

Proposed constitutional changes and connected resolutions

To be read in conjunction with the agenda and the document “Constitutional Amendments and Proposals to be put to the AGM June 2017” which is available to download from the BCA website

This document has been prepared by the BCA Executive to assist members to properly consider the proposals at the AGM.

Members are reminded that CLUB INDIVIDUAL MEMBERS are full voting members of BCA and entitled to attend the AGM and vote. As evidence of membership an individual member will be required to present their 2017 membership card (Green or Red). We very much hope to see many of you at the meeting.

Agenda item 22

Proposal

That a working party called “the BCA Qualifications Management Committee” be established to develop the BCA training awards and the current Training Committee be henceforth solely responsible for recreational training”

Proposed by Nick Williams, Seconded by TBC.

This proposal is supported in principle by the Executive.

However, as under sub section 6.10 of the constitution a working party can only be appointed by National Council, the Executive will suggest that this proposal is amended to

“This meeting instructs National Council to establish a working party called “the BCA Qualifications Management Committee” to develop the BCA training awards and changes the terms of reference of the current Training Committee to be henceforth solely responsible for recreational training”

If the amendment is accepted by the proposer it will be seconded by the Executive. This proposal is not a constitutional change and will require a simple majority in both houses to pass.

Agenda item 23 Procedural Motion No.1

Proposal

(a) “That this meeting agrees that each debate and vote on each proposed motion (including any amendments) to change a feature of the constitution will also require a subsequent motion confirming that the agreed changes are of sufficient value to warrant the cost of a postal ballot. And that it notes each such motion will be subject to the constitutional requirement that a proposed constitutional amendment shall be taken as succeeding if a 70% majority of votes cast for the motion is obtained in each House, otherwise the motion shall fail. And that it agrees that the said subsequent motion only requires a simple majority in both Houses to pass so that for those successful motions to be taken as motions passed by this General Meeting as motions to change the constitution”.

Proposed by Bob Mehew, Seconded by TBC

(b) “That this meeting confirms the successful motions to change features of the constitution are of sufficient value to warrant the cost of a postal ballot and hence are to be taken as motions passed by this General Meeting as motions to change the constitution and that the Executive is instructed to proceed to take those said successful motions to a postal ballot”.

Proposed by Bob Mehew, Seconded by TBC

The purpose of the two parts of this proposal is to ensure that the expense of a postal ballot is only incurred for worthy amendments to the constitution. An amendment to simplify this procedural motion has been suggested and, if accepted, will be supported and seconded by the Executive.

“On completion of the discussion and voting on constitutional changes, the meeting will decide whether it is worth going to a postal ballot or not.”

This proposal is not a constitutional change and will require a simple majority in both houses to pass.

Agenda item 24 Procedural Motion No.2

Proposal

“That this meeting agrees to debate the motions related to not needing to do anything to, deleting or changing the first sentence of sub section 4.6 to ensure the merits and negative aspects of each motion are understood by the meeting and then followed by a series of debates when each motion is considered until one is successful. And that the order for taking those motions is set by the random draw of slips of paper from a container where each slip of paper contains an abbreviated version the motion. And that the meeting recognises that a motion leaving the sentence as it is only requires a simple majority in each house whilst any motion changing the words in the constitution will require a 70% majority in each house.”

This is a procedural proposal, the purpose of which is to cope with alternative proposals on the same subject. An amendment to simplify this procedural motion has been suggested and, if accepted, will be supported and seconded by the Executive.

“Where there are several alternative proposals to an item, a simple majority vote on the item will be taken and the one with the most votes taken forward.”

This proposal is not a constitutional change and will require a simple majority in both houses to pass.

Agenda item 25 (a)

Whilst there are multiple proposals to change the wording of sub section 4.6 of the constitution there is one connected proposal which seeks to interpret rather than change the constitution. This proposal is made in accordance with sub section 13.1 which states A General meeting of the Association shall be the final interpreter of this constitution.

Proposal

“That this general meeting confirms there is no impediment in the constitution to prevent the BCA campaigning for the Countryside and Rights of Way Act to apply to caving”

Proposed by Tim Allen. Seconded by DCA

It is not a constitutional change and will require a simple majority in both houses to pass.

Agenda item 25 (b)

The proposals are

a) The first line of item 4.6 that reads “That the owners and tenants of property containing caves have the right to grant or withhold access” be deleted and replaced with “That the legal right to control access to and within the cave held by a holder of that right shall be respected”.

Proposed by Bob Mehew, Seconded by BCA Executive.

b) “This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed.”

Proposed by Tim Allen, Seconded by DCA.

[An explanatory note from the proposer reads as follows:](#)

Section 4.6 of the constitution states:

“That the owners and tenants of property containing caves have the right to grant or withhold access. Where caving bodies have control of access delegated to them by the owners, such access should be obtained and granted as freely as possible for all responsible cavers, within the terms of those agreements. When obliged to make new agreements, the appropriate body should endeavor to ensure that this freedom is maintained or improved.”

The first sentence of this section has been cited as a barrier to BCA running a campaign to recognise that caving falls within the scope of the CRoW Act. This, together with proposed amendments which suggest BCA must ‘respect any rights held’, has highlighted a deeper problem with this part of the BCA constitution. This type of wording can be manipulated to prevent the BCA pursuing its own interests or carrying out the will of its members. BCA must have free will to campaign or protest as it sees fit. Landowners are well represented by powerful organisations and lobbyists, they do not need more help from cavers. To ensure that the BCA can represent cavers I propose the following;

“This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed.”

c) “This motion proposes that the first sentence of Section 4.6 of the BCA constitution be removed. (For clarity, this means that the sentence should be removed and not replaced by a similar sentence such as (a) or (b) of Proposal 1 as presented to the BCA council meeting on 25th March 2017. In fact, if this motion is supported then no further amendments should be made to section 4.6 of the BCA constitution at this General Meeting)”

Proposed by Tim Allen, Seconded by TBC.

A simple vote will be taken to decide which of these amendments to take forward. The chosen proposal would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda item 25 (c)

Proposal

It is proposed that a new sub-section be added to section 13 which will be 13.5.

“Notwithstanding any limitations perceived or otherwise (contained within the constitution) related to a current piece of legislation, that limitation does not preclude the British Caving Association from campaigning to change that piece of legislation, subject to agreement having been obtained from the National Council of the BCA”.

Proposed by Bob Mehew, Seconded by TBC

This proposed new sub-section is designed to cover situations such as quarrying, where if a perfectly legal existing quarry discovers a world class cave we would want to be able to campaign against any further destruction. Without this, our constitution could be held as an impediment.

This proposal would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda item 26

Sub-section 5.1.b of the current version of the BCA Constitution states:

“Constitutionally established caving, mining and other related Clubs together with constitutionally established National Bodies, constitutionally established Regional Caving Councils, Cave Rescue Organisations and Access Controlling Bodies, hereinafter known as Group Members”.

The proposed new sub-section is set out in the document which accompanied the agenda as:

“Constitutionally established National Bodies (hereinafter referred to as Constituent Bodies); constitutionally established caving, mining and other related Clubs; constitutionally established Regional Caving Councils; Cave Rescue Organisations and Access Controlling Bodies, hereinafter known as Group Members when referred to collectively”.

Proposed and seconded by BCA Executive

A sentence was accidentally omitted from that proposal and an amendment has been accepted which adds

In sub sections 2.1, 4.4, 6.2, 6.4, 7.2 the words “National Body” or “National Bodies” be replaced with “Constituent Body” or “Constituent Bodies”

The purpose is simply to tidy up the names, what the current constitution describes as National Bodies are generally referred to as Constituent Bodies.

This proposal would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda Items 27 & 28

Proposals

Item 27

That sub-section 6.1 of the constitution be amended to read:

“The Association shall have the following officers: A Council Chairman, Secretary, Treasurer together with the Chairmen of the Standing Committee (Section 7), who shall be elected from the membership of the Association at an Annual General Meeting, by a show of hands of those present who are eligible to vote. Here the two-house voting system outlined in sub section 8.9 will not apply. Each officer shall serve for a term of three years from the AGM. One third of Officer’s posts in turn shall be eligible for election or re-election each year and those elected shall serve for a term of three years from the AGM”.

Proposed and seconded by BCA Executive

A typing error has been noticed and an amendment has been accepted which changes “Committee” to “Committees”

Item 28

That sub-section 6.3 of the constitution be amended to read:

“Representatives from the classes of Individual and Group Membership shall be elected at an Annual General Meeting, by a show of hands of those present who are eligible to vote. Only Individual and Honorary Members shall vote in the election of an Individual Member’s Representative and only Group Members who are not entitled to appoint a representative to Council under sub section 6.4 shall vote in the election for a Group Membership Representative. Each representative shall serve for a term of two years from the AGM. Here, the two-house system outlined in sub section 8.9 will not apply”.

Proposed and seconded by BCA Executive.

The purpose of these proposals is to avoid the potential impasse of one house voting for one candidate for office and the second house voting for another. They have the effect of ensuring that this cannot happen in the future by restricting the voting to the appropriate house. There are other sections that also require similar alterations. It will

be proposed that “The two-house voting system outlined in sub-section 8.9 will not apply”. Also, be added at the appropriate point to sub-section 5.3, 5.4, 5.6, and 6.15.

These proposals would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda item 29

Proposal

“In sub section 6.15 the words “The post of President shall run for a period of one year from the Annual General Meeting “be amended to “The post of President shall run until a new President is elected”.

Proposed and seconded by BCA Executive.

The purpose of this proposal is to avoid the need to re-elect the President at each AGM.

This proposal would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda item 30

There are three proposals to add a clause to allow an element of proxy voting

a) “An individual or Honorary member (the 'voter) who is eligible to vote at a General Meeting may choose to appoint a proxy to vote for them. This proxy (the 'nominee') must be another individual or Honorary member who is also eligible to vote. The form of proxy, determined by National Council, will be provided with the notice of the meeting. The voter must provide the completed form of proxy to the Recorder at least 7 days before the relevant meeting for any General Meeting excepting an Emergency General Meeting where 48 hours shall be sufficient. Voters may indicate how they wish their nominee to vote or allow their nominee discretion. The maximum number of voters may be represented by each individual nominee is two. Proxy voting is not available to Group Members”

Proposed and Seconded by BCA Executive

b) “An Individual or Honorary member (the voter) who is eligible to vote at a General Meeting may choose to appoint a proxy to vote for them. This proxy (the nominee) must be another Individual or Honorary member who is also eligible to vote. The form of proxy, determined by National Council, will be provided with the notice of the meeting. The voter must provide the completed form of proxy to the recorder at least 7 days prior to a General Meeting, excepting an Emergency General Meeting where 48 hours’ notice will suffice. Voters may indicate how they wish their nominee to vote or allow their nominee discretion. Council is empowered to limit the number of voters who may be represented by each individual nominee to as few as two, excepting the Chair who shall not hold any proxy votes at all”

Proposed by Dave Tyson, Seconded by TBA

c) “In the interests of simplification of the Constitution and procedures at General Meetings, all references to proxy voting should be removed from the Association’s Constitution”.

Proposed by Nick Williams, Seconded by TBA

Any of these proposals would amend the constitution and to pass will require a 70% majority in both houses (individual members and group members)

Agenda item 31

Proposal

The published proposal is to replace sub-section 9.1 of the constitution with

“A constitutional amendment adopted by a General Meeting will require ratification by a ballot”.

Proposed and seconded by BCA Executive

Unfortunately, a sentence was accidentally omitted from that proposal and an amendment has been accepted and the proposal now reads

That Section 9 “Procedure for Postal Ballots” be redesignated “Procedure for Ballots”

Agenda item 32

Proposal

That sub-section 9.2 of the constitution be amended to read

“The General Meeting may refer any other successful motion that it deems appropriate, for ratification by a ballot. The General Meeting shall instruct the Executive to arrange such a ballot and shall specify any wording for the ratification of the motion and associated material, as the General Meeting considers necessary. The Executive may add additional associated material as it thinks fit. The ballot shall be held as soon as is reasonably practicable after the General Meeting. The ballot will normally be conducted as an online ballot and if so shall be issued to all members entitled to vote with whom BCA may legitimately communicate by e-mail or any other appropriate means. National Council shall ensure sufficient time is given from the dispatch of the information before the closing date, normally one month or more, for receipt of returns. The counting of the votes shall be conducted as for a General Meeting”.

Proposed and seconded by BCA Executive.

Unfortunately, a sentence was accidentally omitted from that proposal and an amendment has been accepted to add

“In sub-section 13.3 the word “postal” be deleted.”

The purpose of these changes is to permit internet voting in conjunction with postal voting. It is proposed that BCA members who want a postal vote will take up an option for a postal vote. Ballot papers will be posted to them and the member will be responsible for their return.

BCA Executive 2nd June 2017.