

Information for Unincorporated groups

Setting out Rules for small 'Unincorporated' groups

If you have decided to formalise a group a little more, maybe so that you can apply for small grants or register as a charity - than you may be thinking about becoming an unincorporated group – see 'Structures for Groups' document on this site for more information about what it means to become an unincorporated.

This document covers the basics of what you need to be including in a simple constitution, the governing document that an unincorporated must be run by. It is essentially a list of rules and powers and is an agreement made between the people running and belonging to the group. Having a constitution for your small social or activity based group does not mean that you have to register with any public bodies; you do not need anyone's permission to form an 'unincorporated' group,

Unincorporated groups do not have a legal personality – but are the sum of the committee members – as such a constitution in this instance is simply a group of individuals with similar aims laying down what those aims are.

The constitution of an unincorporated association is deemed in law to be like a 'contract' between the members. Having a constitution also means that you should be eligible to apply for some small grant programmes and access funding for events or project and specific running costs, such as printing publicity material or hiring a hall for a fundraiser. The very least that most funder's require as part of their application process is a constitution because without one, it would be seen as an individual application rather than a group of individuals working together for a specific reason.

Because an unincorporated group is defined as being a 'collection of individuals working together' it has limitations over what it can and cannot do, for example an unincorporated group cannot own property in its own right and it should not enter into contract without seeking advice before hand. One individual from the group could buy property but it will not be in the group's name and that individual would be solely responsible and liable for that building.

There are specific regulations to follow for groups that are registered, or registering with the Charity Commission you can find out more about this as well as downloading model constitution for unincorporated group (or other types of group) at www.charitycommission.gov.uk

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Writing a constitution will hopefully get your group thinking about how its wants to be run and what it aims to achieve.

Having a set of basic rules for a group should, if anything take the pressure of any one particular organiser and make the group easier to hand over, should any of the organisers decide to leave.

These particular ideas for a simple constitution will not be suitable for groups with wide ranging aims and objectives that need to employ staff or engage with fundraising activities on a large scale. Look at our 'Structures for Groups' document to learn more about alternative structures that may be appropriate.

The Charity Commission

You do not need to register with the charity commission unless your group's income exceeds £5,000. Even is your group is not considering registering with the Charity Commission, it is worth taking into account, when writing a constitution, that it may one day need or want to register, scope for this should be incorporated into the constitution. The Charity Commission list the charitable objectives as such;

- The prevention or relief of poverty
- The advancement of education
- The advancement of religion
- The advancement of health or the saving of lives
- The advancement of citizenship or community development
- The advancement of the arts, culture, heritage or science
- The advancement of amateur sport
- The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- The advancement of environmental protection or improvement
- The relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage
- The advancement of animal welfare
- The promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services
- Any other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose

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Things that your constitution would need to include are;

Name of group	The name you have chosen for your group/organisation
Objects	The aims and objectives of the group
Powers	How the group will achieve its objective e.g. raise funds hold events hire premises for events recruit volunteers apply for and accept grants print newsletters' and promotional information etc
Membership	Who is the group open to and how is membership approved, is there a membership charge? Membership review? Who will be eligible to join the committee? Who is not eligible and how will you remove members from the group is necessary and under what circumstance?
Committee Members	Also knows as trustees and should include honorary officers. The roles and responsibilities of each member of the committee and how people are voted on and off the committee; this should at the least consist of a Chair, Treasurer and a Secretary and a few other committee members with no post of office.
Meetings	How meetings are arranged, how often, items for the agenda (e.g. the committee shall convene once a month before the start of the Wednesday social) you also need to consider being quorate.
Annual General Meeting	Detail some contents of the AGM e.g. Electing/re-electing members/Trustee/honorary officers You can also use an AGM to approve alterations to the constitution, any policies or the Committee. Good opportunity to review groups current and future direction Notice required for AGM (generally 21 days) and EGM (emergency general meeting) (generally 14 days)
Finance	You group may not need anyone money to run. If it does or might need to in the future it is important to outline the procedures that would be followed. How the accounts are managed? How will money belonging to the group will be used Who will the signatories be? Will another group holding funds for you or do you need a back account

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	<p>If someone else will hold funds for you –who will it be (registered charity) and What is the process of getting the groups money? How will transactions be recorded or monitored?</p>
Alterations;	<p>Details how and under what circumstances any amendments to the constitution inc. voting procedure etc may be made</p>
Dissolution	<p>How, in the event that it should need to, will the group end? Outline the voting procedure for this to happen Detail what would happen to any assets owned (generally any remaining assets will be passed to a group with similar aims as the group dissolving)</p>
Signatures/approval	<p>Any constitution or policy needs to be approved by a committee and signed by the Chair.</p>

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