

New Forest Commoners' Defence Association



Rules

2001

NAME

1. The name of the Association is THE NEW FOREST COMMONERS' DEFENCE ASSOCIATION ('the Association').

OBJECTS

The objects of the Association are:

2.1 To promote and safeguard the interests of the Commoners, particularly with regard to the welfare of ponies, cattle and other agisted stock.

2.2 To co-operate with the Verderers in the maintenance of the perimeter fencing of the perambulation of the Forest.

2.3 To investigate and, in appropriate cases, to support any claim by any member of the Association for compensation in respect of the death or injury to an animal depastured in the Forest and to assist any member in meeting a claim in respect of damage alleged to have been caused by an animal depastured in the Forest.

MEMBERSHIP

3.1 Full membership of the Association shall be open to all who have common rights or who depasture animals by licence on the Forest or on the Commons within the perambulation of the Forest.

3.2 Associate membership shall be open to any who, not being eligible for full membership, are in sympathy with the objects of the Association. Associate members will receive the Annual Report and will be entitled to attend all General Meetings of the Association and to speak at such meetings, but not to vote.

3.3 The Association reserves the right to refuse membership.

3.4 Honorary Life Membership may be awarded to a member who has given long and valuable service to the Association. The election of an Honorary Life Member shall take place at any General Meeting of the Association on a recommendation of the Committee published with the notice convening the meeting.

3.5 The Committee may suspend or terminate the membership of any member who is deemed to have acted in a way which is prejudicial to the interests of the Commoners or the Association. A member whose membership has been suspended or terminated by the Committee shall not be entitled to the refund of any subscription unless the Committee in its discretion decides otherwise.

3.6 Any person whose membership has been terminated or suspended by the Committee shall be allowed to appeal in person or by proxy to the next Annual General Meeting of the Association, provided that notice of such appeal is given to the Honorary Secretary in writing not less than one month before the date of the meeting. The decision of the meeting shall be final.

3.7 The Membership Secretary shall keep a register of members and enter in it the names and addresses of all persons who become members.

SUBSCRIPTIONS

4.1 The Association's membership year is from 1st January to 31st December.

4.2 The annual subscription of the Association, for both full

and associate members shall be payable in advance on 1st January in each year for the then current calendar year.

4.3 The rates of subscription for members shall be determined at an A.G.M. by ordinary resolution. The appropriate subscription shall be payable on joining or on 1st January, but will be accepted up to and including the evening of the Annual General Meeting. There will be no loss of Association facilities for previously paid up members who renew during that period. However, during the period after the A.G.M. and up to the end of the year, non paid up members, who were previously full members turning out, will lose the facilities of the Claims Secretary and the Third Party Insurance cover until they renew their subscription, which will be without penalty, and at which time they will have these facilities reinstated. After the end of the year December 31st a rejoining fee of £10 will be imposed on lapsed full members turning out.

4.4 Associate members will lose their membership if they fail to pay any subscription in the period up to and including the evening of the Annual General Meeting.

4.5 The subscription of a new member joining on or after 1st November shall cover the period to the 31st December of the following year.

4.6 Subscription rates normally apply to individuals but, whilst genuine partnerships may be accepted on a single subscription, such partnerships will only hold the right to cast a single vote at an Association A.G.M. or E.G.M.

OFFICERS

5.1 The Officers of the Association shall be a President, Hon. Secretary, Hon. Treasurer, Membership Secretary, Hon.

Solicitor and Hon. Veterinary Surgeon who shall be elected at the Annual General Meeting. The Annual General Meeting shall have power to create other honorary officers as it thinks necessary.

5.2 The Auditor is not an Officer of the Association. The Auditor must not be a Member of the Association. The President, Secretary, Treasurer and the Honorary Veterinary Surgeon may, but need not, be Members. All other officers must be Members of the Association.

5.3 Any officer may retire by giving one week's prior notice to the Secretary, and all shall retire at each Annual General Meeting, but shall be eligible for re-election at that meeting.

5.4 An Auditor will be appointed at the Annual General Meeting.

THE COMMITTEE

6.1 The management of the affairs of the Association and the control of its funds shall be vested in a Committee which shall consist of twenty-four members elected at the Annual General Meeting by ballot from amongst the members of the Association, one third of whom shall retire each year in rotation and shall be eligible for re-election. Nominations will close at a date to be decided at the discretion of the Committee.

6.2 The Chairman and Vice-Chairman of the Committee shall be elected from the elected members at the first meeting of the Committee following the Annual General Meeting. In the event of a vacancy for Chairman, the Vice-Chairman shall fill the vacancy until a new Chairman has been elected by the Committee from amongst its number.

6.3 The Committee shall have the power to co-opt not more than nine additional members with the object of ensuring that all districts of the Forest are adequately represented or otherwise promoting the interests of the Association. The co-opted members shall serve until the next Annual General Meeting.

6.4 The officers of the Association shall be ex-officio members of the Committee and Executive Committee.

6.5 The Committee may appoint an Honorary Assistant Secretary, and Honorary Assistant Treasurer and an Honorary Claims Secretary if it is deemed so desirable who shall be ex-officio members of the Committee and Executive Committee. Any such appointed officers will be expected to report to the Annual General Meeting.

6.6 No person shall be appointed a member of the Committee or an officer at any General Meeting unless not less than seven and not more than twenty-eight clear days before the date appointed for the meeting, a notice has been given to the Association of the intention to propose that person for appointment signed by a Member and that person.

6.7 Any casual vacancy on the Committee, or of any office, arising between Annual General Meetings may be filled at the discretion of the Committee. Such appointed Committee members will stand until the next Annual General Meeting, at which time they must stand for election if they wish to remain a Committee member.

6.8 Any member of the Committee may retire by giving one week's prior notice to the Secretary.

6.9 Any person who fails to attend six consecutive meetings

of the Committee without giving a reason acceptable to it shall cease automatically to be a member of the Committee.

6.10 The Committee shall manage all the affairs of the Association and shall have power to do everything necessary for that purpose. Any decision of the Committee within the scope of its duties or powers shall be final and binding on all members, providing that such a decision is lawful, conducive to the objectives of the Association and does not infringe upon or negate the constitutional rules of the Association.

6.11 The quorum of the Committee for a regular meeting shall be ten.

6.12 Committee meetings shall be held not less than once in every quarter.

6.13 A special meeting of the Committee shall be convened by the Honorary Secretary within fourteen days of receiving a requisition signed by at least five members of the Committee.

6.14 Decisions at meetings of the Committee are made by a simple majority and, in the event of equality of voting, the Chairman (or the Acting Chairman of that meeting) shall have a casting vote.

ANNUAL GENERAL MEETING

7.1 An Annual General Meeting shall be held as soon as possible after the 1st January in each year allowing time for audited accounts to be issued with the notice of the calling of the Annual General Meeting.

7.2 Notice convening the Annual General Meeting shall be sent to all members not less than 14 days before the date of the meeting.

7.3 The business of the Annual General Meeting shall be:

- a. to receive the Chairman's report of the activities of the Association during the preceding year;
- b. to receive and approve the accounts of the Association for the preceding year and the Auditor's report on the accounts and the Treasurer's report on the financial position of the Association, as well as any other reports from officers notified in the agenda;
- c. to elect officers of the Association and other members of the Committee who are due for re-election. Where insufficient nominations for the committee have been received to make a competitive election necessary, each member standing must be confirmed as acceptable by vote;
- d. to remove and elect the Auditor or to confirm that they remain in office; and
- e. to fix the subscription for the next year;
- f. to revise, and alter where necessary, the Rules of the Association and to deal with any other business included in the Agenda or proposed by Members present.

EXTRAORDINARY GENERAL MEETINGS

8.1 An Extraordinary General Meeting shall be convened at any time (except in exceptional circumstances) upon either a resolution of the Committee or a requisition setting out the resolution or resolutions to be proposed at it. The requisition must be signed by not less than 30 full Members of the Association and served on the Secretary by personal delivery or recorded delivery post.

8.2 (If) The Secretary shall then give notice of the meeting

pursuant to the requisition on or before the expiry of 21 days from service of the requisition. (The requisitionists, or any one or more of them on behalf of the others, may give notice of the meeting.) The meeting shall take place within 42 days of the receipt of the requisition.

8.3 The Committee may, as well as convening a general meeting, allow postal and proxy voting on any matter which is not reserved to the Annual General Meeting. The ballot papers must set out the resolution to be proposed, with the names of the proposer and seconder, and must include a voting paper, as well as any relevant discussion papers, both for and against the resolution. Return of postal votes must be to an independent and properly qualified person or persons, charged with responsibility for administering the ballot. There must be not less than twenty-one days between the posting (by first class post) of the ballot papers to the full Members and the date for the return of the voting papers which will be the date of the general meeting. The count of the postal vote shall be taken at the same time as the count of votes delivered at the meeting.

8.4 The business which may be conducted at an Extraordinary General Meeting will exclusively be the consideration and making a decision on any matter which those members requisitioning the Extraordinary General Meeting have called the membership to discuss.

PROCEEDINGS AT ANNUAL AND EXTRAORDINARY GENERAL MEETINGS

9.1 Not less than 14 days' prior notice in writing (21 days if a postal ballot is included in the papers), setting out the agenda and/or resolutions to be proposed at the meeting, shall be sent to every Member at his or her last known address. Such notice

should be accompanied by any relevant discussion papers both for and against any proposed resolution.

9.2 Any resolution placed before an Annual General Meeting shall be open to full discussion and amendment at the meeting. Resolutions placed before an Extraordinary General Meeting will be open to full discussion, but not to amendment, at the meeting.

9.3 Resolutions at Annual General Meetings and Extraordinary General Meetings shall be passed by a simple majority of the votes cast. Postal and proxy votes will be permitted if delivered on the appropriate forms supplied with the agenda. Members shall be bound by the decision of that meeting.

9.4 Voting at Annual General Meetings and Extraordinary General Meetings shall be confined to fully paid up full members of the Association of not less than three months standing. Each full member shall have one vote on every resolution.

9.5 In the event of equality in voting at an Annual General Meeting or an Extraordinary General Meeting, the Chairman (or Acting Chairman at that meeting) shall have a second or casting vote.

TRUSTEES

10.1 The number of Trustees if appointed shall be not fewer than two nor more than four.

10.2 The Trustees shall hold office until death, resignation or removal from office by a resolution of the Members.

10.3 There shall be vested in the Trustees all the property of the Association other than cash and bank and similar accounts which will be under the control of the Committee.

10.4 The Trustees may deal with the property vested in them by way of sale, mortgage, charge, lease or otherwise as directed by the Association. Such direction shall be given by a resolution of the Members of the Association passed by a majority of the Members present at a duly convened meeting of the Association and when so passed shall, in favour of a purchaser, mortgagee, chargee, lessee or grantee, be binding upon all Members of the Association. A certificate purporting to be signed by the Secretary for the time being of the Association shall in favour of those persons be conclusive evidence that a direction complying in all respects with the above provisions of this rule was duly given to the Trustees.

ACCOUNTS INCOME AND PROPERTY

11.1 The financial year of the Association shall end on 31st December in every year, to which day the accounts shall be balanced and drawn.

11.2 As soon as is practicable after the end of the financial year, there shall be prepared a statement of the assets and liabilities of the Association at the end of the financial year, and a statement of income and expenditure during that year, which statements shall be audited by the Auditor not less than 14 days before the Annual General Meeting.

11.3 Copies of the audited statement of accounts shall be sent to every Member with the notice convening the Annual General Meeting.

11.4 The Auditor shall be a professional accountant.

11.5 All monies received by the Association shall be paid into an account in the name of the Association at bankers appointed by the Committee, and cheques and other instruments drawn on and directions to the bankers shall be signed by not less than two officers.

11.6 No action involving expenditure in the name or on behalf of the Association shall be taken, and no undertakings which would commit the Association to expenditure or other liability shall be made without the prior authority of a resolution of the Committee.

INDEMNITY

12. Except such loss as arises from their respective wilful default, the members of the Committee shall not be liable (otherwise than as Members) for any loss suffered by the Association as a result of the discharge of their respective duties on its behalf, and they shall be entitled to an indemnity out of the assets of the Association for all expenses and other liabilities incurred by them in the discharge of their respective duties.

DISSOLUTION

13.1 The Association may be dissolved:

- a. by a resolution passed under rule 8.4;
- b. by a resolution of the Committee if the number of Members is less than ten for a period of not less than six months.

13.2 The dissolution shall take effect from the day when the resolution is passed and the Committee shall be responsible for the winding up of the assets and liabilities of the Association.

RULES

14. No alteration or addition shall be made to the Rules of the Association except at a General Meeting of members. Twenty-eight days notice in writing of such proposed alteration must be given to the Honorary Secretary, who will insert the same in the circular convening the meeting.

THE ANNUAL REPORT

15. The Annual Report of the Association and the Statement of Accounts for the previous year shall be sent to every member.

RIGHTS OR CLAIMS

16. Any person who ceases to be a member of the Association shall forfeit all rights to or claims upon the Association, its property or funds.

INTERPRETATION

17. Any question as to the interpretation or application of the Rules of the Association shall be determined by the Committee whose decision shall be final and binding on all members.