9.3 Each Association Member shall have one vote and every motion shall be determined by a majority of votes of the Members of the Association, but in the case of equality the votes, the Chairperson of the meeting shall have a second or casting vote.
- 9.4 The Committee shall keep minutes, in books kept for the purpose, of the proceedings at meetings of the Association.
- 9.5 Additionally, the Committee shall meet by its own volition at any time to carry out the necessary business of the Association.

10. Dissolution

If the Committee decides that it is necessary or advisable to dissolve the Association it shall call a meeting of all members of the Association of which no less than 21 days of notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by two-thirds majority of those present and voting, the Committee shall have the power to realise any assets held on behalf of the Association. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institutions having objects similar to the objects of the Association as the Members of the Association 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 Association, must be sent to the appropriate authority, that for the time being the Jersey Financial Services Commission, unless otherwise directed.

11. Alterations to the Constitution

- 11.1 This constitution may be altered by a resolution passed by not less than two-thirds of the Association members present and voting at a general meeting.
- 11.2 The notice of a general meeting must include notice of the resolution, setting out the terms of the alteration in writing.
- 11.3 Resolutions that have not previously been submitted in writing but presented at a meeting of the Association shall be deemed to be invalid but may be minuted and placed on the agenda for the next meeting.