

# Scottish Cyclocross Association

# CONSTITUTION



Constitution adopted at Annual General Meeting held on 02-Feb-21.

Signed :  Davie Graham (Chair)

Witnessed :  Howard Perkins (Secretary)

## VERSION HISTORY

1.0	-	Original Constitution on formation of Association
2.0	09-Feb-20	Extended and updated to reflect best practice
2.1	30-Jan-21	Voting arrangements updated



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## **1 NAME OF THE ASSOCIATION**

The name of the association shall be Scottish Cyclocross Association, hereafter referred to as 'the Association'. The Association shall be affiliated to any National Body agreed by the Committee providing their aims align with our sporting purposes.

## **2 PURPOSE OF THE ASSOCIATION**

The purpose of the Association is to promote all aspects of Cyclocross within Scotland and make the Association the first point of contact for all things Cyclocross within Scotland.

## **3 AIMS & OBJECTIVES**

The Association shall strive to fulfil the following aims and objectives :-

- (i) To organize/arrange and to assist others in organising/arranging competitive and non-competitive Cyclocross activities and to encourage riders to take part in them.
- (ii) To promote Cyclocross events either alone or in partnership with others.
- (iii) To encourage more people to race cyclocross in Scotland.
- (iv) To provide a means of introduction for beginners into the sport of Cyclocross.
- (v) To provide encouragement for youth and junior members in the sport of Cyclocross.
- (vi) To raise standards and provide consistency across cyclocross within Scotland.
- (vii) Do all other things necessary to promote the Purpose.

## **4 THE ASSOCIATION**

The Association is for everyone interested in the sport of Cyclocross in Scotland. There will be no discrimination on grounds of gender, gender reassignment, pregnancy and maternity, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, politics or other opinion.

The only formal members of the Association are the elected Committee who automatically become members on election and cease to be members when they leave the Committee.

## **5 THE COMMITTEE**

### **5.1 Role**

Subject to this Constitution the Committee shall have responsibility for the management of the Association, its funds, property and affairs.

### **5.2 Composition**

The affairs and activities of the Association shall be managed by the Committee comprising: -

- (i) Honorary President(s) (Optional)
- (ii) Chair
- (iii) Secretary
- (iv) Treasurer
- (v) Ordinary Members (at least 2 and no more than 8)

All Office Bearers and Committee members shall be elected annually by those attending the Association's Annual General Meeting and shall serve for one year until the next AGM at which time they shall be eligible for re-election.

Following the AGM, the Committee will discuss and allocate internally the roles below and/or any other roles as deemed appropriate: -

- (i) Scottish Cycling Liaison
- (ii) Media Officer
- (iii) Race Organiser Liaison

The Committee shall have the power to co-opt new Committee members in the event of vacancies occurring between elections, or where there is a need for specific knowledge and experience that is not already present within the Committee. The Committee should always seek to include a diverse and appropriate range of views and backgrounds.

Any member who is absent from 2 consecutive Committee meetings, without giving satisfactory reasons for their absence, may forfeit his/her seat on the Committee.

A Committee member ceases to be such if he or she resigns by written notice.

### **5.3 Committee Meetings**

The Committee shall be chaired by the Chair or, if he/she is not present, another decided on by the Committee members.

The Committee shall meet at least 4 times per year. 4 members of the Committee shall form a quorum

Whenever a Committee member has a personal interest in a matter to be discussed, he/she must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote on the matter concerned. If the Committee member in question is chairing the meeting, an alternative Chair should be decided before any discussion or vote takes place.

Committee decisions shall be by a simple majority of those voting – the Chair of the meeting at that point shall have a casting vote.

### **5.4 Committee Powers**

The Association may provide sporting and related social facilities, sporting equipment, coaching courses, event expenses and other ordinary benefits of a Cycling Association.

The Committee has the power to: -

- (i) Make decisions in the best interests of Cyclocross and the Association.
- (ii) Acquire and provide equipment, coaching, training and related social and other facilities.
- (iii) Take out insurance for the Association.
- (iv) Raise funds by organising and running events, appeals, obtaining grants or suitable sponsorship (financial or in kind).
- (v) Sell and supply food, drink and related sports clothing and equipment.
- (vi) Set aside or apply funds for special purposes or as reserves, e.g. pay for reasonable hospitality for visiting teams and guests.
- (vii) Open bank accounts in the name of the Association.
- (viii) Deposit or invest funds in any lawful manner.
- (ix) Employ and engage staff or other to provide services.
- (x) Co-operate with or affiliate to any bodies regulating or organising the Sport and with government and related agencies.
- (xi) Do all other things reasonably necessary to advance the purpose.

- (xii) Indemnify the Committee members acting properly in the course of running the Association against any liability incurred in the proper running of the Association.

Proper running of the Association requires that any decisions of a financial or contractual nature must be approved at a quorate meeting, minuted appropriately and not commit the Association beyond the means of the Association.

None of the above powers may be used other than to advance the Purposes of the Association consistent with the Constitution and general law. In particular, the property and funds of the Association cannot be used for the direct or indirect private benefit of members other than is reasonably allowed by the Constitution.

## **5.5 Transparency**

Annual Association reports and statements of account must be made available on written request for inspection by any interested party and all Association records may be inspected by any Committee member.

## **6 SUB-COMMITTEES**

The Committee may delegate any of their functions to Sub-Committees but must specify the scope of its activities and powers, the extent to which it can commit funds of the Association, its membership and its duty to report back to the Committee at regular intervals. At least one member of the Sub-Committee must be a member of the Committee. The Committee may wind up any Sub-Committee at any time or change its mandate and operating terms.

The Committee may decide on the formation of Sub-Committees as they deem appropriate.

At least 40% of the members of a Sub-Committee shall form a quorum.

The Chair of each Sub-Committee shall report to the Committee on a regular basis providing it with an update on the relevant Sub-Committee's activities.

## **7 ANNUAL GENERAL MEETING (AGM)**

The Association will hold an AGM once in every calendar year, not less than 9 months and not more than 15 months after the previous AGM. An AGM shall be called by the Secretary within 14 days of a request to that effect from the Committee. The AGM shall be held on not less than 14 days' notice via appropriate social media at a place decided upon by the Committee or in default by the Chair.

Any person wishing to place an item on the Agenda of the AGM must do so in writing to the Secretary a minimum of seven days prior to the AGM. All resolutions or motions submitted within this timescale will be considered at the AGM and shall be carried by a simple majority of those attending except in the case of a resolution or motion to alter the Constitution for which a two-thirds majority of those present shall be required.

Individuals who wish to be considered for election to the Committee should indicate their interest to the Secretary a minimum of seven days prior to the AGM. All nominations need to be seconded before being accepted for election.

Only in the event that there are not enough nominations to achieve a quorate Committee will nominations be allowed after the deadline.

At every AGM : -

- (i) The Committee will present a Report(s) on the Association's activities since the previous AGM.
- (ii) The Treasurer will present audited accounts of the Association for the previous financial year together with a written statement of accounts as at the date of the AGM.

- (iii) The meeting will discuss and vote on any resolution (whether about policy or a change to the Constitution) and deal with any other business put to the meeting.
- (iv) The meeting will elect the Committee to serve until the next AGM (refer to clause 5.2 for Committee posts), with the exception of the Honorary President which is a non-elected post appointed by the Committee as appropriate.

## **7.1 Election Process**

- Elections will be held by a public show of hands (or electronically if meeting held virtually) of those present at the AGM.
- Candidates do not need to attend the AGM to be elected.
- Elections for office bearers will be held first in the order of Chairman, Treasurer, Secretary.
- If there is only one nomination for a post no election is necessary. If there are multiple candidates, each person present can only vote for one candidate.
- Any candidate for an office bearer that is unsuccessful is automatically included in the election for the ordinary members.
- If number of candidates for the remaining ordinary Committee members is less than 8 (the maximum number allowed) then no election is necessary. Otherwise, each person present can vote for 8 out of the candidates.
- The 8 candidates with the most votes will be elected. In the event there are candidates with the same number of votes that would cause the maximum number allowed on the Committee to be exceeded, a second election between these candidates will be used to select the remaining members.

## **8 SPECIAL GENERAL MEETINGS (SGM)**

An SGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on a written request of not less than 20 active Cyclocross riders signed by them. Such an SGM shall be held on not less than 14 or more than 21 days' notice at a place decided upon by the Committee or in default by the Chair.

## **9 ACCOUNTS & FINANCIAL YEAR**

The Association's financial year shall run from April to March.

The Treasurer shall maintain correct accounts and books showing the correct financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

The Treasurer shall provide a written statement of accounts at the Annual General Meeting and at the request of the Committee.

An audit shall be carried out every year after the financial year end by a suitable person agreed by the Committee.

## **10 BANK ACCOUNT(S)**

All Association funds must be lodged in a bank account in the name of the Association. The bank account shall have two signatories, one of whom shall be the Association Treasurer. All withdrawals from the Bank account shall be signed by the two account signatories.

## 11 DISCIPLINE

When a written (defined as including e-mail) complaint is received concerning the conduct of an Association Committee member then that member shall take no part in the disciplinary procedure. If the complaint concerns the Chair then he/she will take no part in the disciplinary procedure, his/her role then being taken by the Secretary.

The Committee will form a Disciplinary panel ("the Panel") consisting of three Committee members. No Committee member may refuse to serve on the Disciplinary panel if requested to do so by the Association Chair without good cause. One Panel member will be nominated as Panel Chair.

Within seven days of being appointed the Panel must serve a written notice on the member in question stating the date, time and place of the disciplinary hearing, give the member a copy of the complaint and inform the member that he/she may attend and speak at the disciplinary hearing and may also make written submission and call witnesses.

Within seven days of the disciplinary hearing taking place, and due consideration of the matter has been given, the Panel Chair will advise the member and Association Chair in writing what action (if any) will be taken.

The Disciplinary Panel members will then not attend any appeal hearing and will take no further part in proceedings.

The member may : -

- (i) Accept the decision of the Panel or
- (ii) Appeal the decision.

If the member wishes to appeal he will do so in writing to the Secretary, within 14 days of receiving the original decision.

On receipt of an Appeal the Secretary shall within 14 days then convene a meeting of the Committee, excluding the original Disciplinary Panel members, with the sole purpose of hearing the member's appeal. The member under investigation may attend and speak at the Committee meeting, make written submissions and call witnesses.

The Committee may make reach one of three conclusions: -

- (i) that no further action be taken
- (ii) that the Disciplinary panel's decision be upheld
- (iii) impose an alternative penalty

The outcome of the member's appeal will be communicated to the member by the Association's Chair within seven days of the appeal hearing.

## 12 DISSOLUTION

The Committee may vote to wind up the Association if three-quarters of the Committee support the proposal at a properly convened general meeting. The Committee will then be responsible for the orderly winding up of the Association's affairs.

After settling all liabilities of the Association the Committee shall dispose of the net assets remaining to one or more of the following: -

- (i) To another Association with similar sports purposes and/or
- (ii) To the Association's national body for use by them for related community sports and/or
- (iii) To another local sporting body in order to further the purpose.