

CONSTITUTION

Adopted on the 8th February 2015.

A Name

The name of the association is “**The Tibetan Education & Relief Association (Including Himalayan Communities)**” [henceforth referred to as “the Charity”].

B Administration

Subject to the matters set below the Charity and its property shall be administered and managed in accordance with this constitution by the members of the Executive Committee, constituted by clause F of this constitution (“the Executive Committee”).

C Objects

The Charity's objects are the education and relief of poverty of Tibetans and their neighbouring communities.

D Powers

In furtherance of the objects, but not otherwise, the Executive Committee may exercise the following powers:

1. Power to raise funds and to invite and receive contributions provided that, in raising funds, the Executive Committee shall not undertake any substantial trading activities and shall conform to any relevant requirements of the law.
2. Power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information with them.
3. Power to establish or support any charitable trusts, associations or institutions formed for all or any of the objects.
4. Power to appoint and constitute such advisory committees as the Executive Committee may think fit.
5. Power to do all such lawful things as are necessary for the achievement of the objects.

E Membership

1. Membership of the Charity shall be open to any person interested in furthering the objects and who has paid the annual subscription laid down from time to time by the Executive Committee.

2. Every member shall have one vote.
3. The Executive Committee may, by unanimous vote and for good reason, terminate the membership of any individual: provided that the individual concerned shall have the right to be heard by the Executive Committee accompanied by a friend, before a final decision is made.

F Executive Committee

1. The Executive Committee shall consist of not less than four and not more than eight members of the Charity elected by the Annual General Meeting who shall hold office from the conclusion of that meeting until the conclusion of the following Annual General Meeting when they may be re-elected.
2. At the first meeting following the Annual General Meeting the Committee shall appoint a Chairperson and a Secretary, selected from members of the appointed Executive. The treasurer shall be elected by the Annual General Meeting and shall be co-opted onto the Executive Committee if required.
3. The Executive Committee may in addition appoint not more than two co-opted members. No-one may be appointed as a co-opted member if, as a result, more than one third of the members of the Executive Committee would be co-opted members. Each appointment of a co-opted member shall be made at a special meeting of the Executive Committee called under clause J1 and shall take effect from the end of that meeting unless the appointment is to fill a place which is not then vacated in which case the appointment shall run from the date when the post becomes vacant.
4. All new candidates for election to the Executive Committee shall be members of the Charity and shall require nomination in writing (post or email) by two members of the Charity and shall confirm their willingness to stand in writing to the secretary at least ten days prior to the Annual General Meeting. (Formal nomination is not required for existing Executive Committee members who are happy to re-stand)
5. The proceedings of the Executive Committee shall not be invalidated by any vacancy among their number or by any failure to appoint or any defect in the appointment or qualification of a member.
6. Nobody shall be appointed as a member of the Executive Committee who is under the age of 18 or who would, if appointed, be disqualified under the provisions of the following clauses.

G Equal Opportunities

No individual shall be excluded from membership of the Charity or de-barred from any official capacity on the Executive Committee on the grounds of ethnic origin, nationality, gender, sexual orientation, religion or political affiliation.

H Termination of Membership of the Executive Committee

A member of the Executive Committee shall cease to hold office if he or she:

1. Is disqualified from acting as a member of the Executive Committee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision.)
2. Becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs.
3. Is absent without permission of the Executive Committee from all their meetings held within a period of twelve months and the Executive Committee resolve that his or her office be vacated.
4. Notifies the Executive Committee a wish to resign (but only if at least three members of the Executive Committee will remain in office when the notice of resignation is to take effect) and sends conformation to the Secretary (letter or email).

I Executive Committee Members not to be personally interested

No member of the Executive Committee shall acquire any interest in property belonging to the Charity (otherwise than as a trustee for the Charity) or receive remuneration from the Charity or be interested (otherwise than as a member of the Executive Committee) in any contract entered into by the Executive Committee.

J Meetings and proceedings of the Executive Committee

1. The Executive Committee shall hold at least two ordinary meetings each year at not less than twenty-eight days notice. A special meeting may be called by the Chairman or by any two members upon not less than twenty-one days notice being given to the other members of the matters to be discussed.
2. The Chairman shall act as Chairman at meetings. If the Chairman is absent the members present shall choose one from their number to act as Chairman before any other business is transacted.
3. There shall be a quorum when at least three members are present.

4. All matters shall be determined by a majority of the votes of the members present and voting on the question but in the case of equality the Chairman of the meeting shall have a second or casting vote.

5. The Executive Committee shall keep minutes of the proceedings at meetings of the Executive Committee and any sub-committee.

6. The Executive Committee may from time to time make and alter rules for the conduct of their business. No rule may be made which is inconsistent with this constitution.

7. The Executive Committee may appoint one or more sub-committees consisting of two or more members for performing any function of duty which may be more conveniently undertaken by such a sub-committee: provided that all proceedings of any such sub-committee shall be fully and promptly reported to the Executive Committee.

K Receipts and Expenditure

1. The shall be paid into accounts operated by the Executive Committee in the name of the Charity at such funds of the Charity, including all donations, contributions and bequests, bank as the Executive Committee shall from time to time decide. All withdrawals from the accounts must be signed by at least two members of the Executive Committee.

2. The funds belonging to the Charity shall be applied only in furthering the objects.

L Accounts

The Executive Committee shall comply with their obligation under the Charities Act 1993 and any other relevant legislation (or any statutory re-enactment or modification of that Act) with regard to:

1. The keeping of accounting records for the Charity.

2. The preparation of annual statements of account for the Charity.

3. The auditing or independent examination of the statement of account of the Charity.

4. The transmission of the statement of account of the Charity to the Commission.

M Annual Report

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modifications of that Act) with the regard to the preparation of an annual report and its transmission to the Commission.

N Annual Return

The Executive Committee shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the Commission.

O Annual General Meeting

1. There shall be an Annual General Meeting of the Charity which will be held within six months of the end of the financial year.
2. Every Annual General Meeting shall be called by the Executive Committee. The Secretary shall give at least twenty-eight days notice of the Annual General Meeting to all members of the Charity. All members shall be entitled to attend and vote at the meeting.
3. The Executive Committee shall present, for approval, to each Annual General Meeting the report and accounts of the Charity for the preceding year.
4. Nominations for election to the Executive Committee (reference F1) must be made by the members of the Charity in writing (post or email) and must be in the hands of the Secretary of the Executive Committee at least ten days before the Annual General Meeting. Should nominations exceed vacancies, election shall be a ballot.
5. The Annual General Meeting shall elect members of the Executive Committee.
6. The Annual General Meeting shall elect a Treasurer for the Charity. The Treasurer shall not be on the Executive Committee.

P Special General Meeting

The Executive Committee may call a Special General Meeting of the Charity at any time. If at least fifteen members of the Charity request such a meeting in writing stating the business to be considered the Secretary shall call such a meeting. At least twenty-eight days notice must be given. The notice must state the business to be discussed.

Q Procedure at General Meeting

1. The Chairperson shall chair the General Meetings.
2. The Secretary or other person specially appointed by the Executive Committee shall keep a full record of the proceedings at every General Meeting of the Charity

3. There shall be a quorum when at least one tenth of the members of the Charity for the time being are present at any General Meeting.

R Notice

Any notice required to be served on any member of the Charity shall be in writing and shall be served by the Secretary or the Executive Committee either personally, or by email (where the member has agreed in writing or by email to receive notices this way), or by sending it through the post in a prepaid letter addressed to such a member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within ten days of posting.

S Alterations to the Constitution

1. Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a General Meeting. The notice of the General Meeting must include notice of the resolution, setting out the terms of the alteration proposed.
2. No amendment may be made to clause A, clause C, clause I, clause T or this clause without the prior consent in writing of the Charity Commissioners.
3. No amendment may be made which would have the effect of making the Charity cease to be a Charity at law.
4. The Executive Committee should promptly send to the Charity Commission a copy of any amendment made under this clause.

T Dissolution

If the Executive Committee decides that it is necessary or advisable to dissolve the Charity it shall call a meeting of all members of the Charity, of which not less than twenty-eight days notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by two thirds of the members present and voting the Executive Committee shall have power to realise any assets held by or on behalf of the Charity. 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 Charity as the members of the Charity may determine or failing that shall be applied to some other charitable purpose. A copy of the accounts for the final accounting period of the Charity must be sent to the Charity Commission.