

CONSTITUTION

What is a constitution and why do you need one

A constitution is a written framework of rules for your organisation. It states your aims, clarifies decision-making procedures, and establishes a basis for good practice.

A constitution is required if your group is planning to apply for financial assistance, register as a charity or company, acquire premises, hire staff or fund raise.

What to include and how to write your constitution

Consider your constitution as a working document that reflects what you want to achieve and how you want to organise. Time spent discussing it will help you to clarify these issues, so think carefully about the content and how it is written to avoid limiting your group and its activities in the future. Be sure you understand and agree on the essential questions about your purposes, membership, management, decision-making processes and finance.

The form your constitution takes will depend on which kind of management or legal structure your group chooses to adopt. If your group plans to apply for charitable status you should ensure that your constitution adheres to the requirements of the Office of the Scottish Regulator (OSCR). If you become a Company Limited by Guarantee your constitution will be in two parts – the memorandum of association and the articles of association. If you form a Trust you will need to draw up a trust deed.

Key elements

Any constitution or governing document should contain certain key elements or clauses under which your information is presented:

- the Name of the organisation
- the geographic Area of Benefit
- the Aims and Objectives of the organisation
- the Powers that the organisation will have e.g. to hire staff, to raise funds etc.
- the Membership of the organisation
- the Subscription levels for the organisation
- how membership is to be Terminated
- how any Committee Structure will work
- details of Officers such as Chairperson, Vice-Chairperson, Treasurer and Secretary and their appointment terms of office
- terms of any Paid Officers
- procedures for General Meetings;
- details of the Rules of Procedure, Quorum and Voting of all meetings
- how the organisation's Finances are to be spent, accounted for and audited
- how the organisation will be Dissolved in the event of winding up