

All organisations must enclose a copy of your organisation's constitution, memorandum & articles of association, or trust deed (the set of rules your organisation follows). You need to keep the original.

Your constitution must be formally adopted (approved) at an annual general meeting (AGM) or an extraordinary general meeting (EGM) and be signed and dated by a minimum of two authorised signatories **on the day it was adopted.**

If you do not have a signed and dated copy of your constitution, you will need to have this adopted again. If you know we already have an up-to-date copy of your constitution, you do not need to send it to us again.

As well as other things, we expect your constitution to tell us:

- who is allowed to manage the bank account (give people's positions not their names);
- how many authorised people (signatories) must sign each cheque – we cannot accept fewer than two authorised people and these must not be connected (see note one below);
- what will happen to your assets if the organisation folds. This is called a dissolution clause and should state that assets remaining must be transferred to an organisation with similar aims and objectives (perhaps in the same geographical area) and not divided between members; and
- the minimum number of members that must go to committee meetings and annual general meetings ('quorum').

Third Sector, Dumfries & Galloway can help you to develop or amend your constitution. See Information Sheet 13.

Note one

The Charities and Trustee Investment (Scotland) Act 2005 defines 'connected' as the following.

- “Any person to whom the signatory is married, is the civil partner of the signatory or with whom the signatory is living as husband and wife or, where the signatory and the other person are of the same sex, in an equivalent relationship.
- Any child, parent, grandchild, grandparent, brother or sister of the signatory (and any spouse of any such person).
- For the purposes of the above, a person who is another person's stepchild or brought up or treated by another person as if the person were a child of the other person, is to be treated as that other person's child.”

This definition is included on our website at dumgal.gov.uk/grants.

The following wording should be included in your constitution:

“There should be a minimum of two authorised signatories who are not connected, as per the definition of 'connected' in the Charities and Trustee Investment (Scotland) Act 2005.”

Management committees may need to add more to this clause to reflect their individual circumstances, and it will help future members of your organisation if you include the actual definition of 'connected' as set out above.

If your annual general meeting is some time in the future and you do not want to call an extraordinary general meeting, you can give us:

- a copy of a financial protocol that has been agreed by the voluntary management committee and has been signed and dated by at least two authorised signatories; and
- a copy of the minutes of the meeting where the financial protocol was agreed.

You must include the appropriate wording when you next revise your constitution and you should aim to have a revised, compliant constitution in place within one year of signing the financial protocol.

You can get a template for the financial protocol from our website at www.dumgal.gov.uk/grants, or by phoning us on 01387 273897.

We have introduced these requirements to protect voluntary management committees and to reduce the risk of fraud.