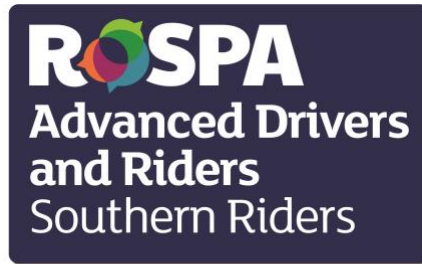




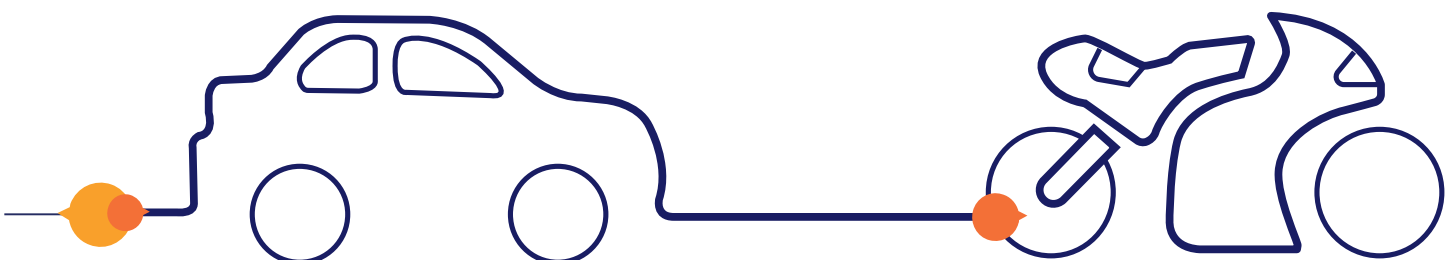
accidents don't have to happen



Southern Motorcycle Advanced Rider Training

Constitution of Southern Motorcycle Advanced Rider Training

RoADAR Version: 1. April, 2018. (This supersedes previous Independent Constitution).
Created for RoSPA Advanced Drivers and Riders Accreditation Scheme.
Southern Motorcycle Advance Rider Training. Registered Charity Number 1094067
Originally adopted and registered with Charity Commission March 2002.
Formerly titled RoSPA Southern Motorcycle Advanced Rider Training.



1. Name and Definitions

The name of the Group is RoSPA Advanced Drivers and Riders – Southern Riders, which is the accredited affiliation name of Southern Motorcycle Advance Rider Training, hereinafter called “the Group”.

Southern Motorcycle Advanced Rider Training (SMART) is an independent charity in its own right. Its title is registered with the Charity Commission. Charity number 1094067.

Southern Motorcycle Advanced Rider Training (SMART) does not have any full-time or part-time employees.

All Officials and Instructors are volunteers and receive no remuneration except “Out of Pocket expenses” and an acceptable contribution for fuel used and “Fair Wear and Tear” appertaining to the use of their own motorcycles while conducting tutoring. These figures are set by the Trustees of the Charity according to Charity Commission guidelines.

The word “Training”, as used in the Charity’s name must not be construed as implying that fees are charged.

Definitions

- 1.1 RoSPA – Royal Society for the Prevention of Accidents (Charity Number 207823).
- 1.2 RoSPA Advanced Drivers and Riders.
- 1.3 Accredited RoSPA Advanced Drivers and Riders Groups are affiliates of RoSPA.
- 1.4 Charity Commission. Register and regulate charities in England and Wales, to ensure that the public can support charities with confidence.

2. Status

- 2.1 RoSPA Advanced Drivers and Riders is part of The Royal Society for the Prevention of Accidents (Charity Number 207823) (“RoSPA”).
- 2.2 RoSPA Advanced Drivers and Riders is a voluntary organisation of people who have an interest in promoting RoSPA’s advanced driving and motorcycling standards and tests.
- 2.3 Charity Commission. Register and regulate charities in England and Wales, to ensure that the public can support charities with confidence.

3. Aims and Objectives

- 3.1 To improve road safety and reduce road collisions and casualties by improving driving and motorcycling knowledge, attitudes, skills and standards.
- 3.2 To provide access for the public to RoSPA’s advanced driving and riding schemes and test on a non-commercial basis.



- 3.3 To provide consistent, high quality advanced driver and rider tutoring to group members.
- 3.4 To encourage and help drivers and motorcyclists to pass RoSPA's Advanced Driving and/or Advanced Motorcycling Tests.
- 3.5 To help to implement RoSPA's overall mission to save lives and reduce injuries.

4. Powers

In furtherance of the objectives but not otherwise the Executive Committee may exercise the following powers:

- 4.1 Power to raise funds and to invite and receive contributions provided that in raising funds, the Executive Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law.
- 4.2 Power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use.
- 4.3 Power to appoint and constitute such advisory committees as the Executive committee may think fit.

5. Membership

- 5.1 Membership of the Group is open to any individual interested in promoting the aims of RoSPA Advanced Drivers and Riders, who meets the admission criteria set out in 5.2 to 5.5.
- 5.2 The categories of membership are: -
 - (a) Full Member.
 - (b) Associate Member.
 - (c) Other Group Membership.
- 5.3 **Full Membership** is open to any driver or motorcyclist with a full, valid driving licence, who has passed a RoSPA Advanced Driving Test or Re-test and/or a RoSPA Advanced Motorcycling Test or Re-test subject to paying the appropriate annual membership subscription and passing the appropriate three-yearly re-test.
- 5.4 **Associate Membership** is open to any adult with a full, valid driving licence, who is preparing to take a RoSPA Advanced Driving Test and/or Advanced Motorcycling Test. An Associate Member will become a Full Member once they have passed a RoSPA Advanced Test.
- 5.5 **Other Membership:**

The Group may create additional Group membership categories, such as honorary or life membership, and prescribe their respective privileges, obligations, and membership fees, as agreed by the group's committee. This membership category may include individuals who no longer wish to be retested or who have failed to take and pass their re-test as well as individuals who have never passed a RoSPA Advanced Driving Test and who do not wish to do so.



Members in this category who have previously passed a RoSPA Advanced Test may also remain a member of RoSPA Advanced Drivers and Riders provided that they continue to pay the appropriate annual membership subscription to RoSPA Advanced Drivers and Riders, as well as their group membership. Individuals in this category are covered by Public Liability as per stated in the insurance guide for RoSPA Advanced Drivers and Riders.

Members in this category who wish to remain a member of the local group but not of RoSPA Advanced Drivers and Riders, may do so provided that they continue to pay the appropriate membership subscription to the group. They do not pay a membership subscription to RoSPA Advanced Drivers and Riders, are not a RoSPA Advanced Driver or Rider. Individuals in this category are covered by Public Liability as per stated in the insurance guide or RoSPA Advanced Drivers and Riders.

Members in this category who have never taken a RoSPA Advanced Test and are not intending to do so, may remain a member of the local group provided that they continue to pay the appropriate membership subscription to the group. They do not pay a membership subscription to RoSPA Advanced Drivers and Riders, are not a RoSPA Advanced Driver or Rider. Individuals in this category are covered by Public Liability as per stated in the insurance guide.

(Note: - Lifetime Membership of SMART can only be bestowed upon a member after approval of the Executive Committee and agreed by unanimous vote of the membership of the group present at the AGM. The criteria for Group Life Membership are that the individual must have served the group well during their membership of the group. A lifetime member is exempt from paying a group annual subscription. A lifetime Member retains all group benefits of a full member).

5.6 A person may not be refused membership to the Group on the grounds of the following protected characteristics covered by the Equality Act 2010 or because of their profession:

- Age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

6. Operational Procedures

6.1 The Group must have at least one Advanced Tutor whose responsibility is to assess and approve Group Tutors. The Advanced Tutor(s) must have passed RoSPA's Advanced Tutor Test, or be a RoSPA Advanced Driving Instruction Diploma holder, a RoSPA Advanced Riding Instruction Diploma holder, or a RoSPA Examiner.



6.2 On Road Incidents

Please note that during any training or group driving/riding activities, if any person(s) becomes involved in any incident whereby injury or damage is caused to anyone or anything, RoSPA must be informed immediately giving the circumstances of the incident together with any injuries/damage sustained, even if minor. Candidate and contact details will also be required.

6.3 The Group must seek to maintain a sufficient number of Group Tutors to meet the demand from members.

6.4 Group Tutors and Advanced Tutors must be full Members of RoSPA Advanced Drivers and Riders.

6.5 Advanced Tutors and Group Tutors may not receive a fee, except out-of-pocket expenses, for providing tutoring to any individual.

6.6 Group Tutors and Advanced Tutors may operate in other Groups, with the permission of the other Group(s) concerned.

6.7 The Group must not provide training services to any organisation except where an organisation has encouraged its staff to join the Group as individual Members, in which case, they must check with RoSPA HQ before tutoring commences. Organisations that contact the Group with requests for other services to help them improve their staff's driving or motorcycling must be referred to RoSPA HQ.

6.8 If the group is a charity in its own right, it must adhere to charity commission rules and the subsequent disposal of its assets as per this constitution on section 8.13 and 14.4.

7. Group Code of Conduct

Groups must have a code of conduct in place which clearly requires members to:

- Behave professionally at all times and treat others with respect and consideration.
- Avoid categorising anyone according to protected characteristics covered by the Equality Act 2010 or because of their profession.
- Avoid inappropriate language, comments and tone that could be misconstrued or create offence.
- Avoid physical contact except in an emergency or in the normal course of greeting (for example, shaking hands).
- Understand and not breach Data Protection law.
- Not knowingly break any other laws.
- Be fair and honest.
- Not personally criticise any other trainer, examiner or road safety organisation.
- Not charge for providing tutoring (except Motorcycle Fuel Expenses).



(This is not exclusive or exhaustive).

8. Group Executive Committee

- 8.1 The Group shall form a Committee which shall be responsible for the management of the Group, its running and activities.
- 8.2 The Executive Committee shall consist of a Chairman, Secretary, Treasurer, Membership Secretary and Group Chief Instructor; all of whom are Trustees of the Charity as required by the Charity Commission.
- 8.3 The Officers of the Charity are the Chairman, Secretary and Treasurer.
- 8.4 Members of the Group shall be elected to the Executive Committee at the Annual General Meeting (AGM) of the Group when posts become vacant at the end of their term. There shall be no more than seven members on the Executive Committee.
- 8.5 The Chairman shall be elected to that role for a 1-year term following a vote of the Members for their choice.
- 8.6 The Group Chief Instructor shall be elected to that role for a 1-year term from the instructors pool following a vote of the Instructors for their choice.
- 8.7 The remainder of the Executive Committee shall be elected to their roles for a 1-year term following a vote of the Members for their choice.
- 8.8 The Chairman and the Secretary are the main contact points between the Group, the Groups Advisory Panel (GAP) and RoSPA HQ and are responsible for keeping RoSPA up to date with the details of the Chairman, Secretary, and Group Tutors.
- 8.9 The Chairman and at least one other committee member must be full members of RoSPA Advanced Drivers and Riders. However, in exceptional circumstances, Associate Members may act as Chairman in a newly formed Group which would otherwise be unable to fill the position. In such cases, the Associate Member must become a Full Member by passing the RoSPA Advanced Motorcycling Test within six months of being appointed.
- 8.10 The Committee may co-opt any Member of the Group to the Committee for a special purpose, e.g. if a specific skill set is required, to fill any casual vacancy which has arisen or to make up the number of Committee members. The appointment of such Members must be confirmed or terminated at the Group's next AGM.
- 8.11 The Committee shall determine the Group's annual subscription fees for all categories of Group membership.
- 8.12 The Committee must maintain a Register of all Members incorporating their names and contact details. The Committee shall inform RoSPA HQ of the number of Members in the group on request. The Group must comply with the data protection act and may only use Members' data for the purpose of the Group.
- 8.13 The Committee may choose to dissolve the Group, provided they follow the procedure in section 14 of



this constitution. The resources and assets of a dissolved Group shall be transferred to RoSPA Advanced Drivers and Riders and used exclusively to help develop and support other groups within the network.

9. Committee Meetings

- 9.1 The Committee shall meet not fewer than four times per calendar year.
- 9.2 Committee meetings shall be called by the Chairman or Secretary giving not less than 14 days' notice of the date of the meeting. Each Member of the Committee shall be notified of the date, time and location of the Committee meeting and invited to attend.
- 9.3 The quorum for Committee meetings shall be no less than 3 Members, of which one must be the Chairman, Secretary or Treasurer.
- 9.4 Each Member of the Committee shall have one vote on all matters to be cast personally by the Member. Groups can allow proxy votes as long as this is agreed in advance.
- 9.5 All decisions shall be made by majority vote. In the case of an equality of votes, the Chairman may have a second or casting vote, if agreed in advance by the committee.
- 9.6 The Secretary shall ensure that minutes of Committee meetings are taken and circulated to any group member who requests a copy. Copies of the minutes and other relevant documents must be kept by the Group and copies provided to RoSPA HQ on request.

10 Group Annual General Meeting (AGM)

- 10.1 The Group shall hold an AGM each calendar year and not more than 15 months shall elapse between one AGM and the next.
- 10.2 An AGM shall be called by the Chairman or Secretary by giving not less than 21 days' notice of the date of the meeting. Each Member shall be notified of the date, time and location of the AGM and shall be invited to attend.
- 10.3 The quorum for AGMs shall be 12 Members of which one must be the Chairman, Secretary or Treasurer.
- 10.4 Each Member shall have one vote on all matters.
- 10.5 All decisions shall be made by majority vote. In the case of an equality of votes, the Chairman shall have a second or casting vote.
- 10.6 The Secretary shall ensure that minutes of the AGM are taken and circulated to any Group Members who requests a copy. Copies of the AGM and other relevant documents must be kept by the Group and provided to RoSPA HQ on request'.

11. Extraordinary General Meeting (EGM)

- 11.1 The Executive Committee may call a extraordinary general meeting of the Charity at any time. If at least ten members request a meeting in writing stating the business to be considered the secretary shall call



such a meeting. At least 21 days' notice must be given. The notice must state the business to be discussed. Twelve members shall form a quorum.

12 Finance

- 12.1 The Committee shall open a bank account in the name of the Group with a bank or financial institution of the Committee's choice.
- 12.2 Monies received by the Group shall be paid into the Group's bank account within 60 days of receipt.
- 12.3 The Treasurer shall be responsible for managing the Group's bank account and for ensuring that the Group's bills are paid.
- 12.4 More than one committee member must have access to the Group's bank account.
- 12.5 Cheques, direct debit instructions and other financial instructions shall not be approved by fewer than two Members of the Committee.
- 12.6 The Treasurer shall be responsible for presenting the final accounts to the AGM each year.
- 12.7 Under current HMRC regulations and Charity Commission rules, should the Groups income exceed £25,000, the Treasurer shall be responsible for arranging an annual independent examination or audit of the accounts of the Group.
- 12.8 Group funds must only be used to run the Group and to meet the Group's aims.

13 Expulsion of Members from the Group

- 13.1 The Committee may terminate the membership of any Group Member on the grounds that the Member's continued membership would be harmful to the Group, provided this does not contravene 4.6.
- 13.2 The Committee must notify any Member in writing of their possible removal from Group membership. The Member must be given the opportunity to submit written representation to the Committee within 14 days of receiving notice, explaining why she or he should not be expelled. The Committee must consider any such written representations when making a final decision about expelling the Member. A decision to terminate membership shall only be valid after a Committee vote.
- 13.3 A Member who is expelled from the membership of a Group may appeal to RoSPA HQ within 14 days of being notified of the decision to expel him/her. RoSPA HQ will consider the appeal and may recommend the Committee re-consider its decision, giving its reasons. The Committee will consider RoSPA's recommendation and has the final decision on whether or not to change to uphold or reverse the expulsion.

14 Dissolution of the Group



- 14.1 The Group may be dissolved, or merged with a neighbouring Group, by a resolution passed at an Extraordinary General Meeting (EGM) of the Group. The Group Committee should seek advice from RoSPA HQ first.
- 14.2 The EGM must be called by the Chairman or Secretary giving not fewer than 21 days' notice. Each Member of the Group and RoSPA HQ shall receive notice of the meeting specifying its date, time and location.
- 14.3 A decision to dissolve the Group must be passed by at least 75% of those attending and voting at the EGM.
- 14.4 In the event that a resolution to dissolve the Group is passed, the Committee must arrange for the Group's debts and liabilities to be paid and its bank account(s) to be closed. The resources and assets of a dissolved Group shall be transferred to RoSPA Advanced Drivers and Riders and used exclusively to help develop and support other groups within the network.
- 14.5 In the event that the Group agrees to merge with another Group, the new merged group must complete the RoSPA Advanced Drivers and Riders Accreditation process in order to join the Accreditation Scheme.

15 Amendments to the Constitution

- 15.1 Amendments to this Constitution may only be made by the Group committee and with the agreement of the Group membership.
- 15.2 No amendment may be made to clause 1, clause 2, clause 6, clause 13 or this clause without the prior consent in writing of the Charity Commission.
- 15.3 No amendment may be made which would have the effect of making the Charity cease to be a charity at law.
- 15.4 The Executive Committee should promptly send to the Commission a copy of any amendment made under this clause.
- 15.5 The Committee must inform RoSPA HQ of any changes to the constitution and gain written agreement from RoSPA that the constitution still conforms to the RoSPA Advanced Drivers and Riders Accreditation Scheme.
- 15.6 This constitution replaces all other constitutions and supersedes any other agreement.

Signed by the current Officers of the Group.

Tim Bergin
09/12/2021

Ben Kitchen
09/12/2021

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09/12/2021







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