

# Scolt Head and District

## Common Rightholders' Association

Founded 1984

### CONSTITUTION

#### 1. NAME

The name of the Association shall be the SCOLT HEAD & DISTRICT COMMON RIGHTHOLDERS' ASSOCIATION.

#### 2. OBJECTS.

The Association is established for the benefit of the Common and the Common Rightholders for the following purposes in the areas CL65, CL124, CL161 and CL162 as defined by the 1965 Act. These areas collectively shall hereinafter be referred to as 'the area of benefit'.

- I. To protect and promote the rights of the Common Rightholders.
- II. To take such measures as are reasonable to protect the Common and Rights of Common.
- III. To protect and manage the area of benefit in its present unspoilt state.
- IV. To protect the traditional rights of local people where possible within the confines of current legislation.
- V. To liaise and work with the National Trust, Brancaster Parish Council, Holkham Estate and other Title Deed Holders and users of the area of benefit to promote these objectives.
- VI. To keep a Register of all Common Rightholders and their Rights of Common and to give information and advice to Rightholders and assist, if required, with transfers of Rights.
- VII. To be at all times mindful of the wider conservation issues that may impact upon the Common.
- VIII. No Committee representing the Association will have now, or in the future any political affiliations.

In furtherance of the said purposes, but not otherwise, the Association, through its Executive Committee, hereinafter referred to as "the Committee", shall have the following powers;

- 2.1 To promote research into subjects directly connected with the objects of the Association and to publish the results of any such research, reports and other literature.
- 2.2 To act as a co-ordinating body and to communicate with local authorities, planning committees and all other local and statutory authorities, voluntary organisations, charities and persons when appropriate.
- 2.3 To promote or assist in promoting activities throughout the area of benefit as permitted within the Law of Commons and to issue licences as appropriate.

S.H.&D.C.R.A

287

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Kids on

CL 65

CL 161

CL 162

CL 124

To take:

Wildfowl

Fish

Seaweed

Samphire

Sand

Shingle

Shellfish

Sea Lavender

Seaweed

Herbage

Tangle

Bail

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- 2.4 To make surveys and prepare maps and plans and collect information in relation to any place, erection or building of beauty or historic interest within the area of benefit.
- 2.5 To hold meetings, lectures and exhibitions.
- 2.6 To educate public opinion and to give advice and information.
- 2.7 To raise funds and to invite and receive contributions from any person or persons whatsoever by way of subscription, donation and otherwise whether subject to any special trust or not.
- 2.8 To sell, let, mortgage, dispose of or turn into account all or any of the property or funds of the Association as shall be necessary (i.e. for the protection of Rights of Common).
- 2.9 To borrow money for the purpose of the Association on such terms agreed on by the Committee and with agreement of at least 75% of Association members present at an AGM or properly constituted Special General Meeting.
- 2.10 To do all such other things as are necessary for the attainment of the said objectives.

### **3. MEMBERSHIP.**

Membership shall be open to all Common Rightholders within the Area of Benefit.

**4. DONATIONS** shall be voluntary.

### **5. MEETINGS.**

An Annual General Meeting shall be open to all those who are interested in actively furthering the purposes of the Association and shall be held annually to receive the Committee's report and audited accounts and to elect members of the Committee. The Committee shall decide when meetings of the Association shall be held and shall give at least 14 days notice of such meetings to all members. Only registered Common Rightholders are eligible to vote at the AGM and other meetings of the Association. Each Registered Common Right entitles the owner, or a single nominated co-owner, of that Right to a single vote on each motion proposed at an AGM. For simplicity one whole Right gains one vote. All Common Rightholders are entitled to attend Committee meetings but only Committee members are entitled to vote.

The Committee may, whenever it thinks fit, and must, upon a request in writing to the Secretary stating the object for which the meeting is called and signed by not less than 20 Common Rightholders, convene a Special General Meeting of the Association. If the Meeting is not convened within two months the said Rightholders may convene such a meeting.

At least ten days before the date of the meeting, notice shall be sent to every member by post, specifying the place, date and the hour of the Meeting. Such notice shall state the business to be transacted at the meeting. No other business than that specified in such notice shall be dealt with at a Special General Meeting.

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## **6. OFFICERS.**

The Officers of the Association shall consist of 9 committee members, from whom will be elected a Chairman and a Vice-Chairman. The Committee will also contain an Honorary Secretary and an Honorary Treasurer.

The Chairman and Vice-Chairman will be appointed from the elected Committee at its first meeting after the Annual General Meeting. The Honorary Secretary and Honorary Treasurer may be independent to the elected Committee and if so are not entitled to vote.

A President and Vice-President of the Association may be elected at a General Meeting of the Association for periods to be decided at such a meeting.

The Committee shall have the power to fill casual vacancies occurring among the Officers and Committee by inviting nominations from the membership.

## **7. THE EXECUTIVE COMMITTEE.**

The Executive Committee shall be responsible for the management and administration of the Association. The Committee, among its Officers and members of Committee, shall, where possible, consist of equal numbers representing Brancaster, Brancaster Staithe and Burnham Overy Staithe.

The Committee shall have the power to co-opt further members who shall attend in an advisory and non-voting capacity.

The President and Vice-President may attend any meeting of the Committee but shall not vote at any meeting. In the event of equality in the votes cast, the Chairman shall have a second, or casting, vote.

Three members of the Committee shall be elected annually at the Annual General Meeting, these elected members to serve for a term of 3 years. One Committee member representing each village will retire each year at the Annual General Meeting, these members shall be eligible for re-election.

Nominations for election to the Committee shall be made in writing at least 7 days before the Annual General Meeting. These must be supported by a seconder and the consent of the proposed nominee must first have been obtained. If the nominations exceed the number of vacancies a ballot shall take place. If no such written applications are received by the Secretary, then nominations for vacant posts can be taken from those present at the AGM for any of the areas named in Section 7, paragraph 1 above.

The Committee shall meet not less than 4 times each year at intervals of not more than 3 months. The Secretary shall give all members of the Committee not less than 7 days notice of each meeting. A quorum shall comprise 4 voting members of the Committee, one of whom shall be an officer. If the Chairman and Vice Chairman of the Committee are not present, the meeting will elect one of those present to act as chairman.

## **8. SUB-COMMITTEES.**

The Committee may constitute such Sub-Committees from time to time as are necessary for such purposes as it thinks fit.

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The Committee shall appoint the Chairman and Secretary of each Sub-Committee and all actions and proceedings of each Sub-Committee shall be reported to and be confirmed by the Committee as soon as possible.

Members of the Committee may be members of any Sub-Committee and membership of a Sub-Committee shall be no bar to appointment to membership of the Committee.

Sub-Committees shall be subordinate to and may be regulated or dissolved by the Committee.

### **9. DECLARATION OF INTEREST.**

It shall be the duty of every Officer or member of the Committee or Sub-Committee who would benefit in any way, directly or indirectly, in any item discussed at any Committee meeting at which he or she is present to declare such an interest.

### **10. EXPENSES OF ADMINISTRATION AND APPLICATION OF FUNDS.**

The Committee shall, out of the funds of the Association, pay all proper expenses of administration and management of the Association.

After payment of the administration and management expenses and the setting aside to reserve of such sums as may be deemed expedient, the remaining funds of the Association shall be applied by the Committee in furtherance of the purposes of the Association.

### **11. INVESTMENT.**

All moneys at any time belonging to the Association and not required for immediate application for its purposes shall be invested by the Committee in or upon such investments, securities or property as it may think fit. This being subject nevertheless to such authority, approval or consent as may, for the time being, be required by law or by the special trusts affecting any property in the hands of the Committee.

### **12. TRUSTEES.**

Any freehold and leasehold property acquired by the Association shall and if the Committee so directs any other property belonging to the Association may be vested in trustees who shall deal with such property as the Committee may from time to time direct.

Any trustees shall be at least three in number or a trust corporation. The power of appointment of new trustees shall be vested in the Committee. A trustee need not be a member of the Association.

The Honorary Secretary shall from time to time notify the trustee in writing of any amendment hereto and the trustees shall not be bound by any such amendments in their duties as trustees unless such notice has been given.

The Association shall be bound to indemnify the trustees in their duties (including the proper charge of a trustee being a trust corporation) and liability under such indemnity shall be a proper administrative expense.

### **13. AMENDMENTS.**

This Constitution may be amended by three-quarters of the members present being in favour of the amendment at an Annual General Meeting, Special General Meeting

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or postal vote of the Association (see Section 15) provided that 28 days notice of the proposed amendment has been given to all members (and provided that nothing herein contained shall authorise any amendment the effect of which would be to cause the Association at any time to cease to exist). This notice is to be given according to Section 14. Each Commoner shall be sent a copy of this document and any subsequent amendment.

### **14. NOTICES.**

Any notice required to be given by these rules shall be deemed to be duly given if left at or sent by prepaid post addressed to the address of that member last notified to the Secretary.

### **15. FINANCE.**

The Association should aim to maintain a reserve fund of £10,000 increasing annually by at least 50% of the disposable income after running expenses have been deducted. This reserve fund shall be used for legal costs and running and administrative costs should the need arise.

The Committee shall keep a record of all donations received. Each £1 donation received from Commoners shall be deemed as one share. In the winding up of the Association, any assets of the Association shall be returned pro-rata to those Commoners, or their dependants, with shares; up to a maximum amount of £1 per share. Moneys still remaining shall be awarded as in Section 16.

### **16. WINDING UP.**

The Association may be dissolved by three quarters of the members present and voting at an Annual General Meeting or Special General Meeting of the Association confirmed by a simple majority of members voting at a further Special General Meeting held not less than 28 days after the previous Meeting. The Committee may undertake a postal vote of all Commoners and the voting shall be calculated as at a Special General Meeting. If a motion for the dissolution of the Association is to be proposed at an Annual General Meeting this motion shall be referred to specifically when notice of the Meeting is given. In the event of the dissolution of the Association the available funds of the Association shall be transferred to such one of more charitable institutions having objects similar or reasonably similar to those hereinbefore declared for the Association, subject to those rules under finance (see Section 15). These charitable institutions to be chosen by the Committee and approved by the Meeting of the Association at which the decision to dissolve the Association is confirmed. On dissolution the minute books and other records of the Association shall be deposited with the County of Norfolk Record Office.

### **17. CONDUCT.**

The Committee shall not be held responsible for individual Common Rightholders' conduct. The Committee shall not be held responsible for any action taken in good faith as seems fit for the running of the Association and its Aims.

The Association shall provide the Committee with Insurance cover to indemnify them against any claim raised against them in the execution of their duties.

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## 18. CURRENT VERSION.

This Constitution has superseded all other constitutions held by the Scolt Head & District Common Rightholders' Association. This Constitution has been agreed by postal ballot and at the Annual General Meeting held on the 27th May 2016 and is signed as a true record of the above undertakings.

Signed by;

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**Chairman SH&DCRA**

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Date

in the presence of

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Name

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Date

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**Committee Member**

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Date

in the presence of

.....  
Name

.....  
Date

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**Commoner at AGM**

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Date

in the presence of

.....  
Name

.....  
Date