

COLCHESTER NEPALESE SOCIETY CONSTITUTION

Established 1st January 2006

Amended as at 13/06/2013

PREAMBLE: The Colchester Nepalese Society adopts this Constitution; noting that Colchester and the East Anglia region has witnessed significant growth of Nepalese since 2006.

Bearing in mind that this significant growth of Nepalese brought along with many new challenges and opportunities that have never before been experienced, therefore, it is imperative that preservation of Nepalese culture, tradition, ethos and identity, and fully enjoy their rights and to develop their full potential and lead a respectful life in the society.

Assuming to fulfil the responsibility of extending necessary cooperation for the development and wellbeing of Nepalese living in Colchester and surrounding area and at the same time integrating harmoniously and becoming an integral part of the mainstream British society is important for Nepalese Society especially for the future generations. Recognising, therefore, the importance of organised and institutional efforts, members of the Colchester Nepalese Society hereby agree as follows:



कोल्चेस्टर नेपाली समाज

31 Queen Street
Colchester, Essex CO1 2PQ

CONSTITUTION

ARTICLE I: NAME

1. The society shall be known as 'Colchester Nepalese Society' (CNS) herein abbreviated. It shall be a non-political, non-religious and non-profit making autonomous body. It shall be an organization with the following articles.

ARTICLE II: OBJECTIVES

The charity's objects ("the objects") are:

To promote social inclusion of members of the Nepalese community living in Colchester and the surrounding area for the public benefit to relieve the needs of such people and assist them to integrate into society in particular by:

1. Advancing education in particular by assisting in the provision of English language tuition;
2. Providing or assisting in the provision of facilities in the interests of social welfare for recreation and leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disability, financial hardship or social circumstances with the object of improving their conditions of life.
3. Relieving sickness and financial hardship.'

In order to achieve the above objectives we shall be organising activities such as the following:

- 1. Festivities** - Organise and celebrate Nepalese festivities in accordance with Nepalese Calendar in order to preserve Nepalese culture, tradition, Nepalese identity, promote unity, to build and foster a cohesive, active and supportive Nepalese society.
- 2. Summer Event** - Organise a summer activity, primarily in the form of a picnic for the purpose of social gathering and children's education as well as physical awareness of its members. The event may include any form of fun games.
- 3. Educational Vocational and Intellectual Awareness** - The CNS shall make reasonable attempt to gather and circulate to its member's educational, vocational and intellectual awareness as well as information from institutions and organisations, which would likely to provide support to the society.
- 4. Health and Fitness Awareness** - The CNS shall make every attempt to gather, deliver health and fitness related issues through the partnership, affiliation and association through the Health Champions. The CNS shall sponsor various sports related activities to bring health awareness of the society especially youth activities run by youth coordinators.
- 5. Chairman's talk to elderly people** - The Chairman will talk to all elderly people once a year about life in the UK, traffic discipline, as well as individuals' responsibility as a citizen and gaining access to government departments
- 6. Congratulate newly-wed couples** - Those entering in marital life by giving them a bouquet of flower and card.
- 7. Recognising achievements** - Any member of the society who could be able to bag outstanding achievement in educational, professional or any other field will be honoured and felicitated. Those children who complete their GCSE A Level and University degrees as well

as excelling in any sporting activities will be congratulated by the society during Dashain celebration if nominations are forwarded well in advance.

8. Arrival of New Babies - Any female member who is having a baby; she shall be visited by the Executive Committee at the hospital and give her a bouquet of flower and card.

9. Fundraising Events - Taking part in fundraising events in Colchester along with other charitable organisations.

10. In the unlikely event of sickness, burglary or death - The Executive Committee and respective area reps will visit the person/s concerned and extend sympathy with a card and bouquet of flower and organise funeral for the deceased.

11. Welcome Pack - All newcomers in the area shall be extended a welcome pack (i.e. constitution, events calendar, membership application form and nominal roll by area) by the committee in order to ensure that they are not isolated in Colchester and East Anglia Region and there is someone who they could contact in the event of any difficulty or in an emergency. He/she will be introduced during a function and extended welcome to Colchester. Assist finding jobs to newcomers as much as possible through local agencies.

12. Farewell - It is the individual's responsibility to let the area representatives know when he/she is moving out from Colchester in order to enhance their future. The committee will present a suitable farewell gift or a letter from the Chairperson thanking them for their contribution while living in Colchester. If known in advance, he/she will be bade farewell during one of the functions.

ARTICLE III: MEMBERSHIP

Section 1: Eligibility

1. Membership in the society is open to all Nepalese and foreign nationals, other citizens married to a Nepali who is willing to join and support to achieve the objectives of the society.

Section 2: Application for membership

1. The members must submit their initial membership form to the Executive Committee in order to be a member of the society. Membership forms can be found from the secretary.
2. Application might be individual or joint for whole family. However if a son or a daughter gets married and lives together with their parents, he/she must take their own membership.

Section 3: Types of membership

1. There are three types of membership, which is as follows:

(1) Active members - Active members are those Nepalese who reside in a permanent address in Colchester and around East Anglia Region including foreign nationals married to Nepalese shall be eligible to apply for full active members.

Active members shall have equal voting rights. Those members over the age of 18 years may cast his/her vote.

(2) Non-active members - Non-active members are those who are serving in the military and do not like to take active membership and any other temporary Nepalese visitors. They do not have voting rights.

(3) Honorary Members - The Committee may elect the following persons to honorary members; persons of distinction, or those who have rendered valuable services to CNS. If the honorary members pay their subscription they will have voting rights.

2. Membership is not transferable to anyone else.

3. The trustees must keep a register of names and addresses of the members which must be made available to any member upon request.

Section 4: Subscription

1. The yearly subscription for Colchester Nepalese Society is £12 per family. It is collected by area representatives and hand over to the treasurer. The treasurer then submits details to all the members. It is to be paid by 30th April each year.

2. Benefits received by members

a. When a member dies we donate £500 to next of kin to provide financial support to deceased's family.

b. When a member becomes sick and hospitalized the executive committee/trustees go and visit them and give them a get well card and bouquet of flower

c. When a female member gives birth the executive committee/trustees will go and visit them at their residence and hands over a card congratulating the couple and bouquet of flower.

d. Those members whose parent/s die/s the executive committee/trustees go and visit them extending sympathy with a sympathy card.

e. Members receive regular mailings and notifications of meetings and activities which they are able to take part in - including festivals and educational classes.

f. Members are able to take on responsible roles within the organisation and to feedback to the committee and organisation at large about the activities they would like to undertake.

Section 5: Revoking membership

1. If any committee members or advisers or members of the society are not fulfilling their responsibilities or acting against the interest of the society and committing unwarranted action, criminal activity, theft, fraud and gross mismanagement of the society's fund they can be suspended or removed him/her from the post or from the society following the procedure

laid down by this constitution. Such activity is liable to legal proceedings according to existing law.

2. Membership is terminated if the member dies or, if it is an organisation, ceases to exist.

3. If any sum due from the member to the charity is not paid in full within six months of it falling due.

Section 5: Non- discrimination

1. There shall be no denial of membership based on grounds such as age, sex, race, creed, colour, religion, disability, marital status and military status.

ARTICLE IV: COMMITTEE

Section 1: Executive Committee

1. The Executive Committee shall consist of the following:

(1) Chairperson

(2) Vice Chairperson

(3) Secretary

(4) Assistant Secretary

(5) Treasurer

2. The executive committee shall also act as the trustees of the society.

3. Powers of trustees

(1) The trustees must manage the business of the charity and have the following powers in order to further the objects (but not for any other purpose)

(a) To raise funds. In doing so, the trustees must not undertake any taxable permanent trading activity and must not comply with any relevant statutory regulations;

(b) To buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;

(c) To sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the trustees must comply as appropriate with sections 117-122 of the Charities Act 2011.

(d) To borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed. The trustees must comply as appropriate with sections 124-126 of the Charities Act 2011, if they intend to mortgage land;

(e) To co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;

(f) To establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;

(g) To acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects;

(h) To set aside income as a reserve against future expenditure but only in accordance with a written policy about reserves;

(i) To obtain and pay for such goods and services as are necessary for carrying out the work of the charity;

(j) To open and operate such bank and other accounts as the trustees consider necessary and to invest funds and to delegate the management of funds in the same manner and subject to the same conditions as the trustees of a trust are permitted to do by the Trustee Act 2000;

(k) To do all such other lawful things as are necessary for the achievement of the objects;

(2) No alteration of this constitution or any special resolution shall have retrospective effect to invalidate any prior act of the trustees.

(3) Any meeting of trustees at which a quorum is present at the time the relevant decision is made may exercise all the powers exercisable by the trustees.

4. Conflicts of interest and conflict of loyalties

A charity trustee must:

(1) Declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or any transaction or arrangement entered into by the charity which has not been previously declared; and

(2) Absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

Any charity trustee absenting himself or herself from any discussion in accordance with this clause must not vote or be counted as part of the quorum in any decision of the charity trustees on the matter.

5. Saving provisions

(1) Subject to sub-clause

(2) of this clause, all decisions of the charity trustees, or of a committee of the charity trustees, shall be valid notwithstanding the participation in any vote of a charity trustee:

(a) Who is disqualified from holding office;

(b) Who had previously retired or who had been obliged by this constitution to vacate office;

(c) Who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise;

If without the vote of that charity trustee and that charity trustee being counted in the quorum, the decision has been made by a majority of the charity trustees at a quorate meeting.

(2) Sub-clause (1) of this clause does not permit a charity trustee to keep any benefit that may be conferred upon him or her by a resolution of the charity trustees or of a committee of charity trustees if, but for sub-clause (1), the resolution would have been void, or if the charity trustee has not complied with clause 4 (Conflicts of Interests and conflicts of loyalties).

6. Delegation

(1) The trustees may delegate any of their powers or functions to a committee of two or more trustees but the terms of any such delegation must be recorded in the minute book.

(2) The trustees may impose conditions when delegating, including the conditions that:

(a) The relevant powers are to be exercised exclusively by the committee to whom they delegate;

(b) No expenditure may be incurred on behalf of the charity except in accordance with a budget previously agreed with the trustees.

(3) The trustees may revoke or alter a delegation.

(4) All acts and proceedings of any committee must be fully and promptly reported to the trustees.

7. Irregularities in proceedings

(1) Subject to sub-clause (2) of this clause, all acts done by a meeting of Trustees, or of a committee of trustees, shall be valid notwithstanding the participation in any vote of a trustee:

(a) Who was qualified from holding office;

(b) Who had previously retired or who had been obliged by the constitution to vacate office;

(c) Who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise;

if without:

(d) The vote of that trustee; and

(e) That trustee being counted in the quorum, the decision has been made by a majority of the trustees at a quorate meeting.

(2) Sub-clause (1) of this clause does not permit a trustee to keep any benefit that may be conferred upon him or her by a resolution of the trustees or of a committee of trustees if the resolution would otherwise have been void.

(3) No resolution or act of

(a) The trustees

(b) Any committee of the trustees

(c) The charity in general meeting

shall be invalidated by reason of the failure to give notice to any trustee or member or by reason of any procedural defect in the meeting unless it is shown that the failure or defect has materially prejudiced a member or the beneficiaries of the charity.

8. Rules

(1) The trustees may from time to time make rules or bye-laws for the conduct of their business.

(2) The bye-laws may regulate the following matters but are not restricted to them:

(a) The admission of members of the charity (including the admission of organisations to membership) and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;

(b) The conduct of members of the charity in relation to one another, and to the charity's employees and volunteers;

(c) The setting aside of the whole or any part or parts of the charity's premises at any particular time or or times or for any particular purpose or purposes;

(d) The procedure at general meeting and meetings of the trustees in so far as such procedure is not regulated by this constitution;

(e) The keeping and authenticating of records. (If regulations made under this clause permit records of the charity to be kept in electronic form and requires a trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated,

(f) Generally, all such matters as are commonly the subject matter of the rules of an unincorporated association.

(3) The charity in general meeting has the power to alter, add or repeal the rules and bye-laws to the notice of members of the charity.

(4) The trustees must adopt such means as they think sufficient to bring the rules and bye-laws to the notice of members of the charity.

(5) The rules or bye-laws shall be binding on all members of the charity, No rule or bye-law shall be inconsistent with, or shall affect or repeal anything contained in, this constitution.

9. Disputes

1. If a dispute arises between members of the charity about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.

Section 2: Committee Members

1. To support the above the following members are appointed as the committee members to oversee as shown below.

(1) Culture and Tradition Coordinator

(2) Property and stores Coordinator

(3) Youth Coordinators

(4) Health Champions

(5) Three persons including a lady as Area Representatives St Michael Estate and Lexden

(6) Three persons including a lady as Area Representatives Greenstead and Highwood

(7) Three persons including a lady as Area Representatives Berechurch Road, Monkwick and Holts Drive.

(8) Three persons including a lady as Area Representatives New Town and East of Mersea Road and town centre.

(9) Serving soldiers' Representative

(10) Advisers

2. They will not be trustees of the organisation but will assist the trustees.

Section 3: Terms of Executive Committee and committee members

1. All members of the society shall elect the committee at every two years interval. The term of the appointment shall start on the day of the annual general meeting and terminate on the day of the third annual general meeting.

Section 4: Authority and responsibilities

1. The organisation shall be administered by officers including the following.

(1) Chairperson

(a) The Chairperson shall have the general supervision and control of activities in order to achieve CNS objectives. The CNS will run according to general and specific direction of the Chairperson.

(b) The Chairperson shall take responsibility for ensuring that all actions are undertaken in between meetings that the agenda has been set and disseminated, that all admin arrangements are in place and satisfactory, all rooms have booked so members can organise/arrange leave accordingly in order to attend meetings and functions.

(c) The Chairperson shall make every effort in order to preserve the Nepalese culture, tradition, ethos, identity and promote unity and guide our new generations.

(d) The Chairperson shall make decisions with the consent of the executive committee for the benefit of all Nepalese living in Colchester and East Anglia Region.

(e) The Chairperson shall oversee Health and Safety of the members during a function and advise committee members accordingly.

(f) The Chairperson shall network with other agencies and organisations and identify and apply for funds on behalf of the society.

(g) Represent the society in other external meetings, conferences as the leader of the society.

(h) The Chairperson shall have power to exercise his/her authority in order to maintain discipline in accordance with the guideline set out in the constitution.

The Chairperson shall have the casting vote at Executive Committee meetings if voting should be tied.

(2) Vice Chairperson

(a) The Vice Chairperson shall deputise the Chairperson and assume his authorities and responsibilities when the Chairperson is unable to serve or during his leave of absence.

(b) He is further responsible for updating membership subscriptions in conjunction with area representatives.

(c) He is to ensure that the halls and surrounding area are in good order after the function is over.

(3) Secretary

(a) The Secretary shall be ultimately liable for all procedural and administrative matter of the CNS.

(b) The Secretary shall handle all formal correspondences in consultation with the Chairperson among committee members, the members of the society and others, and call and run meetings as required.

(c) The Secretary shall produce and circulate agenda of the meeting and any programmes in liaison with the Chairperson.

(d) He/she is to take notes, produce minutes of the Annual General Meeting and circulate to the society.

(e) He/she shall call for meetings in liaison with the Chairperson and record the attendance.

(f) He/she shall keep records of each meeting and any other relevant activities.

(g) The Secretary shall assume the duties of the Chairperson and Vice Chairperson if and when both the Chairperson and Vice Chairperson are unable to serve or during their leave of absence.

(h) He/she is to liaise closely with the Chairperson and Vice Chairperson. He/she is to inform by letter, email or verbally all the information to the members of CNS.

(4) Assistant Secretary

(a) The Assistant Secretary shall assist the General Secretary and assumes his/her duties when the Secretary is unable to serve or during his/her leave of absence.

(5) Treasurer

(a) The Treasurer shall be the custodian of all funds of the society and shall maintain bank accounts, receipts and disbursement of funds and shall give complete reports to the society.

(b) The Treasurer shall be the primary contact person for the issues related to the finance of the society. The fund can only be used with two signatories' usually secretary and treasurer.

(c) He/she shall ensure that there is no irregularity in the fund and he/she shall maintain an open book account so that each and every member of the society can see the state of the account whenever they like.

(6) Area Representatives

(a) Area Representatives are the vital link to the members of society and committee members. They shall be required to fulfil multi tasks. But primarily they shall interlink the members of the society with the committee.

(b) Update the list of names of all members of the society in their area, their addresses, contact telephone numbers etc at regular interval and distribute accordingly to the members.

(c) To inform members of the society and get their numbers for the functions as and when required.

(7) Health Champions

- (a) To advise members of the society about health related issues and organise seminars for all as and when possible.

(8) Members of Society

All other members of the society shall assist in the various activities of the society. They can also be assigned a specific task or tasks for the period of their membership in the society.

(9) Officers and trustees

- (a) The charity and its property shall be managed and administered by a committee comprising officers and other members elected in accordance with this constitution. The officers and other members of the committee shall be the trustees of the Charity and in this constitution are together called 'the trustees'

- (b) A trustee must be a member of the charity or the nominated representative of an organisation that is a member of the charity.

- (c) The number of trustees shall be not less than three but (unless otherwise determined by a resolution of the charity in general meeting) shall not be subject to any maximum.

- (d) A trustee may not appoint anyone to act on his or her behalf at meetings of the trustees.

Section 5: Nominations and elections

1. The members of the committee shall be elected for a term of two years. Elections shall be held during the annual general meeting every third year. They shall be eligible for re-election but that is entirely for the individual concerned to accept or deny and he/she shall not be forced to continue.

Paragraph 1: Eligibility

1.. Any member of the society shall be able to stand for any post of the committee as long as they can fulfil the responsibilities.

Paragraph 2: Nomination procedures

1. The outgoing committee shall seek nomination from members of the society for the incoming committee.

Paragraph 3: Election procedure

1. In order to elect the executive committee and committee members the outgoing committee may formulate an independent panel comprising of members who are not standing in any posts and not taking a side for and against any candidates to conduct the election including election rules and procedures. The committee members cannot nominate for any position but shall have a voting right. Each member has right to cast one vote for one position. This would take place at the AGM.

Section 6: Vacancies

1. In accordance with Section 1: Executive Committee and Section 2: Committee Members

Paragraph 1: Resignations

1. Any member of the committee may resign from their post, with a two-week prior notice, in writing to the Chairperson. The society will fill the resigned post from within the committee. If more than one committee member seeks the vacant post, there will be a vote of the society.

Paragraph 2: Removal

1. Any person engaging in illegal acts or acting against the interest of the society and committing unwarranted action, criminal activity, theft, fraud and whose actions bring bad reputation to the society can be suspended or remove him/her from the society.
2. The members of the committee shall not fail to attend three or more consecutive business meetings without notifying secretary or the chairperson without having reasonable justification. Such behaviour may be considered as removable offence. Before removing from the post or membership of the society no one should be deprived from reasonable opportunity to give his/her statement.
3. Disqualification and removal of trustees

(1) A trustee shall cease to hold office:

(a) If he or she is disqualified from acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision)

(b) Ceases to be a member of the charity.

(c) Becomes incapable by any reason of mental disorder, illness or injury of managing and administering his or her own affairs.

(d) Resigns as a trustee by notice to the charity (but only if at least two trustees will remain in office when the notice of resignation is to take effect) or

(e) Is absent without the permission of the trustees from all their meetings held within a period of six consecutive months and the trustees resolve that his or her office be vacated.

Paragraph 3: Filling vacancies

1. If the vacant post cannot be filled from within the committee, the committee shall seek to fill the post from the members of the society.

ARTICLE: V – Committees

1. The Executive Committee and Committee Members will also form subcommittees as required.

ARTICLE VI: ADVISERS

Section 1: Eligibility

1. The CNS may request to any prominent or dignified personality, or person with relevant qualifications, to be an adviser of the society.
2. The senior citizens as well as previous committee members may be chosen as advisers to the society
3. The members of the society are also responsible for selecting up to five advisers every year.

Section 2: Duties and Responsibilities

1. Advisers are members of the society appointed by the members in order to provide the society with necessary direction, guidance and assistance, based on their experience and under the constitutional guideline.
2. The advisers are to advise the committee members on various Society's activities and issues and be a volunteer on various society's activities.
3. Any advisers may resign from their post with a two-week prior notice. In the event of the committee not fulfilling their duties and responsibilities and engaging in illegal acts or acting against the interest of the society and committing unwarranted action, criminal activity, theft, fraud etc, the advisers have the authority to ask the Chairperson to call for Special General Meeting (SGM) and take appropriate action i.e. removal of the committee members engaged in such act.

ARTICLE VII: Finance

1. The society shall open bank account that shall be operated by the Secretary and the Treasurer. Signatures of both the Secretary and the Treasurer shall be required for any

withdrawal. Annual Accounts will be independently examined according to statutory requirements. The treasurer shall read out the annual accounts at the AGM.

2. Accounts, Annual Report, Annual Return

(1) The trustees must comply with their obligations under the Charities Act 2011 with regard to:

- (a) The keeping of accounting records for the charity.
- (b) The preparation of annual statements of accounts for the charity.
- (c) The transmission of the statements of account to the commission.
- (d) The preparation of an Annual Report and its transmission to the Commission.
- (e) The preparation of an Annual Return and its transmission to the Commission.

Section 1: Oversight

1. Trustees and committee members may receive out of pocket expenses within the law. The committee shall hire and fix the compensation of any and all employees that they in their discretion may determine to be necessary or appropriate in the conduct of the business of the society, and may delegate such authority to the committee members by and/or the Chairperson of the society

Section 2: Source of funding

1. The organisation has the power to raise funds for benefit of the members of the society and activities that benefit the public. Funds shall be generated from subscription, organising functions, donations from individuals and generate funds by applying for grants and by delivering services.

2. The fund could also be raised in variety of fund raising activities during Tombola nights, deusi, Dashain and Tihar and other functions or activities.

3. Every members of the society, in his/her good faith shall make every effort to raise the funds for the society.

Section 3: Maintenance of fund

1. The fund shall be deposited in the name of 'Colchester Nepalese Society'. The fund shall be handled as per Article VII Section 1, 2, 3, 4 and 5 of this constitution.

Section 4: Disbursement of funds

1. It is the Committee who is responsible for the funds and will be spent to meet the objectives of the society. The fund can only be drawn by signatures of both the Secretary and Treasurer. The treasurer will handle all the money matters

2. Benefits and payment to charity trustees and connected persons

(1) General provisions -

No charity trustee or connected person may:

- (a) Buy or receive any goods or services from the charity on terms preferential to those applicable to members of the public;
- (b) Sell goods, services or any interest in land to the charity;
- (c) Be employed by, or receive any remuneration from the charity;
- (d) Receive any other financial benefit from the charity;

Unless the payment is permitted by sub-clause (2) of this clause, or authorised by the court or the charity Commission ('the Commission') in this clause, a 'financial benefit' means a benefit, direct or indirect, which is either money or has a monetary value.

(2) Scope and powers permitting trustees' or connected person's benefits

- (a) A charity trustee or connected person may receive a benefit from the charity in the capacity of a beneficiary of the charity provided that a majority of the trustees do not benefit in this way.
- (b) A charity trustee or connected person may enter into a contract for the supply of services, or of goods that are supplied in connection with the provision of services, to the charity where that is permitted in accordance with and subject to the conditions in, section 185 of the Charities Act 2011.
- (c) Subject to sub-clause (3) of this clause a charity trustee or connected person may provide the charity with goods that are not supplied in connection with services provided to the charity by the charity trustee or connected person.
- (d) A charity trustee or connected person may receive interest on money lent to the charity at a reasonable and proper rate which must be not more than the Bank of England bank rate (also known as the base rate).
- (e) A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the charity. The amount of the rent and the other terms of the lease must be reasonable and proper. The charity trustee

concerned must withdraw from any meeting at which such a proposal or the rent or other terms of the lease are under discussion.

(f) A charity trustee or connected person may take part in the normal trading and fundraising activities of the charity on the same terms as members of the public.

(3) Payment for supplies of goods only - controls

The charity and its charity trustees may only rely upon the authority provided by sub-clause 2(c) of this clause if each of the following conditions is satisfied:

(a) The amount or maximum amount of the payment for the goods is set out in an agreement in writing between the charity and the charity trustee or connected person supplying the goods ('the supplier') under which the supplier is to supply the goods in question to or on behalf of the charity.

(b) The amount or maximum amount of the payment for the goods does not exceed what is reasonable in the circumstances for the supply of the goods in question.

(c) The other charity trustees are satisfied that it is in the best interests of the charity to contact with the supplier rather than with someone who is not a charity trustee or connected person. In reaching that decision the charity trustees must balance the advantage of contacting with a charity trustee or connected persons against the disadvantages of doing so.

(d) The supplier is absent from the part of any meeting at which there is discussion of the proposal to enter into a contract or arrangement with him or her or it with regard to the supply of goods to the charity.

(e) The supplier does not vote on any such matters and is not to be counted when calculating whether a quorum of charity trustees is present at the meeting.

(f) The reason for their decision is recorded by the charity trustees in the minute book.

(g) A majority of the charity trustees then in office are not in receipt of remuneration or payments authorised by clause 5.

(4) In sub-clauses (2) and (3) of this clause:

(a) 'The charity' includes any company in which the charity:

(i) Holds more than 50% of the shares; or

(ii) Controls more than 50% of the voting rights attached to the shares;
or

(iii) Has the right to appoint one or more trustees to the board of the company.

(b) 'Connected person' includes any person within the definition set out in clause 34 (interpretation).

Section 5: Accounting

1. The financial year of CNS shall be from 1st of April to 31st of March.

The Treasurer shall keep cash, stock books and vouchers, as the Executive Committee considers necessary, in consultation with the examiners.

2. All income of CNS shall be paid into a Bank Account in the name of CNS. The Treasurer shall maintain accounts and submit them to the Annual General Meeting, together with a balance sheet. In addition he/she shall be available to advise the Committee in relation to finances of CNS.

3. The Annual Account will be subject to independently examined according to statutory requirements.

4. Application of income and property

(1) The income and property of the charity etc shall be applied solely towards the promotion of the objects.

(a) A charity trustee is entitled to be reimbursed from the property of the charity or may pay out of such property reasonable expenses properly incurred by him or her when acting on behalf of the charity.

(b) A charity trustee may benefit from trustee indemnity insurance cover purchased at the charity's expense in accordance with, and subject to the conditions in, section 189 of the Charities Act 2011.

(2) None of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the charity. This does not prevent a member who is not also a trustee from receiving:

(a) A benefit from the charity in the capacity of a beneficiary of the charity;

(b) Reasonable and proper remuneration for any goods or services supplied to the charity.

5. Property

(1) The trustees must ensure the title to:

(a) All land held by or in trust for the charity that is not vested in the Official Custodian of Charities; and

(b) All investments held by or on behalf of the charity, is vested either in a corporation entitled to act as custodian trustee or in not less than three individuals appointed by them as holding trustees.

(2) The terms of the appointment of any holding trustees must provide that they may act only in accordance with lawful directions of the trustees and that if they do so they will not be liable for the acts and defaults of the trustees or of the members of the charity.

(3) The trustees may remove the holding trustees at any time.

ARTICLE VIII: RULES AND PROCEDURES

Section 1: Annual General Meetings

1. Annual General Meeting (AGM) will be held on the second Sunday in January every year. Venue for the meeting and agenda will be notified at least 28 days in advance. All members of the society shall be invited to attend the meeting.

2. All CNS meetings shall be conducted in open public session, at such hours and in such locations, so as to facilitate attendance by interested persons

3. The Chairperson of the committee shall be the chair of the AGM

2. The AGM is responsible for election of the committee, approval of annual budget, approval of Treasurer's annual report, changes to the constitution, appointment of audit panel and any other statutory obligations or relevant business raised by the members.

Section 2: Special General Meeting (SGM)

1. One third members of the society may request by writing to the chairperson or the committee may pass the special resolution to call SGM at any time.

2. The Chairperson shall call the SGM no later than three weeks of such request or resolution. The place, date and time shall be notified to all members of the society no later than one week.

3. The SGM shall discuss only on the issue of the removal of the committee members, amendments of the constitution, and how money is being spent or urgent business.

Section 3: Committee Meetings

1. Committee meetings can be called whenever the committee can meet. The Secretary with the Chairperson's consent shall give such notice of the meeting. The Chairperson shall conduct the meeting.

Section 4: Attendance

1. All members of the society shall be invited to attend Annual General Meeting. Committee meetings are restricted to Committee members and advisors as required. All CNS meetings shall be conducted in open public session, at such hours and in such locations, so as to facilitate attendance by interested persons.

2. Action without meetings - The Chairperson shall have the right to act upon issues that arise and cannot wait for the next society's meeting. At the minimum the Chairperson shall have to consult with the Vice Chairperson, the Treasurer and the Secretary. The entire society will be notified of the issue, and action taken within the next two days or forty-eight hours. The Society may endorse or reject such actions. In case of rejection, the Chairperson and other members involved will cease all actions initiated.

Section 5: Quorum

1. To conduct an AGM or SGM the quorate will be 2/5 of the membership or 20 people, whichever is the greatest, are present.

2. An Executive Committee Meeting the quorate will be 1/3 of the committee or 3 executive committee members are present, whichever is the greatest.

3. All members of the society who is 18 years of age or older are eligible to cast his or her vote in order to select the committee members for the interest of the society.

4. Action by Vote - All issues before the society shall be decided by vote of the society and attendance by advisers. An airing of the issues by all members of society and advisers present shall precede the vote.

Section 6: Minutes

1. The trustees must keep minutes of all:

- (1) Appointments of officers and trustees made by the trustees;
- (2) Proceedings at meetings of the charity;
- (3) meetings of the trustees and committees of trustees including:
 - (a) the names of the trustees present at meeting;
 - (b) the decisions made at the meetings; and
 - (c) where appropriate the reasons for the decisions.

2. Registered particulars

- (1) The trustees must notify the Commission promptly of any changes to the charity's entry on the Central Register of Charities.

Section 7: Parliamentary

1. The agenda will be communicated to the society by the secretary in liaison with the Chairperson and business of the committee shall be conducted in accordance with the agenda. On completion of the meeting the members can raise any points that they may have in Any Other Business (AOB).

Section 8: Dissolution

1. The dissolution of CNS may be affected at an AGM or SGM by the majority of two-thirds of the members present and entitled to vote. The Committee shall then be responsible for safeguarding the property of CNS. A Balance Sheet shall be drawn up and audited. The Committee shall then make proposals for the disposal of the assets and property of CNS. These proposals shall be placed before an AGM or SGM, which shall be summoned within six months of the meeting resolving that CNS shall be dissolved, and that meeting shall decide on the distribution of fund, property and assets to any charitable organisations. The distribution of fund, property and assets shall be decided by a simple majority.

2. A copy of the notice convening an AGM or SGM for the purpose of dissolution of CNS shall be posted. In addition, a notice shall be sent by the Secretary in consultation with Chairperson by post or email to every active member and honorary member. The notice shall be posted to the last known address of the member, at least twenty eight days prior to the date of the meeting. Any accidental omission to send a notice, or the non-receipt of the same, shall not invalidate any proceedings or resolution.

ARTICLE IX: AMENDMENTS

1. An amendment to the constitution shall be made with the consent of committee members and society by quorate vote in general every year at the Annual General Meeting or SGM.

ARTICLE X: RATIFICATIONS

1. The members of the committee and the members of the society whereupon agreed and approved to abide by the general guidelines set out in this article of Colchester Nepalese Society (CNS) constitution at the Special General Meeting held at Thomas Lord Audley School at 1600 hours at Monkwick Avenue, Colchester CO2 8NJ on 29 June 2013.
2. The CNS is setup to assist Nepalese living in Colchester and East Anglia Region in order to foster good relations with other members of the society. Rules and regulations are essential for the welfare and stability of every society. The elected chairperson is the head of

the society irrespective of his age and he is responsible for ensuring that the harmony and well being of all Nepalese is always at the forefront in his mind.

The following references also exist as separate policies.

Section 1: Equal opportunities policy

Section 2: Safeguarding Children and Vulnerable Adults Policy

Section 3: Volunteer policy

Section 4: Grievance and discipline policy

Section 5: Health and Safety

Section 6: Data Protection Policy

Section 7: Exclusion of Liability