

North Berwick



pipe Band

Scottish Charitable Unincorporated Association No. SC000499

CONSTITUTIONAL DOCUMENTS

Constitution
By-laws

Revised November 2022

Version Checklist

Date	Version No	Amendment
15-Nov-17	1.0	Constitution and By-laws adopted at AGM on 15 November 2017
13-Nov-19	191113	C7.1.a – Clarification of subscription due date B5.1.d – Honorary Life Members B5.1.e – New clause for Guest Members B11.1 – Safeguarding Policy also available on the website.
23-Nov-22	221123	C5.1.b – Clarification that ‘age’ is not a restriction C8.1 – Clarification regarding GDPR C13.1 – Reduce quorum for general meetings from 15 to 10 members C13.5 – Voting clarification. C14.1 – Reference to Committee Structure. C18.1 – Clarification regarding GDPR C19.2 – Clarification on retiring/election. B5.1.b – Clarification that Juvenile members are Playing members B5.1.d – Amend minimum age of Honorary members to match Juvenile age criteria. B5.1.e – Guest members voting status. B8.1 – Clarification on who can vote. Example Committee structure – Clarification of numbers and alternatives.

**CONSTITUTION OF
NORTH BERWICK (B.P.) PIPE BAND**

As an Unincorporated Association
(adopted on 17th November 2017)
(amendment 23rd November 2022)

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CONSTITUTION

1. Name

- 1.1 The Name of the association is the North Berwick (Baden-Powell) Pipe Band hereafter referred to as “North Berwick Pipe Band” (“the Band”).
- 1.2 The Novice Juvenile and Juvenile Sections (hereinafter referred to as “the Juvenile Section”) shall be incorporated within the auspices of the Band.

2. Objects

- 2.1 The Band’s objects are:
 - a) To encourage and further Piping and Drumming in North Berwick and the surrounding District.
 - b) The advancement of education.
 - c) The advancement of the arts, heritage, culture or science.

3. Powers

- 3.1 In pursuance of the objects set out in clause 2 (but not otherwise), the Band shall have the following powers:
 - a) To further Piping and Drumming in North Berwick and the surrounding District.
 - b) To carry on any other activities which further any of the above objects.
 - c) To purchase, take on lease, hire, or otherwise acquire, any property or rights that are suitable for the Band’s activities.
 - d) To improve, manage, develop, or otherwise deal with, all or any part of the property and rights of the Band.
 - e) To sell, let, hire out, license, or otherwise dispose of, all or any part of the property and rights of the Band.
 - f) To borrow money, and to give security in support of any such borrowings by the Band.
 - g) To employ such staff as are considered appropriate for the proper conduct of the Band’s activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.
 - h) To engage such consultants and advisers as are considered appropriate from time to time.

- i) To effect insurance of all kinds (which may include officers' liability insurance).
- j) To invest any funds which are not immediately required for the Band's activities in such investments as may be considered appropriate (and to dispose of, and vary, such investments).
- k) To liaise with other voluntary sector bodies, local authorities, UK or Scottish government departments and agencies, and other bodies, all with a view to furthering the Band's objects.
- l) To establish and/or support any other charity, and to make donations for any charitable purpose falling within the Band's objects.
- m) To form any company which is a charity with similar objects to those of the Band, and, if considered appropriate, to transfer to any such company (without any payment being required from the company) the whole or any part of the Band's assets and undertaking.
- n) To take such steps as may be deemed appropriate for the purpose of raising funds for the Band's activities.
- o) To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).
- p) To do anything which may be incidental or conducive to the furtherance of any of the Band's objects.

4. General Structure

4.1 The structure of the Band shall consist of:

- a) The MEMBERS – who have the right to attend the Annual General Meeting (and any special general meeting) and have important powers under the Constitution; in particular, the members elect people to serve on the Management Committee and take decisions in relation to changes to the Constitution itself.
- b) The MANAGEMENT COMMITTEE (hereafter referred to as “the Committee”) – who hold regular meetings during the period between Annual General Meetings, and generally control and supervise the activities of the Band; in particular, the Committee is responsible for monitoring the financial position of the Band.

5. Qualifications for Membership

5.1 Membership shall be open to:

- a) Any person who is interested in helping the Band to achieve its aims, willing to abide by the rules of the Band and willing to pay any subscription agreed by the Committee.
- b) Anyone without regard to age, gender, race, nationality, disability, sexual preference, religion or belief.

5.2 An employee of the Band shall not be eligible for membership; a person who becomes an employee of the Band after admission to membership shall automatically cease to be a member.

6. Application for Membership

6.1 Any person who wishes to become a member must (if required) sign, and lodge with the Band, a written application for membership; the application must be accompanied by a remittance to meet the annual membership subscription if the criteria for such subscription is met.

6.2 The Committee may, at its discretion, refuse to admit any person to membership.

6.3 The Committee shall consider each application for membership at the first Committee meeting which is held after receipt of the application (and accompanying remittance); the Committee shall, within a reasonable time after the meeting, notify the applicant of its decision on the application and, if the decision was to refuse admission, shall return to the applicant the remittance lodged by them under clause 6.1.

7. Membership Subscription

7.1 Members shall require to pay an annual membership subscription; unless and until otherwise determined by the members, the amount of the annual membership subscription shall be as determined at the Annual General Meeting.

- a) The annual membership subscriptions shall become due on 1st October in each year in the amount decided at the preceding Annual General Meeting.
- b) The members may vary the amount of the annual membership subscription and/or the date on which it falls due in each year, by way of a resolution to that effect passed at an Annual General Meeting.
- c) If the membership subscription payable by any member remains outstanding more than 8 weeks after the date on which it fell due (and providing they have been given at least one written reminder) the Committee may, by resolution to that effect, expel them from membership.

- d) A person who ceases (for whatever reason) to be a member shall not be entitled to any refund of the membership subscription.

8. Register of Members

- 8.1 The Committee shall maintain a register of members, setting out the full name and address of each member, the date on which they were admitted to membership (if available), and the date on which any person ceased to be a member (if available). This information will be retained in accordance with the General Data Protection Regulations (GDPR) current at any specific time.

9. Withdrawal from Membership

- 9.1 Any person who wishes to withdraw from membership shall sign, and lodge with the Band, a written notice to that effect; on receipt of the notice by the Band, they shall cease to be a member.

10. Expulsion from Membership

- 10.1 Any person may be expelled from membership by way of a resolution passed by majority vote at a general meeting (meeting of members), providing the following procedures have been observed:
 - a) 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.
 - b) The member concerned shall be entitled to be heard on the resolution at the general meeting at which the resolution is proposed.

11. General Meetings (Meetings of Members)

- 11.1 The Committee shall convene an Annual General Meeting in each year (but excluding the year in which the Band is formed); not more than 15 months shall elapse between one Annual General Meeting and the next.
- 11.2 The business of each Annual General Meeting shall include:
 - a) A report by the chairperson on the activities of the Band.
 - b) Consideration of the annual accounts of the Band.
 - c) Reports from the various appointed officers of the Band.
 - d) The election/re-election of office bearers and members of the Committee, as referred to in clauses 16.1 and 19.1.
- 11.3 The Committee may convene a special general meeting at any time.

12. Notice of General Meetings

- 12.1 At least 14 clear days' notice must be given (in accordance with clause 28.1) of any Annual General Meeting or special general meeting; the notice must indicate the general nature of any business to be dealt with at the meeting and, in the case of a resolution to alter the Constitution, must set out the terms of the proposed alteration.
- 12.2 The reference to "clear days" in clause 12.1 shall be taken to mean that, in calculating the period of notice, the day after the notice is posted, and also the day of the meeting, should be excluded.
- 12.3 Notice of every general meeting shall be given (in accordance with clause 28.1) to all the members of the Band, and to all the members of the Committee.

13. Procedure at General Meetings

- 13.1 No business shall be dealt with at any general meeting unless a quorum is present; the quorum for a general meeting shall be 10 members, present in person.
- 13.2 If a quorum is not present within 15 minutes after the time at which a general meeting was due to commence – or if, during a meeting, a quorum ceases to be present – the meeting shall stand adjourned to such time and place as may be fixed by the chairperson of the meeting.
- 13.3 The President of the Band shall (if present and willing to act as chairperson) preside as chairperson of each general meeting; if the President is not present and willing to act as chairperson within 15 minutes after the time at which the meeting was due to commence, the members of the Committee present at the meeting shall elect from among themselves the person who will act as chairperson of that meeting.
- 13.4 The chairperson of a general meeting may, with the consent of the meeting, adjourn the meeting to such time and place as the chairperson may determine.
- 13.5 Every eligible member shall have one vote, which (whether on a show of hands or on a secret ballot) must be given personally.
- 13.6 If there are an equal number of votes for and against any resolution, the chairperson of the meeting shall be entitled to a casting vote.
- 13.7 A resolution put to the vote at a general meeting shall be decided on a show of hands unless a secret ballot is demanded by the chairperson (or by at least two members present in person at the meeting); a secret ballot may be demanded either before the show of hands takes place, or immediately after the result of the show of hands is declared.

13.8 If a secret ballot is demanded, it shall be taken at the meeting and shall be conducted in such a manner as the chairperson may direct; the result of the ballot shall be declared at the meeting at which the ballot was demanded.

14. Maximum Number of Committee Members

14.1 The maximum number of members of the Committee shall be 12. See the Committee structure examples appended to the end of this documentation.

15. Eligibility

15.1 A person shall not be eligible for election/appointment to the Committee unless they are a member of the Band.

16. Election, Retiral, Re-Election

16.1 At each Annual General Meeting, the members may (subject to clause 14.1) elect any member to be a member of the Committee.

16.2 The Committee may at any time appoint any member to be a member of the Committee (subject to clause 14.1).

16.3 At each Annual General Meeting, all of the members of the Committee shall retire from office – but shall then be eligible for re-election.

17. Termination of Office

17.1 A member of the Committee shall automatically vacate office if:

- a) They become debarred under any statutory provision from being a charity trustee.
- b) They become incapable for medical reasons of fulfilling the duties of their office and such incapacity is expected to continue for a period of more than six months.
- c) They cease to be a member of the Band.
- d) They become an employee of the Band.
- e) They resign office by notice to the Band.
- f) They are absent from three consecutive regular Committee meetings without tendering a reasonable excuse, in which case they shall automatically be considered to have resigned from the Committee.

18. Register of Committee Members

18.1 The Committee shall maintain a register of Committee members, setting out the full name and address of each member of the Committee, the date on which each such person became a Committee member, and the date on which any person ceased to hold office as a Committee member. This information will be retained in accordance with the GDPR current at any specific time.

19. Office Bearers (as detailed in By-law 4 appended to this Constitution)

19.1 The office bearers, who will be elected at the Annual General Meeting in accordance with clause 11.2 (d), shall comprise the President, the Vice President, the Treasurer, the Secretary, and such other office bearers (if any) as are considered appropriate.

19.2 All of the office bearers shall cease to hold office prior to the elections stated in Clause 11.2.d of each Annual General Meeting but shall then be eligible for re-election.

19.3 A person elected to any office shall cease to hold that office if they cease to be a member of the Committee or if they resign from that office by written notice to that effect.

20. Powers of Committee

20.1 Except as otherwise provided in this Constitution, the Band and its assets and undertaking shall be managed by the Committee, who may exercise all the powers of the Band.

20.2 A meeting of the Committee at which a quorum is present may exercise all powers exercisable by the Committee.

21. Personal Interests

21.1 A member of the Committee who has a personal interest in any transaction or other arrangement which the Band is proposing to enter into, must declare that interest at a meeting of the Committee; they will be debarred (in terms of clause 22.7) from voting on the question of whether or not the Band should enter into that arrangement.

21.2 For the purposes of clause 21.1, a person shall be deemed to have a personal interest in an arrangement if any partner or other close relative of theirs or any firm of which they are a partner or any limited company of which they are a substantial shareholder or director, has a personal interest in that arrangement.

21.3 Provided

a) They have declared their interest;

b) They have not voted on the question of whether or not the Band should enter into the relevant arrangement; and

c) The requirements of clause 21.5 are complied with,

a member of the Committee will not be debarred from entering into an arrangement with the Band in which they have a personal interest (or is deemed to have a personal interest under clause 21.2) and may retain any personal benefit which they gain from their participation in that arrangement.

21.4 No member of the Committee may serve as an employee (full time or part time) of the Band, and no member of the Committee may be given any remuneration by the Band for carrying out their duties as a member of the Committee.

21.5 Where a Committee member provides services to the Band or might benefit from any remuneration paid to a connected party for such services, then

a) The maximum amount of the remuneration must be specified in a written agreement and must be reasonable.

b) The Committee members must be satisfied that it would be in the interests of the Band to enter into the arrangement (taking account of that maximum amount).

c) Fewer than half of the Committee members must be receiving remuneration from the Band (or benefit from remuneration of that nature).

22. Procedure at Committee Meetings

22.1 Any member of the Committee may call a meeting of the Committee or request the Secretary to call a meeting of the Committee.

22.2 Questions arising at a meeting of the Committee shall be decided by a majority of votes; if an equality of votes arises, the chairperson of the meeting shall have a casting vote.

22.3 No business shall be dealt with at a meeting of the Committee unless a quorum is present; the quorum for meetings of the Committee shall be one-third.

22.4 If at any time the number of Committee members in office falls below the number fixed as the quorum, the remaining Committee member(s) may act only for the purpose of filling vacancies or of calling a general meeting.

22.5 Unless they are unwilling to do so, the President of the Band shall preside as chairperson at every Committee meeting at which they are present; if the President is unwilling to act as chairperson or is not present within 15 minutes after the time when the meeting was due to commence, the Committee members present shall elect from among themselves the person who will act as chairperson of the meeting.

22.6 The Committee may, at its discretion, allow any person who they reasonably consider appropriate, to attend and speak at any meeting of the Committee; for the avoidance of doubt, any such person who is invited to attend a Committee meeting shall not be entitled to vote.

22.7 A Committee member shall not vote at a Committee meeting (or at a meeting of a committee) on any resolution concerning a matter in which they have a personal interest which conflicts (or may conflict) with the interests of the Band; they must withdraw from the meeting while an item of that nature is being dealt with.

22.8 For the purposes of clause 22.7, a person shall be deemed to have a personal interest in a particular matter if any partner or other close relative of theirs or any firm of which they are a partner or any limited company of which they are a substantial shareholder or director, has a personal interest in that matter.

23. Conduct of Members of the Committee

23.1 Each of the members of the Committee shall, in exercising their functions as a member of the Committee of the Band, act in the interests of the Band; and, in particular, must

- a) Seek, in good faith, to ensure that the Band acts in a manner which is in accordance with its objects (as set out in this Constitution).
- b) Act with the care and diligence which it is reasonable to expect of a person who is managing the affairs of another person.
- c) In circumstances giving rise to the possibility of a conflict of interest between the Band and any other party:
 - (i) Put the interests of the Band before that of the other party, in taking decisions as a member of the Committee;
 - (ii) Where any other duty prevents them from doing so, disclose the conflicting interest to the Band and refrain from participating in any discussions or decisions involving the other members of the Committee with regard to the matter in question.
- d) Ensure that the Band complies with any direction, requirement, notice or duty imposed on it by the Charities and Trustee Investment (Scotland) Act 2005.

24. Delegation to Sub-Committees

24.1 The Committee may delegate any of their powers to any sub-committee consisting of one or more Committee members and such other persons (if any) as the Committee may determine; they may also delegate to the President of the Band (or the holder of any other post) such of their powers as they may consider appropriate.

24.2 Any delegation of powers under clause 24.1 may be made subject to such conditions as the Committee may impose and may be revoked or altered.

24.3 The rules of procedure for any sub-committee shall be as prescribed by the Committee.

25. Operation of Accounts and Holding of Property

25.1 The signatures of two out of three signatories appointed by the Committee shall be required in relation to all operations (other than lodgement of funds) on the bank and building society accounts held by the Band; at least one out of the two signatures must be the signature of a member of the Committee.

25.2 The title to all property (including any land or buildings, the tenant's interest under any lease and (so far as appropriate) any investments) shall be held either in the names of the President, Treasurer and Secretary of the Band (and their successors in office) or in name of a nominee company holding such property in trust for the Band; any person or body in whose name the Band's property is held shall act in accordance with the directions issued from time to time by the Committee.

26. Minutes

26.1 The Committee shall ensure that minutes are made of all proceedings at general meetings, Committee meetings and meetings of sub-committees; a minute of any meeting shall include the names of those present, and (as far as possible) shall be signed by the chairperson of the meeting.

27. Accounting Records and Annual Accounts

27.1 The Committee shall ensure that proper accounting records are maintained in accordance with all applicable statutory requirements.

27.2 The Committee shall prepare annual accounts, complying with all relevant statutory requirements; these annual accounts shall be examined by an independent examiner.

28. Notices

28.1 Any notice which requires to be given to a member under this Constitution shall be in writing; such a notice may be given personally to the member, sent electronically to the member at the last email address intimated by them, or be sent by post in a pre-paid envelope addressed to the member at the address last intimated by them to the Band.

29. Dissolution

- 29.1 If the Committee determines that it is necessary or appropriate that the Band be dissolved, it shall convene a meeting of the members; not less than 21 days' notice of the meeting (stating the terms of the proposed resolution) shall be given.
- 29.2 The Band shall not be dissolved unless at an Annual General Meeting it is recorded that the Band has failed to appear in public throughout the previous two seasons.
- 29.3 If a proposal by the Committee to dissolve the Band is confirmed by a two-thirds majority of those present and voting at the general meeting convened under clause 29.1, all monies and property shall be placed in the hands of the Trustees. Three Trustees to be appointed by the Royal Burgh of North Berwick Community Council.
- 29.4 The Trustees shall have the power to sell all property and after deduction of all liabilities to allocate the proceeds thereof, plus all money held in trust as follows:
- a) The proceeds of the sale of instruments owned by the Band shall be donated to the local Troop of Boy Scouts – failing whom, donated equally among other local organisations affiliated to the Scouting Movement.
 - b) The remaining funds shall be used to create an Educational Trust Fund under the administration of the Band Trustees. The money shall be invested at the discretion of the Trustees, and the annual income therefrom shall be used to further piping and drumming, and in particular to educate learner pipers and drummers under the age of 25.
 - (i) The Trustees shall advertise each year for applications to the Fund, and shall require beneficiaries to furnish an Annual Report on their progress.
 - (ii) The Capital of the Fund shall not be reduced, and in the event of the Band re-forming, the Trustees shall transfer the entire fund to the new Pipe Band Committee.
- 29.5 For the avoidance of doubt, no part of the income or property of the Band shall (otherwise than in pursuance of the Band's charitable purposes) be paid or transferred (directly or indirectly) to the members, either in the course of the Band's existence or on dissolution.

30. Alterations to the Constitution

- 30.1 Subject to clause 30.2, the Constitution may be altered by a resolution passed by not less than two-thirds of those present and voting at a general meeting, providing due notice of the meeting, and of the resolution, is given in accordance with clauses 12.1, 12.2 and 12.3.

30.2 No amendment to clauses 3.1, 21.4, 29.3, 29.4 and 29.5 of the Constitution may be made if the effect would be that the Band would cease to be a charity.

31. Interpretation

31.1 For the purposes of this Constitution,

- a) The expression “charity” shall mean 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 96 of the Charities Act 1993;
- b) The expression “charitable purpose” shall mean 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.

31.2 Any reference in this Constitution to a provision of any legislation shall include any statutory modification or re-enactment of that provision in force from time to time.

32. Initial Members of the Committee

32.1 The initial members of the Committee, and the positions held by each, shall be as set out below.

The original version of this Constitution was adopted at the Band AGM on 15th November 2017 with the following elected members.

Signature	Name	Position
	Lyle Crawford	President
	Ewen Maclean	Vice-President
	Terry Denton	Treasurer
	Eddie Clark	Secretary
	Keith Milligan	Pipe Major
	Derek Easton	Leading Drummer
	Gavin Black	Jnr Section Pipe Major
	Annie Milligan	Quartermaster
	Ian Paxton	Support Co-ordinator
	Joyce Walker	General Member 1
	Cath Paxton	General Member 2
	Jackie Rigby	General Member 3

BY-LAWS OF
NORTH BERWICK (B.P.) PIPE BAND

As an Unincorporated Association
(adopted on 17th November 2017)
(amendment 23rd November 2022)

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BY-LAWS

1. Definitions

- 1.1 Throughout these By-laws, unless the subject or context otherwise requires, the term "Band" shall refer to the Unincorporated Association which is the North Berwick (Baden-Powell) Pipe Band.

2. Management and Policy

- 2.1 The Management of the Band shall be vested in the Committee, consisting of a President, Vice President, Secretary, Treasurer, Pipe Major and Leading Drummer. Where applicable the Pipe Major of the Juvenile Section of the Band will be an automatic member of the Committee. In addition other members shall be elected to the Committee as decided at the Annual General Meeting of the Band. Playing members and non-playing members of the Band shall be eligible for election to the Committee.
- 2.2 The Policy of the Band shall be formulated by the Committee and approved by the body of members at the Annual General Meeting. The Juvenile Section of the Band shall be managed under the auspices of the Constitution and By-laws of the adult Band.

3. Election of Office Bearers

- 3.1 The Office Bearers shall be elected at the Annual General Meeting for a period of not less than one year by the general body of members. Retiring members shall be eligible for re-election. Any vacancy occurring in the course of the year shall be filled by the Committee and co-opted members shall hold office until the next Annual General Meeting.
- 3.2 The Office Bearers of the Band will be responsible for considering suitable candidates for the positions of Pipe Major and Leading Drummer of the Band. After consideration, the Office Bearers will recommend a nomination for each post to the Playing Members, for their acceptance of the nominated persons in each position. In the event of a nomination not being accepted by the Playing Members, the Office Bearers will reconsider the nomination of a suitable candidate, and the process will be repeated, until a nomination is accepted by the Playing Members.

4. Duties of Office Bearers and Other Appointed Positions

4.1 Office Bearers

- a) **President:** The President shall preside over all General Meetings of the Band and all regular meetings of the Committee. The President shall promote the Band and manage all the non-playing aspects of the Band on behalf of the Committee.

- b) Vice President: The Vice President shall deputise in the absence of the President.
- c) Secretary: The Secretary shall conduct the correspondence of the Band; keep a record of membership; issue notices convening all meetings; record and circulate all minutes of meetings; and generally be responsible under the direction of the Committee for carrying out Band business. In addition, the Secretary shall prepare the Annual Report, which shall include the Treasurer's Statement.
- d) Treasurer: The Treasurer shall be responsible for all monies and shall keep a proper account of same. The Treasurer shall prepare an Annual Examination of Accounts to be included in the Secretary's Annual Report.

4.2 Appointed positions

- a) Quartermaster: The Quartermaster shall be the elected person to whom the members will be responsible for Band issued equipment. This equipment may comprise uniforms, instruments, accessories or any other item owned by the Band. The Quartermaster will, with the assistance of the Pipe Major and the Leading Drummer, keep a record of all equipment possessed by the Band and the location of such equipment.
- b) Support Co-ordinator: The Support Co-ordinator shall liaise with members and supporters with regard to specialist arrangements for fund raising/social events.
- c) Safeguarding Co-ordinator: The Safeguarding Co-ordinator shall be the designated member who shall administer the PVG Scheme on behalf of the Band. They shall be registered as "Lead Signatory" with Volunteer Scotland and arrange appropriate disclosures for members and tutors as required. Where applicable, they will co-ordinate with the appropriate officer within the RSPBA to ensure compliance.
- d) Pipe Major: The Pipe Major of the Band in conjunction with the Pipe Major(s) of the Juvenile Section will jointly review from time to time the progress of individuals and progress them at whatever age to practise and play with the Band to keep them motivated and for the good of the Band as a whole.

It is envisaged this is likely to mean individuals play for both Bands at a certain stage of their development. In the event of a conflict of priority the view of the Pipe Major of the Band will prevail over the Pipe Major(s) of the Juvenile Section.

5. Membership

5.1 Membership shall be designated as follows:

- a) Committee Members:
Committee Members shall be the individuals appointed at the Annual General Meeting.
- b) Playing Members:
Playing members shall consist of all Pipers and Drummers. Juvenile members (i.e. members under the age of 18 of age on the 1st day of November of any period in which a matter may refer) shall still be considered as Playing members.
- c) Associate Members:
Associate Members shall be those of the general public who have subscribed the amount fixed by the Committee. Associate Members shall be entitled to certain privileges at the discretion of the Committee from time to time.
- d) Honorary Life Members (who must be 18 years of age or over):
Honorary Life Members shall be those people who have been appointed by the Committee as such.
- e) Guest Members:
Guest members shall be those playing members who, whilst not being paid up members of the band, support the band at performances and engagements. Guest members are not regular members of the Band due to their residential location, registration with another band or the like and while efforts may be made to kit them in matching uniform it will be acceptable for them to turn out in their own, appropriate, uniform. Guest members will be expected to keep up to date with the band repertoire, either through the website or by direct contact with the Pipe Major and/or Leading Drummer as appropriate. Where Playing Members are referred to elsewhere in this document this shall be deemed to include Guest Members who are representing the Band. Guest members shall not be entitled to vote at any meeting of the Band.

6. Committee Powers and Rules

6.1 The Pipe Sergeant shall be appointed by the Committee on the recommendation of the Pipe Major.

- 6.2 In the absence of the President and the Vice President from any meeting, the Committee shall appoint one of their number as chairperson.
- 6.3 In the absence of the Secretary from any meeting, the Committee shall appoint a Secretary *pro tem*.
- 6.4 The Committee alone shall be responsible for engaging new playing members at the recommendation of the Pipe Major and/or Leading Drummer. It is also empowered to maintain the membership of individuals or dismiss them from the Band. The view of the Pipe Major or Leading Drummer should be adopted at the discretion of the Committee.
- 6.5 The Committee shall have the power to co-opt Playing or Associate Members *pro tem* to its number (subject to clause 14.1 of the Constitution) to fill any vacancies that might arise. It will also have the power to appoint an individual member to act in a special function within the Band e.g. an Engagements Secretary or Social Convenor. Each member of the Committee shall be duty bound, within reason, to attend all regular and special meetings of the Committee.
- 6.6 The Committee shall determine which members engaged in the carrying out of activities at any social function and/or parades of the Band may be admitted and/or travel free of charge.

7. Meetings

7.1 Committee meetings

- a) With the exception of the AGM detailed in by-law 7.2 below the Secretary shall give at least seven days' notice of all meetings to all Committee members.
- b) The regular Committee meetings shall be held at the discretion of the Committee.
- c) The President and the Secretary may call a Special Committee Meeting if the business on hand is urgent enough to warrant such action.

7.2 Annual General Meeting

- a) The Annual General Meeting of the Band shall be held in the month of November, otherwise in accordance with Clauses 11.1, 11.2 and 12.1 of the Constitution.

8. Voting

- 8.1 A majority of two thirds of eligible members present at any meeting shall be necessary to rescind a previous decision.

9. Finance

9.1 Only the Secretary, Treasurer, Pipe Major, Leading Drummer and Quartermaster may incur expenditure on behalf of the Band. The Committee may authorise an individual member appointed to a specific function, e.g. Engagements Secretary or Social Convenor to expend money, up to an agreed limit, to fulfil that function.

9.2 For all other expenditure, no order over £100 shall be issued without approval as follows:

a) For any order over £100 but not exceeding £500 the prior approval of the Treasurer.

b) For any order over £500 the prior order of the Committee or for exceptional urgent matters only, the prior agreement of the Treasurer and by notification of every Office Bearer to the Treasurer of their agreement.

One of the above, i.e. persons authorised to incur expenditure, must sign each invoice before payment by the Treasurer. At each Committee meeting the Treasurer shall present a list of expenditure and income since the previous Committee meeting.

9.3 The Band Account shall be kept in a current or deposit account, or any other such account as agreed by the Committee. Withdrawals shall be made only under the signature of any two of the following Band Officers: normally the President and Treasurer with Vice President and Secretary as reserves. All monies shall be deposited in a bank in the name of the Band. The Treasurer will operate the bank account in the name of the Band.

9.4 The Annual Accounts, which shall conform to the regulations appropriate to the Band's charitable status, shall be examined by an Independent Examiner.

9.5 The Independent Examiner shall be appointed at the Annual General Meeting, and his report shall be attached to the Annual Accounts (if available).

9.6 The Band financial year shall run from 1 October to 30 September.

9.7 All funds raised by or donated to the Band or members representing the Band shall go to Band funds.

10. Rules Governing Playing Members

10.1 The Band shall be free to participate in engagements only at the discretion of the Committee.

10.2 All playing members shall endeavour to be present at each rehearsal night and Band engagement.

10.3 Playing members when on parade shall be under the jurisdiction of the Pipe Major and Leading Drummer.

- 10.4 For the avoidance of doubt members are considered to be on parade when collected together for any Band function except AGM, SGM or Band Committee meetings.
- 10.5 The Drum Major, when on parade, shall be in charge of Drill, Discipline, Dress, Deportment and calling the Band together for Parade. Once assembled, the Drum Major will hand over command of the Band to the Pipe Major with respect to musical content, duration and location of play. The Drum Major under the direction of the Pipe Major will command regarding Drill, Discipline, Dress and Deportment.
- 10.6 The Pipe Major and/or Drum Major and/or Leading Drummer and/or Safeguarding Co-ordinator shall be duty bound to report all serious misconduct of members on parade to the Committee. These Band officials by agreement between them will decide training needs or actions to be taken for misconduct which they agree does not merit consideration of the member's dismissal. Where they do agree it does merit consideration of dismissal, they will carry out an interview detailing the misconduct, minute it and forward it to the Committee via the Secretary together with their recommendation. In the event of misconduct by any of these officials the President will take action to bring it to the Committee.
- 10.7 All playing members shall be held liable for all Band property in their possession. Any loss or damage to Band property shall, at the discretion of the Committee, be made good by the member. Any playing member wishing to use Band property for private purposes must first of all obtain the permission of the Pipe Major or Leading Drummer as appropriate. An adequate payment for the use of Band property shall be made to the Band.
- 10.8 When issued with Band property all members will be required to complete and return an Inventory Receipt relative to their particular position in the Band. A copy of the Receipt will be returned to the member as a record of the Band property in their possession. The member should obtain discharge/ amendment of the receipt when receiving/returning equipment.
- 10.9 All resignations shall be intimated in writing to the Secretary, giving one month's notice.
- 10.10 Every person joining the Band will be advised where to obtain an electronic copy of the Constitution and these By-laws (via www.northberwickpipeband.co.uk). Ignorance will not be accepted as an excuse for any infringement thereof.
- 10.11 The Rules can only be amended at the Annual General Meeting or at a Special General Meeting called for that purpose

11. Safeguarding

- 11.1 The Band has adopted policies in connection with the safeguarding of children which members are expected to adhere to. The latest versions of these policies are available in electronic format from the Secretary or the Safeguarding Co-ordinator, or can be downloaded from the Band's website at www.northberwickpipeband.co.uk. They should be read in conjunction with other Band-related documents and policies approved by the Committee.
- 11.2 All tutors, instructors and members working with children will be required to be members of the PVG Scheme and will be required to provide information to allow a request for an appropriate Disclosure through Volunteer Scotland. This shall be arranged through the Band's Safeguarding Co-ordinator and this information will remain confidential between the tutor/instructor/member and the Safeguarding Co-ordinator.
- 11.3 There is currently no statutory requirement to update disclosures, but following good practice the Band may require tutors, instructors or members to provide information to allow such updates from time to time as it deems necessary.
- 11.4 As part of the safeguarding procedures a Code of Conduct has been produced and members should endeavour to comply with this wherever possible. An electronic copy of the latest version of this Code of Conduct is available from the Secretary, the Safeguarding Co-ordinator, or can be downloaded from the Band's website at www.northberwickpipeband.co.uk.



The preceding Constitution and By-Laws were adopted by the Annual General Meeting held in St Andrew Blackadder Church, North Berwick on 23rd November 2022.

(signed)..... [Derek Easton] (President)

(signed)..... [Eddie Clark] (Secretary)

NORTH BERWICK PIPE BAND

EXAMPLE OF POSSIBLE COMMITTEE STRUCTURE (Maximum of 12 as per Constitution Clause 14.1)

<i>Office Bearers:</i>	President Vice President Secretary Treasurer
<i>Appointed Positions:</i>	Pipe Major Leading Drummer Juvenile Section Pipe Major Quartermaster
<i>General members:</i>	Support Co-ordinator Playing or Non-playing Member Representatives (3)

Another scenario could be where 2 “appointed” positions are held by the same person and another is vacant. In this case there would only be 10 members of the committee and 2 additional General members could be elected/co-opted, if desired.