

## ACERT'S CURRENT CONSTITUTION - AS AT 31 MARCH 2009

CONSTITUTION - adopted 23 September 1989 by the  
ADVISORY COUNCIL FOR THE EDUCATION OF ROMANY AND  
OTHER TRAVELLERS Registered Charity No. 800267

### 1. NAME

The name of the organisation is the ADVISORY COUNCIL FOR THE EDUCATION OF ROMANY AND OTHER TRAVELLERS (hereinafter called ACERT).

(NOTE: The word 'Travellers' shall include those who by self ascription are Gypsies, Romanies, Showmen, or Circus people, of whatever national origin. This list is not exhaustive.)

### 2. OBJECTS

ACERT is established to:

- 1) advance the education and the protection and preservation of the health of Travellers;
- 2) promote good community relations by
  - a) Endeavouring to eliminate discrimination against Travellers on racial or other grounds;
  - b) Encouraging equal opportunity between Travellers and other groups in a multicultural society.

### 3. POWERS

In furtherance of the said objects but not further or otherwise ACERT may:

- 1) Employ and pay any person or persons to supervise, organise and carry on the work of the organisation and make all reasonable and necessary provision for the payment of pensions and superannuation to or on behalf of employees and their dependants;
- 2) Undertake, execute, manage or assist any charitable trusts which may lawfully be undertaken, executed, managed or assisted by ACERT;
- 3) cause to be written and printed or otherwise reproduced and circulated, with or without charge, such papers, books, periodicals, pamphlets or other documents, or films or recorded tapes (whether audio or visual or both) as shall further ACERT's objects;
- 4) purchase, lease, rent, exchange, hire or otherwise acquire any property and any rights and privileges necessary for the promotion of the said objects, and construct, maintain and alter any buildings or other property necessary for the work of ACERT;
- 5) Make regulations for any property which may be so used;

6) subject to such consents as may be required by law, sell, let, mortgage, dispose of or turn to account all or any of the property or assets of ACERT;

7) subject to such consents as may be required by law, borrow or raise money for ACERT's objects and accept gifts on such terms and on such security as shall be deemed necessary by the Executive Committee (hereinafter called the Committee);

8) Raise funds and invite and receive contributions from any person whatsoever by way of subscriptions and otherwise, provided that ACERT shall not undertake permanent trading activities in raising funds for its objects;

9) invest the moneys of ACERT not immediately required for the said objects in or upon such investments, securities or property as may be thought fit by the Committee;

10) Pursue the following activities:

i) promote the provision of, and access by Travellers, to all statutory and community services affecting the education, health, safety and satisfactory living conditions of Travellers' families;

ii) Seek to preserve Travellers' right to the continuance of nomadic life without harassment;

iii) Promote conciliation and co-operation between Travellers, national and local government departments and other organisations, and bring together in conference representatives and members of Traveller communities and other voluntary organisations, national and local government departments, statutory authorities, individuals and any other appropriate bodies as seen fit by the Committee.

iv) Provide information about Travellers' way of life, their cultures and traditions and their position in a multicultural society, and otherwise collect and disseminate information on all matters affecting the said objects and exchange such information with other bodies having similar objects in this country and abroad;

v) Promote and carry out or assist in promoting and carrying out surveys and investigations, provided that the useful results of any such research are published.

11) Promote the involvement of Travellers in ACERT.

12) do any other lawful things as are necessary for the attainment of the said objects.

#### **4. MEMBERSHIP**

a) Full membership of ACERT shall be open to Travellers and non-Travellers aged 18 years or over, who support the objects of ACERT and are interested in furthering the work of the organisation, and who have paid the annual subscription as laid down from time to time by the Committee. A record of membership shall be held by the General Secretary and shall be available for scrutiny at General Meetings.

b) If a member's subscription is more than 3 months in arrears following at least one reminder to their last known address, that membership shall be deemed to have lapsed.

c) Honorary members may be appointed at the discretion of the Committee. Honorary members shall not be entitled to vote.

d) The Committee shall have the right to approve or reject applications for membership, provided that membership shall not be unreasonably withheld.

e) On receipt of a complaint that any member is failing to observe the Constitution or does not share the aims and objects

of ACERT, the Committee shall in the first instance consider the complaint. The member against whom the complaint has been made shall have the right to put his/her case to the Committee.

If satisfied that the complaint is justified, and the member is unwilling to resign, the Committee will put a proposal to a General Meeting, which may resolve, by a two-thirds majority of those present and eligible to vote, that the person's membership of ACERT should lapse forthwith.

2) Only fully paid-up members have voting rights at General Meetings.

#### **5. MEETINGS OF ACERT**

1) An Annual General Meeting of ACERT shall be held once in each calendar year at such a place as the Committee may determine.

2) Two calendar months' notice shall be sent in writing to all who are members at the time of the notice.

3) The business of the Annual General Meeting shall include:

- (a) Election of Honorary Officers;
- (b) election of members of the Committee;
- (c) The appointment of an auditor or auditors;
- (d) Consideration of an annual report of

the work done by or under  
the auspices of ACERT;

(e) Consideration of the audited  
accounts;

(f) Transaction of such other matters may  
from time to time be necessary.

4) 25% of [**THE TOTAL MEMBERSHIP**] or 30 fully paid up  
members, whichever is the smaller number, may in  
writing require that an Extraordinary General  
Meeting be held. One calendar month's written notice  
of such a meeting shall be sent to all who are  
members on the date of the notice.

5) Other General Meetings of ACERT may be called by  
the Committee as felt appropriate, and one calendar  
month's written notice shall be sent to all who are  
members on the date of the notice.

## **6. NOMINATIONS AND ELECTIONS**

1) Only members of ACERT of at least three months  
standing may be elected as Honorary Officers or  
members of the Committee. Nominations for Honorary  
Officers or members of the Committee may be made by  
members of ACERT in writing. Both the nomination and  
the proved consent of each nominee must be received  
by the General Secretary before the Annual General  
Meeting.

2) Nominations may also be taken from the floor of  
the meeting. Those nominated at the meeting must  
either be present and consent to nomination or be  
proved to have given consent to nomination.

3) Election shall be decided by secret ballot with  
each voting member being able to vote for a maximum  
of the number of vacancies to be filled.

## **7. HONORARY OFFICERS**

1) At the Annual General Meeting ACERT shall elect  
the Chair, Vice-Chair, Treasurer and General  
Secretary, and such other Honorary Officers as it  
shall from time to time decide.

2) The members of the Committee may appoint and  
employ a General Secretary upon such terms as they  
shall think fit. The General Secretary shall not be  
a member of the Committee but may attend Committee  
Meetings in an advisory capacity without power to  
vote thereat.

3) The Chair and Honorary Officers of ACERT shall  
hold office until the conclusion of the Annual  
General Meeting next after their election but shall  
be eligible for re-election.

4) One or more qualified auditors shall be appointed  
as in 5.3. {c} above.

## **8. EXECUTIVE COMMITTEE**

1) The policy and general management of the affairs of ACERT shall be carried out by the Committee in accordance with any policies laid down at General Meetings of ACERT. The Committee shall consist of four or more Honorary Officers elected under 7(1) above, and such other elected members as will bring the number of elected members of the Committee to a total of not more than 15.

2) In addition to the members elected by virtue of clauses 7(1) and 8(1) above, the Committee may co-opt up to three further members being full members of ACERT who shall serve until the conclusion of the next Annual General Meeting after their co-option. Co-opted members shall be entitled to vote at meetings of the Committee.

3) The Committee shall meet not less than 4 times a year, and notice of each meeting shall be sent in writing to all members by the Secretary not less than 7 days before the date of the meeting.

4) The proceedings of the Committee shall not be invalidated by any inadvertent failure to elect or any unintentional defect in the election, appointment, co-option or qualification of any member; any such failure or defect shall be remedied as soon as possible.

5) The Committee shall fix the remuneration of such employees and consultants as may in their opinion be necessary. Such employees and consultants shall not be members of the Committee.

6) The Committee may appoint such sub-committees as may be deemed necessary and shall determine their terms of reference, powers, duration, and composition. All acts and proceedings of such sub-committees shall be reported back to the Committee as soon as possible and the Committee shall report to the Annual General Meeting.

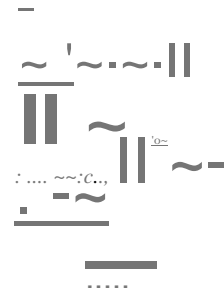
## **9. RULES OF PROCEDURE AT ALL MEETINGS**

1) **Quorum:** The Quorum at any General Meeting shall be 15% of [the total membership?] or 30 fully paid up members, whichever is the smaller number. The quorum for a meeting of the Committee shall be five members of the Committee, including any co-opted members.

Registered Charity No: 800267

Advisory Council for the Education of Romany and other Travellers

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## **AMENDMENT TO CONSTITUTION**

### **Constitution page 7.**

The Charity Commission states that only Charities with an Income of over £100,000 require their accounts to be Audited. As our income is less than this and it is a very costly procedure, we have been advised to alter our Constitution accordingly.

### **10. FINANCE reads:**

#### **Change to:**

**3) The accounts shall be audited at least once each year by the auditor(s) appointed at the Annual General Meeting.**

**4) An audited statement of the accounts for the last financial year shall be submitted by the Committee at the Annual General Meeting.**

**3) The accounts shall be independently examined each year by an appropriately qualified person appointee at the Annual General Meeting.**

**4) An independently examined statement of accounts the last financial year shall be submitted by the Committee at the Annual General Meeting.**

2) **Voting:** Save as otherwise provided, all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote. No person shall exercise more than one vote, but in the case of equality of votes the Chair may exercise a second vote, which shall be in favour of the status quo where that is definable.

3) **Minutes:** A Committee Minute Book shall be kept and the General Secretary shall enter therein a record of all proceedings and resolutions.

4) **Standing Orders and Rules:** The Committee shall have power to adopt and issue Standing Orders and/or Rules for ACERT. Such Standing Orders and/or Rules shall come into operation immediately provided always that they shall be subject to review by an ACERT General Meeting and shall not be inconsistent with the provisions of this Constitution.

#### 10. FINANCE

1) All moneys raised by and on behalf of ACERT shall be applied to further the objects of ACERT and for no other purpose.

2) The Honorary Treasurer shall keep proper accounts of the finances of ACERT.

3) The accounts shall be audited at least once each year by the auditor(s) appointed at the Annual General Meeting.

4) An audited statement of the accounts for the last financial year shall be submitted by the Committee at the Annual General Meeting.

5) A bank account shall be opened in the name of ACERT. The Committee shall authorise, in writing, the Treasurer and Chair of ACERT and two other named Committee members to sign cheques on behalf of ACERT. All cheques must be signed by not less than two of the four authorised signatories.

#### 11. TRUST PROPERTY

1) The title to all real or personal property which may be acquired by or on behalf of ACERT shall be vested in a corporation lawfully entitled to act as Custodian Trustee, or in not less than two or more than four people (not being members of the Committee).

2) The Trustees may only be appointed or replaced, where necessary, at Annual General Meetings of ACERT.

## **12. ALTERATIONS TO THE CONSTITUTION**

Any alteration to this Constitution shall receive the assent of not less than two thirds of the members present and voting at an Annual General Meeting. Notice of any proposed alteration must be received in writing by the General Secretary not less than 3 months before the date of the Annual General Meeting. At least 2 calendar months' notice in writing of the proposed alteration shall be sent by the General Secretary to all who are members of ACERT at the date of the notice, provided that no proposed alteration shall be notified to members before being considered by the Committee.

## **13. NOTICES**

Any notice may be served by the General Secretary on any member either personally or by sending it through the post to such member at her/his last known address and any letter so sent shall be deemed to have been received within 15 days of posting.

## **14. DISSOLUTION**

If the Committee by a simple majority decides at any time that on the ground of expense or otherwise it is necessary or advisable to dissolve ACERT, it shall call a General Meeting as required in clause 5 (5) above, except that two calendar months' notice, stating the terms of the resolution to be proposed, shall be sent to all who are members at the time of the notice. If such decision is confirmed by two thirds of those present and voting at the meeting, the Committee shall have the power to dispose of any assets held by or on behalf of ACERT. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution(s) as the Committee may determine, such institution(s) having similar objects to those of ACERT.

## **15. INTERPRETATION**

For the interpretation of this Constitution, the Interpretation Act 1978 shall apply as it applies to the interpretation of an Act of Parliament.