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CONSTITUTION OF FRIENDS OF DUNDONALD CASTLE SCIO
Draft From 4th September 2019 Onwards

CONSTITUTION

of

FRIENDS OF DUNDONALD CASTLE SCIO

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GENERAL

Type of organisation

- 1 The organisation will, upon registration, be a Scottish Charitable Incorporated Organisation (SCIO).

Scottish principal office

- 2 The principal office of the organisation will be in Scotland (and must remain in Scotland).

Name

- 3 The name of the organisation is "FRIENDS OF DUNDONALD CASTLE SCIO".

Purposes

The organisation is a Community Heritage Enterprise, Full Membership of which is open to those who live in the ancient Ayrshire lowlands of Kyle and Cunninghame. (See Membership, Section 11).

The organisation's purposes are

- 4.1 To promote the advancement of education and in furtherance thereof by (among others) the promotion of public awareness of Dundonald Castle, Dundonald, South Ayrshire, Scotland (hereinafter referred to as 'The Castle') in all media and the education of the public as to the historical significance of The Castle which shall include but not be limited to the education of school children and students, and
- 4.2 To promote the advancement of heritage and in furtherance thereof by (among others) the promotion and organisation of the use of The Castle and Visitor Centre for the benefit and enjoyment of all members, as well as the wider public, the education of the public as to the historical significance of The Castle; by the provision of guided tours of The Castle, and, in liaison with Historic Environment Scotland, by promoting and undertaking such other ventures as shall be approved by Historic Environment Scotland to further the public interest in The Castle and the Visitor Centre.
- 4.3 The advancement of citizenship and Community development. n.b. "Community" refers to the FODC membership (see Section 9).

Powers

- 5 The organisation has power to do anything which is calculated to further its purposes or is conducive or incidental to doing so.
- 6 **Application of income and property**

6.1 The income and property of the SCIO shall be applied solely towards promoting the SCIO's objects (as set out in clause 4) and in particular (but without limiting the generality of that provision) any surplus funds or assets of the SCIO must be applied for the benefit of the FODC Community.

6.2 No part of the income or property of the SCIO may be paid or transferred (directly or indirectly) to the members of the SCIO, whether by way of dividend, bonus or otherwise - either in the course of the SCIO's existence or on dissolution - except where this is done in direct furtherance of the SCIO's charitable purposes.

6.3 No benefit (whether in money or in kind) shall be given by the SCIO to any charity trustee except:

- (a) repayment of out-of-pocket expenses; or
- (b) reasonable payment in return for particular services (outwith the ordinary duties of a charity trustee) actually rendered to the SCIO.

Liability of members

- 7 The members of the organisation have no liability to pay any sums to help to meet the debts (or other liabilities) of the organisation if it is wound up; accordingly, if the organisation is unable to meet its debts, the members will not be held responsible.
- 8 The members and charity trustees have certain legal duties under the Charities and Trustee Investment (Scotland) Act 2005 and clause 7 does not exclude (or limit) any personal liabilities they might incur if they are in breach of those duties or in breach of other legal obligations or duties that apply to them personally.

General structure

- 9 The structure of the organisation consists of Full Members, Associate members, and the Executive Committee:-
 - 9.1 FULL MEMBERS have the right to attend members' meetings (including any annual general meeting) and have important powers under the constitution; in particular, the members appoint people to serve on the executive committee and take decisions on changes to the constitution itself;
 - 9.2 ASSOCIATE MEMBERS do not have the rights of Full Members outlined in clause 9.1. because they do not meet the requirements for full membership (noted in clause 11 below). They are entitled to take part in, and contribute to Community activities;
 - 9.3 the EXECUTIVE COMMITTEE - who hold regular meetings, and generally control the activities of the organisation; for example, the executive committee is responsible for monitoring and controlling the financial position of the organisation.
- 10 The people serving on the executive committee are referred to in this constitution as CHARITY TRUSTEES.

MEMBERS

Qualifications for membership

- 11 Full members should have a home address located within one of the undernoted postal districts. KA1, KA2, KA7 (as far south as the River Doon), KA8, KA9, KA10, KA11, KA12, KA13. Members who live outside these postal districts will be granted “Associate Member” status.
- 12 Junior membership is available to any individual aged between 8 and 15 years inclusive who demonstrates an interest in Dundonald Castle. Junior Members have the same status as Associate Members.
- 13 Employees of the organisation are eligible for associate membership.

Minimum number of members

- 14 The minimum number of Full Members is 20.
- 15 In the event that this requirement ceases to be met through a reduction in the number of Full Members, the Board may not conduct any business other than to ensure the admission of sufficient members to ensure that those requirements are met once more.

Application for membership

- 16 Any person who wishes to become a member must sign a written application for membership; the application will then be considered by the executive committee at its next executive committee meeting.
- 17 Applications for membership will be granted “Full” or “Associate” status by the Executive Committee as appropriate.
- 18 The executive committee must notify each applicant promptly (in writing or by e-mail) of its decision regarding the category of membership granted.
- 19 Historically a number of members chose to join as “Life Members” by making a one-off payment. This practice was discontinued a number of years ago.
- 20 Surviving Life Members will continue to enjoy the status of Full or Associate Membership as appropriate to their home address.

Membership subscription

- 21 The executive committee shall propose the annual membership subscription to be levied upon all members (including for the avoidance of doubt junior members) for the consequent year at each Annual General Meeting of the organisation and when ratified by a resolution passed at the Annual General Meeting the annual membership subscription shall be binding on each and every member. No membership subscription will be payable by a life member of the organisation. The executive committee may

in its discretion modify or even waive the membership subscription to be levied upon educational groups whose constituent members apply for junior membership.

Register of members

- 22 The executive committee must keep a register of all members, setting out
- 22.1 for each current member:
 - 22.1.1 his/her full name and address; and
 - 22.1.2 the date on which he/she was registered as a member of the organisation;
 - 22.2 for each former member - for at least six years from the date on he/she ceased to be a member:
 - 22.2.1 his/her name; and
 - 22.2.2 the date on which he/she ceased to be a member.
- 23 The executive committee must ensure that the register of all members is updated within 28 days of any change:
- 23.1 which arises from a resolution of the executive committee or a resolution passed by the members of the organisation; or
 - 23.2 which is notified to the organisation.
- 24 If a member or charity trustee of the organisation requests a copy of the register of members, the executive committee must ensure that a copy is supplied to him/her within 28 days, providing the request is reasonable; if the request is made by a member (rather than a charity trustee), the executive committee may provide a copy which has the addresses blanked out.

Withdrawal from membership

- 25 Any person who wants to withdraw from membership must give a written notice of withdrawal to the organisation, signed by him/her; he/she will cease to be a member as from the time when the notice is received by the organisation.

Transfer of membership

- 26 Membership of the organisation may not be transferred by a member.

Re-registration of members

- 27 The executive committee may, at any time, issue notices to all members requiring them to confirm that they wish to remain as members of the organisation, and allowing them a period of 28 days (running from the date

of issue of the notice) to provide that confirmation to the executive committee.

28 If a member fails to provide confirmation to the executive committee (in writing or by e-mail) that he/she wishes to remain as a member of the organisation before the expiry of the 28-day period referred to in clause 27, the executive committee may expel him/her from membership.

29 A notice under clause 27 will not be valid unless it refers specifically to the consequences (under clause 28) of failing to provide confirmation within the 28-day period.

Expulsion from membership

30 Any person may be expelled from membership by way of a resolution passed by not less than two thirds of those present and voting at a members' meeting, providing the following procedures have been observed:-

30.1 at least 21 days' notice of the intention to propose the resolution must be given to the member concerned, specifying the grounds for the proposed expulsion;

30.2 the member concerned will be entitled to be heard on the resolution at the members' meeting at which the resolution is proposed.

DECISION-MAKING BY THE MEMBERS

Members' meetings

- 31 The executive committee must arrange a meeting of members (an annual general meeting or "AGM") in each calendar year.
- 32 The gap between one AGM and the next must not be longer than 15 months.
- 33 Notwithstanding clause 31, an AGM does not need to be held during the calendar year in which the organisation is formed; but the first AGM must still be held within 15 months of the date on which the organisation is formed.
- 34 The business of each AGM must include:-
- 34.1 a report by the chair on the activities of the organisation;
 - 34.2 consideration of the annual accounts of the organisation;
 - 34.3 the election/re-election of charity trustees, as referred to in clauses 61 to 64.
 - 34.4 The annual membership subscription to be levied upon members for the consequent year
- 35 The executive committee may arrange a special members' meeting at any time.

Power to request the executive committee to arrange a special members' meeting

- 36 The executive committee must arrange a special members' meeting if they are requested to do so by a notice (which may take the form of two or more documents in the same terms, each signed by one or more full members) by full members who amount to 50% or more of the total full membership of the organisation at the time, providing:
- 36.1 the notice states the purposes for which the meeting is to be held; and
 - 36.2 those purposes are not inconsistent with the terms of this constitution, the Charities and Trustee (Investment) Scotland Act 2005 or any other statutory provision.
- 37 If the executive committee receive a notice under clause 36, the date for the meeting which they arrange in accordance with the notice must not be later than 28 days from the date on which they received the notice.

Notice of members' meetings

- 38 At least 14 clear days' notice must be given of any AGM or any Special Members' Meeting.
- 39 The notice calling a members' meeting must specify in general terms what business is to be dealt with at the meeting; and
- 39.1 in the case of a resolution to alter the constitution, must set out the exact terms of the proposed alteration(s); or
 - 39.2 in the case of any other resolution falling within clause 48 (requirement for two-thirds majority) must set out the exact terms of the resolution.
- 40 The reference to "clear days" in clause 36 shall be taken to mean that, in calculating the period of notice,
- 40.1 the day after the notices are posted (or sent by e-mail) should be excluded; and
 - 40.2 the day of the meeting itself should also be excluded.
- 41 Notice of every members' meeting must be given to all the members of the organisation, and to all the charity trustees; but the accidental omission to give notice to one or more members will not invalidate the proceedings at the meeting.
- 42 Any notice which requires to be given to any member under this constitution must be: -
- 42.1 sent by post to the member, at the address last notified by him/her to the organisation; *or*
 - 42.2 sent by e-mail to the member, at the e-mail address last notified by him/her to the organisation.

Procedure at members' meetings

- 43 No valid decisions can be taken at any members' meeting unless a quorum is present.
- 44 The quorum for a members' meeting is 12 full members, present in person.
- 45 If a quorum is not present within 15 minutes after the time at which a members' meeting was due to start - or if a quorum ceases to be present during a members' meeting - the meeting cannot proceed; and fresh notices of meeting will require to be sent out, to deal with the business (or remaining business) which was intended to be conducted.

- 46 The chair of the organisation should act as chairperson of each members' meeting.
- 47 If the chair of the organisation is not present within 15 minutes after the time at which the meeting was due to start (or is not willing to act as chairperson), the charity trustees present at the meeting must elect (from among themselves) the person who will act as chairperson of that meeting.

Voting at members' meetings

- 48 With the exception of associate members, who shall have no voting rights, every member has one vote, which must be given personally.
- 49 All decisions at members' meetings will be made by majority vote - with the exception of the types of resolution listed in clause 50.
- 50 The following resolutions will be valid only if passed by not less than two thirds of those voting on the resolution at a members' meeting (or if passed by way of a written resolution under clause 52):
- 50.1 a resolution amending the constitution;
 - 50.2 a resolution expelling a person from membership under article 30;
 - 50.3 a resolution directing the executive committee to take any particular step (or directing the executive committee not to take any particular step);
 - 50.4 a resolution approving the amalgamation of the organisation with another SCIO (or approving the constitution of the new SCIO to be constituted as the successor pursuant to that amalgamation);
 - 50.5 a resolution to the effect that all of the organisation's property, rights and liabilities should be transferred to another SCIO (or agreeing to the transfer from another SCIO of all of its property, rights and liabilities);
 - 50.6 a resolution for the winding up or dissolution of the organisation.
- 51 If there is an equal number of votes for and against any resolution, the chairperson of the meeting will be entitled to a second (casting) vote.
- 52 A resolution put to the vote at a members' meeting will be decided on a show of hands - unless the chairperson (or at least two other members present at the meeting) ask for a secret ballot.

53 The chairperson will decide how any secret ballot is to be conducted, and he/she will declare the result of the ballot at the meeting.

Written resolutions by members

54 A resolution agreed to in writing (or by e-mail) by all full members will be as valid as if it had been passed at a members' meeting; the date of the resolution will be taken to be the date on which the last full member agreed to it.

Minutes

55 The executive committee must ensure that proper minutes are kept in relation to all members' meetings.

56 Minutes of members' meetings must include the names of those present; and (so far as possible) should be signed by the chairperson of the meeting.

57 The executive committee shall make available copies of the minutes referred to in clause 55 to any member of the public requesting them; but on the basis that the executive committee may exclude confidential material to the extent permitted under clause 99.

EXECUTIVE COMMITTEE

Number of charity trustees

58 The maximum number of charity trustees is 15.

59 The minimum number of charity trustees is 3.

Eligibility

60 A person will not be eligible for election or appointment to the executive committee unless he/she is a full member of the organisation.

61 A person will not be eligible for election or appointment to the executive committee if he/she is: -

61.1 disqualified from being a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005; or

61.2 an employee of the organisation.

Initial charity trustees

62 The individuals who signed the charity trustee declaration forms which accompanied the application for incorporation of the organisation shall be deemed to have been appointed by the members as charity trustees with effect from the date of incorporation of the organisation.

Election, retiral, re-election

63 At each AGM, the full members may elect any full member (unless he/she is debarred from membership under clause 60) to be a charity trustee.

64 The executive committee may at any time appoint any full member (unless he/she is debarred from membership under clause 60) to be a charity trustee.

65 At each AGM, all of the charity trustees must retire from office - but may then be re-elected under clause 63.

66 A charity trustee retiring at an AGM will be deemed to have been re-elected unless: -

66.1 he/she advises the executive committee prior to the conclusion of the AGM that he/she does not wish to be re-appointed as a charity trustee; or

66.2 an election process was held at the AGM and he/she was not among those elected/re-elected through that process; or

66.3 a resolution for the re-election of that charity trustee was put to the AGM and was not carried.

Termination of office

67 A charity trustee will automatically cease to hold office if: -

- 67.1 he/she becomes disqualified from being a charity trustee under the Charities and Trustee Investment (Scotland) Act 2005;
- 67.2 he/she ceases to be a member of the organisation;
- 67.3 he/she becomes an employee of the organisation;
- 67.4 he/she gives the organisation a notice of resignation, signed by him/her;
- 67.5 he/she is absent (without good reason, in the opinion of the executive committee) from more than three consecutive meetings of the executive committee - but only if the executive committee resolves to remove him/her from office;
- 67.6 he/she is removed from office by resolution of the executive committee on the grounds that he/she is considered to have been in serious or persistent breach of his/her duties under section 66(1) or (2) of the Charities and Trustee Investment (Scotland) Act 2005; or
- 67.7 he/she is removed from office by a resolution of full members passed at a members' meeting.

68 A resolution under paragraph 67.5, 67.6 or 67.7 shall be valid only if: -

- 68.1 the charity trustee who is the subject of the resolution is given reasonable prior written notice of the grounds upon which the resolution for his/her removal is to be proposed;
- 68.2 the charity trustee concerned is given the opportunity to address the meeting at which the resolution is proposed, prior to the resolution being put to the vote; and
- 68.3 (in the case of a resolution under paragraph 67.6 or 67.7) at least two thirds (to the nearest round number) of the charity trustees then in office vote in favour of the resolution.

Register of charity trustees

69 The executive committee must keep a register of charity trustees, setting out

- 69.1 for each current charity trustee:

69.1.1 his/her full name and address;

69.1.2 the date on which he/she was appointed as a charity trustee; and

69.1.3 any office held by him/her in the organisation;

69.2 for each former charity trustee - for at least 6 years from the date on which he/she ceased to be a charity trustee:

69.2.1 the name of the charity trustee;

69.2.2 any office held by him/her in the organisation; and

69.2.3 the date on which he/she ceased to be a charity trustee.

70 The executive committee must ensure that the register of charity trustees is updated within 28 days of any change:

70.1 which arises from a resolution of the executive committee or a resolution passed by the members of the organisation; or

70.2 which is notified to the organisation.

71 If any person requests a copy of the register of charity trustees, the executive committee must ensure that a copy is supplied to him/her within 28 days, providing the request is reasonable; if the request is made by a person who is not a charity trustee of the organisation, the executive committee may provide a copy which has the addresses blanked out - if the SCIO is satisfied that including that information is likely to jeopardise the safety or security of any person or premises.

Office-bearers

72 The charity trustees must elect (from among themselves) a chair, a treasurer and a secretary.

73 In addition to the office-bearers required under clause 72, the charity trustees may elect (from among themselves) further office-bearers if they consider that appropriate.

74 All of the office-bearers will cease to hold office at the conclusion of each AGM, but may then be re-elected under clause 72 or 73.

75 A person elected to any office will automatically cease to hold that office: -

75.1 if he/she ceases to be a charity trustee; *or*

75.2 if he/she gives to the organisation a notice of resignation from that office, signed by him/her.

Powers of executive committee

- 76 Except where this constitution states otherwise, the organisation (and its assets and operations) will be managed by the executive committee; and the executive committee may exercise all the powers of the organisation.
- 77 A meeting of the executive committee at which a quorum is present may exercise all powers exercisable by the executive committee.
- 78 The members may, by way of a resolution passed in compliance with clause 50 (requirement for two-thirds majority), direct the executive committee to take any particular step or direct the executive committee not to take any particular step; and the executive committee shall give effect to any such direction accordingly.

Charity trustees - general duties

- 79 Each of the charity trustees has a duty, in exercising functions as a charity trustee, to act in the interests of the organisation; and, in particular, must:-
- 79.1 seek, in good faith, to ensure that the organisation acts in a manner which is in accordance with its purposes;
 - 79.2 act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person;
 - 79.3 in circumstances giving rise to the possibility of a conflict of interest between the organisation and any other party:
 - 79.3.1 put the interests of the organisation before that of the other party;
 - 79.3.2 where any other duty prevents him/her from doing so, disclose the conflicting interest to the organisation and refrain from participating in any deliberation or decision of the other charity trustees with regard to the matter in question;
 - 79.4 ensure that the organisation complies with any direction, requirement, notice or duty imposed under or by virtue of the Charities and Trustee Investment (Scotland) Act 2005.
- 80 In addition to the duties outlined in clause 79, all of the charity trustees must take such steps as are reasonably practicable for the purpose of ensuring: -
- 80.1 that any breach of any of those duties by a charity trustee is corrected by the charity trustee concerned and not repeated; and
 - 80.2 that any trustee who has been in serious and persistent breach of those duties is removed as a trustee.

- 81 Provided he/she has declared his/her interest - and has not voted on the question of whether or not the organisation should enter into the arrangement - a charity trustee will not be debarred from entering into an arrangement with the organisation in which he/she has a personal interest; and (subject to clause 82 and to the provisions relating to remuneration for services contained in the Charities and Trustee Investment (Scotland) Act 2005), he/she may retain any personal benefit which arises from that arrangement.
- 82 No charity trustee may serve as an employee (full time or part time) of the organisation; and no charity trustee may be given any remuneration by the organisation for carrying out his/her duties as a charity trustee.
- 83 The charity trustees may be paid all travelling and other expenses reasonably incurred by them in connection with carrying out their duties; this may include expenses relating to their attendance at meetings.

DECISION-MAKING BY THE CHARITY TRUSTEES

Notice of executive committee meetings

- 84 Any charity trustee may call a meeting of the executive committee or ask the secretary to call a meeting of the executive committee.
- 85 At least 7 days' notice must be given of each executive committee meeting, unless (in the opinion of the person calling the meeting) there is a degree of urgency which makes that inappropriate.

Procedure at executive committee meetings

- 86 No valid decisions can be taken at a executive committee meeting unless a quorum is present; the quorum for executive committee meetings is 3 charity trustees, present in person.
- 87 If at any time the number of charity trustees in office falls below the number stated as the quorum in clause 86, the remaining charity trustee(s) will have power to fill the vacancies or call a members' meeting - but will not be able to take any other valid decisions.
- 88 The chair of the organisation should act as chairperson of each executive committee meeting.
- 89 If the chair is not present within 15 minutes after the time at which the meeting was due to start (or is not willing to act as chairperson), the charity trustees present at the meeting must elect (from among themselves) the person who will act as chairperson of that meeting.
- 90 Every charity trustee has one vote, which must be given personally.
- 91 All decisions at executive committee meetings will be made by majority vote.
- 92 If there is an equal number of votes for and against any resolution, the chairperson of the meeting will be entitled to a second (casting) vote.
- 93 The executive committee may, at its discretion, allow any person to attend and speak at a executive committee meeting notwithstanding that he/she is not a charity trustee - but on the basis that he/she must not participate in decision-making.
- 94 A charity trustee must not vote at a executive committee meeting (or at a meeting of a sub-committee) on any resolution which relates to a matter in which he/she has a personal interest or duty which conflicts (or may conflict) with the interests of the organisation; he/she must withdraw from the meeting while an item of that nature is being dealt with.

95 For the purposes of clause 94: -

95.1 an interest held by an individual who is “connected” with the charity trustee under section 68(2) of the Charities and Trustee Investment (Scotland) Act 2005 (husband/wife, partner, child, parent, brother/sister etc) shall be deemed to be held by that charity trustee;

95.2 a charity trustee will be deemed to have a personal interest in relation to a particular matter if a body in relation to which he/she is an employee, director, member of the management committee, officer or elected representative has an interest in that matter.

Minutes

96 The executive committee must ensure that proper minutes are kept in relation to all executive committee meetings and meetings of sub-committees.

97 The minutes to be kept under clause 96 must include the names of those present; and (so far as possible) should be signed by the chairperson of the meeting.

98 The executive committee shall (subject to clause 99) make available copies of the minutes referred to in clause 96 to any member of the public requesting them.

99 The executive committee may exclude from any copy minutes made available to a member of the public under clause 98 any material which the executive committee considers ought properly to be kept confidential - on the grounds that allowing access to such material could cause significant prejudice to the interests of the organisation or on the basis that the material contains reference to employee or other matters which it would be inappropriate to divulge.

ADMINISTRATION

Delegation to sub-committees

- 100 The executive committee may delegate any of their powers to sub-committees; a sub-committee must include at least one charity trustee, and although other members of a sub-committee need not be charity trustees, there must be a majority of full members serving on it..
- 101 The executive committee may also delegate to the chair of the organisation (or the holder of any other post) such of their powers as they may consider appropriate.
- 102 When delegating powers under clause 100 or 101, the executive committee must set out appropriate conditions (which must include an obligation to report regularly to the executive committee).
- 103 Any delegation of powers under clause 100 or 101 may be revoked or altered by the executive committee at any time.
- 104 The rules of procedure for each sub-committee, and the provisions relating to membership of each sub-committee, shall be set by the executive committee.

Operation of accounts

- 105 Subject to clause 106, the signatures of two out of four signatories appointed by the executive committee will be required in relation to all operations (other than the lodging of funds) on the bank and building society accounts held by the organisation; at least one out of the two signatures must be the signature of a charity trustee.
- 106 Where the organisation uses electronic facilities for the operation of any bank or building society account
- 106.1 the authorisations required for operations on that account must be consistent with the approach reflected in clause 105, and
- 106.2 the executive committee shall ensure that all banking and other financial operations using electronic facilities are scrutinised and verified by the executive committee not less frequently than monthly.

Accounting records and annual accounts

- 107 The executive committee must ensure that proper accounting records are kept, in accordance with all applicable statutory requirements.
- 108 The executive committee must prepare annual accounts, complying with all relevant statutory requirements; if an audit is required under any statutory provisions (or if the executive committee consider that an audit would be appropriate for some other reason), the executive

committee should ensure that an audit of the accounts is carried out by a qualified auditor.

MISCELLANEOUS

Winding-up

- 109 If the organisation is to be wound up or dissolved, the winding-up or dissolution process will be carried out in accordance with the procedures set out under the Charities and Trustee Investment (Scotland) Act 2005.
- 110 Any surplus assets available to the SCIO immediately preceding its winding up or dissolution must be applied for the benefit of the Community to be used for purposes which are the same as - or which closely resemble - the purposes of the SCIO as set out in this constitution. Thereafter any remaining assets must be transferred to another body with similar structure and aims.

Alterations to the constitution

- 111 This constitution may (subject to clause 112) be altered by resolution of the full members passed at a members' meeting (subject to achieving the two thirds majority referred to in clause 50) or by way of a written resolution of the full members.
- 112 The Charities and Trustee Investment (Scotland) Act 2005 prohibits taking certain steps (eg change of name, an alteration to the purposes, amalgamation, winding-up) without the consent of the Office of the Scottish Charity Regulator (OSCR).

Interpretation

- 113 References in this constitution to the Charities and Trustee Investment (Scotland) Act 2005 should be taken to include: -
- 113.1 any statutory provision which adds to, modifies or replaces that Act; and
 - 113.2 any statutory instrument issued in pursuance of that Act or in pursuance of any statutory provision falling under paragraph 113.1 above.
- 114 In this constitution: -
- 114.1 "charity" means a body which is either a "Scottish charity" within the meaning of section 13 of the Charities and Trustee Investment (Scotland) Act 2005 or a "charity" within the meaning of section 1 of the Charities Act 2006, providing (in either case) that its objects are limited to charitable purposes;

114.2 “charitable purpose” means a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of the Taxes Acts.