



Constitution

INTRODUCTION

The operation and running a model flying club can present a number of challenges and in keeping with evolving legislation our club should have a robust constitution document to support our activities. The BMFA are often needed to assist clubs involved in legal disputes where such problems arise through the lack of an appropriate constitution, the importance of this document cannot therefore be overstressed as it will establish the ground rules and way forward in during any dispute.

The Middle Wallop Model Flying Club is constituted as “private members club” and therefore free to govern its own affairs as we see fit; however, it is important to note that we are still subject to various aspects of UK legislation governing fairness and equality and failure to adhere to these principles may present significant potential for legal action against the club and its officers. Whilst the insurance cover provided to BMFA affiliated clubs provides protection against such actions, it is of course preferable to prevent matters escalating to such excessive levels.

A comprehensive constitution and a clear set of rules, our Flying Order Book (FOB), ensures that our club has well defined procedures and standards which enables the club to conduct its business lawfully and with due consideration for its members. In turn, the members know what is required of them and what their role and rights are within the club environment.

Please note that words of masculine gender should be taken to include the feminine gender unless the context indicates otherwise.

1. GENERAL

- 1.1 The club shall be called Middle Wallop Model Flying Club (MWMFC) and will be affiliated to the British Model Flying Association.
- 1.2 The club’s principal aim shall be the promotion of safe and responsible model aircraft flying of all types and disciplines.
- 1.3 Alterations to this constitution can only be made at an Annual General Meeting (AGM) or at an Extraordinary General Meeting (EGM) called for that purpose. Any Proposed alterations must be submitted to the secretary in writing at least 14 days prior to the meeting.

2. MEMBERS

- 2.1 A “member” means any class of membership.
- 2.2 The Committee has the right to refuse membership to new applicants; however, the reason cannot be due to, race, gender, sexuality, disability etc. The reason(s) for refusal are to be recorded in the meeting minutes.
- 2.3 New members will be required to serve an initial probationary period of 6 months. During this time, they will not be eligible to serve on the Committee and may have their membership terminated at the discretion of the Committee for unsatisfactory conduct.

Note: During this probationary period the member can be dismissed for misconduct without going through the disciplinary procedure.

- 2.4 New members’ subscriptions shall be dependent on membership class and shall be decided at the AGM.
- 2.5 Subscriptions are due by 1st January each year. Any member, who has not paid the subscriptions for the ensuing year by this date will not be permitted to fly until they have done so. BMFA membership must be in place before flying or accessing the MWMFC flying site at the Army Aviation Centre on Middle Wallop airfield.

- 2.6 Members who have failed to pay the relevant annual subscription by end-January of the new year, will be considered as having left the club. They may apply to re-join subsequently without vetting, but their membership will be subject to the club not having become fully subscribed in the meantime. The Committee reserves the right to ask for a formal membership application together with the current joining fee if it so wishes.
- 2.7 All members must be members of the British Model Flying Association and must be able to provide evidence of such on request. The only exception to this is for those members who play no active part in the club whatsoever - i.e. social members only.
- 2.8 A member may be made a life member for extensive services to the club. Life members can only be created by a majority ballot of club members at a general meeting.
- 2.9 All members, without exception, must comply with all club rules. Failure to do so may result in disciplinary action by the club which may lead to dismissal.
- 2.10 Members may invite guest fliers to the site on arrangement with the Committee, but they must be BMFA insured and the club member must assume total responsibility for the actions and safety of the guest. Guests must fly under the supervision of instructors if their ability requires it and such arrangements must be made in advance of the visit.

3. RULES, DISCIPLINE AND SAFETY

- 3.1 The club rules and safety procedures are covered in detail within the Flying Order Book and are not duplicated here. Additions and amendments to field safety rules and regulations contained within the Flying Order Book (FOB) can only be made by proposals if proposed and passed at a general meeting.
- 3.2 All field safety rules and regulations will be reviewed annually and will be considered binding for 12 months, excepting where urgent action is required. This action must then be ratified by the members at the next general meeting
- 3.3 The club's disciplinary procedures are intended to provide a formal framework to deal with the situation where an individual's conduct falls below acceptable standards and to ensure fair and consistent treatment of all members in such circumstances.
- 3.4 Any complaint concerning any member must be made in writing and signed by the complainant(s). The written complaint must then be forwarded to the Secretary so that the matter can be addressed at the next Committee meeting.
- 3.5 Where an allegation of misconduct is made against a member, the member may be suspended by the Committee from all club activities while an investigation is carried out.

Note: A suspension carried out in this matter is considered a neutral act and infers no blame or guilt and is purely to allow an investigation.

- 3.6 The Committee may impose a suspension from club activities including attendance at the club flying site, not exceeding 31 days upon any member in the event of misconduct. Any suspension must be accompanied by a verbal and/or written warning as deemed appropriate in accordance with section 3.7 below.
- 3.7 The Committee may consider removal of membership where conduct on the field or elsewhere is considered to be prejudicial to the club. Dismissal will be in accordance with the following procedure in order to comply with the laws of natural justice:
 - 3.7.1 The member is to be given a verbal warning by an authorised Committee member in which the member is made aware of his misdemeanor and what he is reasonably required to do to make amends.
 - 3.7.2 If the member does not respond, he is to be given a written warning by an authorised Committee member to advise him of his misdemeanor and what he is reasonably required to do to make amends.

- 3.7.3 If he still fails to respond, the Committee shall invite him in writing to meet with them at a previously agreed date and time to discuss the situation, advising they are considering withdrawal of his membership.
 - 3.7.4 If he still fails to respond to reasoning or fails to attend without reasonable cause, the Committee can advise him in writing that his membership is withdrawn, stating the reasons why this decision was reached.
 - 3.7.5 When the member is advised of withdrawal of his membership, he must be given the right of appeal. If he opts to appeal, this will be to the club membership at an EGM which the Committee would call on his behalf at an agreed date and time. The motion to uphold the membership withdrawal or reverse it must be in accordance with the voting procedures set out in the club Constitution.
 - 3.7.6 Satisfactorily resolved verbal and/or written warnings shall be struck from the club records after six months.
 - 3.7.7 In the event of gross misconduct, immediate dismissal without warnings may be considered but the member must still be accorded his rights to present his case to the Committee and be given a right of appeal in accordance with the provisions of paragraph 3.6.
 - 3.7.8 In the event of dismissal the Committee will arrange for the member's current membership fee (excluding BMFA subscription) to be reimbursed in full.
- 3.8 Minor faults or shortcomings in a member's behavior should normally be dealt with informally by a Committee member or the keyholder of the day with a view to reaching agreement on the improvement required. However, if the problem persists or if the matter is more serious, action under the formal disciplinary procedure outlined in the Section 3.7 shall be taken.

4. FLYING

- 4.1 The keyholder of the day and Committee members (if present), will be responsible for the running of the flying field at all times. Appointment to the position of Instructor or Examiner can only be made by a Committee decision. Appointment of examiners shall be subject to the member being appropriately authorised by the BMFA.
- 4.2 All flying members must strive to attain the minimum standards of flying required as defined by the BMFA achievement scheme requirements for issue of an "A" Certificate. Duly authorised club examiners are available to carry out the assessment. Those not holding an "A" certificate shall not be permitted to fly unless supervised by a member holding at least an "A" certificate themselves.

5. COMMITTEE STRUCTURE AND APPOINTMENTS

- 5.1 The Committee of the club shall comprise at least six members as approved at each AGM.
- 5.2 Committee Officers shall be: Chairman, Vice Chairman, Secretary, Membership Secretary/Treasurer, Military member (if available), Military Liaison and Safety Officer.
- 5.3 Committee Officers and members shall be elected or re-elected at each AGM to serve for a period of one year. Nominations for Committee positions (vacant or otherwise) shall be submitted to the Secretary no later than 14 days prior to the meeting. The Committee will be elected/re-elected by majority vote by a show of hands from members present. All fully paid-up members and life members are eligible to vote.
- 5.5 Should a Committee position become vacant, the Committee may, by a majority vote, co-opt a replacement who will then serve until the following AGM.

6. COMMITTEE ORGANISATION AND POWERS

- 6.1 Members elected to the Committee will have full voting rights at all meetings. In the event of a tie the Chairman will have a casting vote in addition to his initial standing vote.

- 6.2 The Committee are authorised to carry out negotiations and make decisions in the interest of the club or on behalf of the membership where necessary without consulting the members. Approval from the membership at a general meeting must be sought for extraordinary expenditure.
- 6.3 Money may only be withdrawn from the club funds by a cheque signed by two persons defined on the bank mandate. In addition, the treasurer is authorized to withdraw or transfer funds in accordance with the Internet Banking Mandate and within the limitations defined within the following paragraphs.
- 6.3.1 The Secretary must be informed of any negotiations proposed by club members which affect the club as a whole and copies of any written correspondence must be submitted to him for record purposes.
- 6.3.2 Committee members incurring personal expenditure in furtherance of the club's routine activities shall be entitled to reimbursement by the treasurer.
- 6.3.3 Extraordinary expenditure up to £200 may be authorised by the Committee. Extraordinary expenditure exceeding this amount shall be agreed in advance by a majority of the full membership.
- 6.4 Any Committee member who is a Committee member or officer of another club shall declare this prior to election at the AGM.
- 6.5 Any Committee member wishing to resign must do so in writing.
- 6.6 Any member of the Committee who is absent from three consecutive Committee meetings without reasonable cause will automatically forfeit his seat on the Committee.

7. VOTING AND CONDUCT OF COMMITTEE MEETINGS

- 7.1 All Committee meetings will have an agenda and be minuted by the Secretary or his assigned deputy. Minutes of Committee meetings will be made available to members both on the members' section of the club website and on request to the Secretary.
- 7.2 A quorum of any Committee meeting shall consist of a majority of Committee members.
- 7.3 All proposals must be seconded and voted upon. A majority vote of those present is required to carry any proposal.
- 7.5 An audio recording of Committee meetings may be taken by the secretary only, for the sole purpose of producing accurate minutes. The audio recording must be deleted once the written minutes are approved.
- 7.6 Non-Committee members may attend Committee meetings as observers by applying to the Secretary at least 14 days before the meeting. Any non-Committee member may be asked to leave the meeting on request from the Committee.

8. VOTING AND CONDUCT OF GENERAL MEETINGS

- 8.1 All general meetings shall have an agenda and be minuted. Any other business will only be accepted at general meetings if the Secretary is given at least 14 days notice in writing of the item to be discussed.
- 8.2 The minimum number of attendees at any general meeting to be considered as a quorum shall be at least one quarter of the membership.
- 8.3 All proposals must be seconded and voted upon. A majority vote of those present is required to carry any proposal including proposals to alter this Constitution.
- 8.4 Voting will normally be by a show of hands; however, a secret ballot must be taken should any member request that this be done. Proxy and postal votes will not be permitted.
- 8.5 Amendments to proposals must be voted upon first.

- 8.6 An audio recording of general meetings may be taken by the secretary only, for the sole purpose of producing accurate minutes. The audio recording must be deleted once the written minutes are approved.
- 8.7 Non-club members may be invited to attend club meetings as observers by applying to the Secretary at least 14 days before the meeting. Any non-club member may be asked to leave the meeting on request by the Committee.
- 8.8 The Committee, through the Chairman, has the power to ask a person to leave any meeting in the event of that person disrupting the meeting.

9. ANNUAL GENERAL MEETINGS

- 9.1 A date for the AGM shall be decided each year by the Committee. At least 28 days notice of the meeting will be given in writing to all club members.
- 9.2 Annual subscriptions and the joining fee will be decided at the AGM.
- 9.3 A competent individual shall be elected by the Committee to carry out an independent examination of the accounts before the AGM to verify that the balance sheet is correct and fairly represents the expenditure and receipts of the club, its assets and its liabilities.

10. EXTRAORDINARY GENERAL MEETINGS

- 10.1 The Secretary will convene a Committee meeting within 14 days on request from any Committee member, stating the business to be discussed.
- 10.2 The Secretary shall convene an EGM on instruction of the Committee. The Committee will consider all requests in writing submitted by members of the club, stating the justification for calling an EGM. The Committee shall not block any legitimate business to be brought before the meeting.
- 10.3 When a request for a meeting is made in accordance with paragraph 10.2 (an EGM) and it is not called within 28 days, those requesting the meeting may themselves convene an EGM by giving 28 days' notice in writing to all members, duly setting out the purpose for which the meeting was called. Any resolutions passed at such a meeting shall have the same force and effect as if they were passed at a meeting convened by the Committee.

11. INSURANCE AND INDEMNITY

- 11.1 The club will hold appropriate Insurance, provided through affiliation to the BMFA.
- 11.2 The club will indemnify all Committee members if they incur any liability on behalf of the club.
- 11.3 In the event of a Committee member being awarded damages or costs in the course of proceedings taken by him in his representative capacity, such damages or costs will belong to the club and not the Committee member personally and upon receipt that Committee member will pay them to the club Treasurer.
- 11.4 When there is a joint meeting between Middle Wallop Model Flying Club and another club, the participating club must be able to provide evidence of adequate insurance cover well in advance of the event.

12. DISSOLUTION OF THE CLUB

- 12.1 Should it be considered necessary or desirable to dissolve the club, the Committee will call an EGM. Should a quorum fail to appear, the meeting will be adjourned and a further EGM must be called within 14 days. The second meeting will proceed even if a quorum is not present and the motion will then be carried by a simple majority vote.
- 12.2 On dissolution and after the sale of assets, settlement of all outstanding debts and the refund of subscriptions for the remaining part of the year to the paid-up members; the funds remaining will be distributed in equal shares to the club members.

- 12.3 If the final accounts are less than required to refund the subscriptions to the members, the total money remaining will be distributed to members on a pro-rata basis. All members will receive a final statement of accounts.

13. FIELD / SAFETY RULES

- 13.1 The club's field and safety rules are incorporated in the FOB and compliance with the rules and procedures therein is mandatory for all members.
- 13.2 On matters of field safety needing an immediate decision, the responsibility lies with the keyholder or a member of the Committee in that order. Any instructions must be accepted without dissent. However, should a member believe the instructions to be wrong, then he should bring this to the attention of the Committee through Section 3 of the Constitution.

14. CARING FOR JUNIOR MEMBERS

Note: Any disclaimer concerning the care of any member, particularly junior members, is not acceptable in law.

- 15.1 A Junior Member is defined as a male or female under 18 years of age.
- 15.2 A Responsible Adult is defined as a parent or guardian or a senior member appointed by the junior member's parent or guardian as defined in paragraph 15.3.
- 15.3 No senior member shall be expected to assume responsibility for a junior member unless he/she has been specifically requested to do so by the junior member's parent or guardian. If required to do so, he/she shall assume complete and total responsibility for the junior member whilst he/she is in their charge.
- 15.4 Junior members shall always be supervised by a responsible adult. The level of supervision is to be commensurate with the junior member's age, maturity, capabilities and levels of experience.
- 15.5 Junior members under the age of 14 years shall not start an engine or carry a model with the engine running unless they are directly supervised by a responsible adult.
- 15.6 No junior member under the age of 14 years shall fly a model aircraft unless directly supervised by their defined responsible adult **or** the junior member holds the minimum of a BMFA Achievement Scheme "A" certificate **and** has been authorised to do so by the club Committee.
- 15.7 Notwithstanding the requirements of paragraph 15.4, should a senior member discover a junior member is unsupervised he/she must assume responsibility for the junior member's safety in the first instance. The situation shall then be rectified as soon as possible by seeking out the junior member's responsible adult. Any instance of such an occurrence is to be reported to the Committee as soon as possible.
- 15.8 If supervising junior members, senior members should be aware of the requirements of The Children Act (1989), as supplemented by the Children Act (2004), and avoid placing themselves in a position that could be open to misinterpretation or question. A leaflet giving advice is available from the BMFA Leicester Office or from the club Secretary.