

THE CONSTITUTION OF THE BRITISH CAVING ASSOCIATION

(as agreed at the NCA Special General Meeting, 1st November 2003 and subsequently amended at the 2010 & 2017 AGM)

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1. NAME:

- 1.1. The body shall be called the British Caving Association, hereinafter referred to as the Association.

2. DEFINITIONS:

- 2.1. The Association is a national federation comprising: individuals; caving, mining and other related Clubs; Regional Caving Councils; and ~~National Bodies~~ Constituent Bodies with specialist interests, all of whom have autonomy in their own field; together with any other bodies who express an interest in caving, mining or other subterranean phenomena. All shall be referred to as Members, as applicable.
- 2.2. In this Constitution, the expression "cave" shall take the meaning as covering cave, pothole, mine or any other underground cavity and related terms shall be similarly construed.
- 2.3. In this Constitution, the national interests of the Association are those covering the United Kingdom of Great Britain and Northern Ireland, together with the Channel Islands and the Isle of Man.

3. AIMS:

- 3.1. To support Members of the Association in obtaining, ensuring, maintaining and encouraging the development of access arrangements at national, regional and club level in accordance with national, regional or club practice.
- 3.2. To support cave conservation, cave science, caver training and caving equipment safety, directly or indirectly.
- 3.3. To act as a national spokesman and negotiating body on behalf of Members, when required by them to do so; to protect members' interests; and provide facilities, when required, to co-ordinate effort where interests overlap.
- 3.4. To provide information on behalf of cavers in general, and promote an exchange of ideas and information between Members.
- 3.5. To make and maintain contact with other national and international bodies. To negotiate for funds to support caving activities.
- 3.6. To promote and organise conferences, fairs, seminars and meetings to further the aims of the Association.

4. GUIDING PRINCIPLES:

- 4.1. The guiding principles are:
- 4.2. That caving is organised within a diversity of clubs or bodies, either based in a specific region or with membership drawn from particular localities and is also undertaken by unaffiliated individuals and other bodies with independent interests.
- 4.3. That regional interests are focused in a diversity of regional bodies made up of member clubs and individual cavers.
- 4.4. That interest in specific facets of caving is concentrated in a number of ~~national bodies~~ Constituent Bodies.
- 4.5. That the nature of exploration and conservation of caves, and thus access to them, is based in science and technology, inextricably linked to the sporting aspects of the pursuit.
- 4.6. ~~That the owners and tenants of property containing caves have the right to grant or withhold access.~~

OR

That the legal right to control access to and within the cave held by a holder of that right shall be respected. 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 endeavour to ensure that this freedom is maintained or improved.

- 4.7. That the Association will make its services available to all sections of the sporting community. There will be no discrimination on grounds of race, gender, sexual orientation, creed, colour, occupation, religion or political opinion.
- 4.8. That caving is an activity best pursued in a club environment and that the Association recommends individuals be members of a club.

5. MEMBERSHIP:

- 5.1. The Association shall have the following classes of membership:
 - a) Individual Members,

- b) ~~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,~~

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.

- c) Outdoor Activity Providers, Businesses and other groups which have an interest in caving, hereinafter known as Associate Members,
- d) Honorary Members.
- e) Membership classes a), b) and d) are Full Members.

5.2. Applications for the class of Individual Membership shall:

- a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership, and
- b) be considered by a duly delegated person or persons appointed by the National Council for acceptance.

5.3. Applications for the class of Group Membership shall:

- a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership and a copy of the constitution of the applicant, and
- b) be put before any National Council or General Meeting as the next item of business following apologies and establishment of quorum, and accepted or rejected by National Council or any General Meeting by a simple vote of those eligible to vote at that meeting. Here the two-house voting system outlined in sub section 8.9 will not apply.

5.4. Applications for the class of Associate Membership shall:

- a) be submitted on an application form and accompanied by the appropriate subscription for the class of membership, and
- b) be put before any National Council or General Meeting as the next item of business following apologies and establishment of quorum, and accepted or rejected by National Council or any General Meeting by a simple vote of those eligible to vote at that meeting. Here the two-house voting system outlined in sub section 8.9 will not apply.

5.5. Any person or organisation that has been refused membership shall have the right to appeal to the following Annual General Meeting in person or by representation, and that appeal shall be heard following those items of business noted in Sub Sections 5.3 b) and 5.4.b) above.

5.6. Candidates for Honorary Membership may only be proposed by the National Council for election by simple majority vote at a General Meeting. Here the two-house voting system outlined in sub section 8.9 will not apply. Honorary membership may only be conferred on individuals and Honorary Membership will entitle the individual to the same benefits of the Association as those given to the class of Individual Membership.

6. OFFICERS OF THE ASSOCIATION, NATIONAL COUNCIL, EXECUTIVE COMMITTEE AND PRESIDENT:

6.1. The Association shall have the following officers: a Council Chairman, Secretary, Treasurer together with Chairmen of the Standing Committees (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 Officers' 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.

6.2. The Association shall have a National Council comprised of the Officers of the Association, up to four representatives from the class of Group Members, up to four representatives from the class of Individual Members and one representative from each Regional Caving Council and ~~National Body~~ Constituent Bodies.

6.3. 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. Here the two-house voting system outlined in sub section 8.9 will not apply. Each representative shall serve for a term of two years from the AGM.

6.4. Representatives from Regional Caving Councils and ~~National Bodies~~ Constituent Bodies shall be appointed by that Council or that Body.

- 6.5. The National Council may co-opt persons to fill any vacancies in any posts of officers of the Association, or members of National Council for the remaining period of the post's vacancy.
- 6.6. The National Council may co-opt non-voting Assistant Officers to assist in its business.
- 6.7. At a meeting of the National Council, each Member shall have one vote except the Chairman who shall hold only a casting vote.
- 6.8. In the event of a vote being necessary at National Council, matters shall be resolved by means of a simple majority of those present and eligible to vote.
- 6.9. The National Council shall have the power to deal with matters concerning the national interests of the Association, within the terms of reference given to it by the Association. It shall be bound by the Aims and by the Constitution of the Association.
- 6.10. The National Council shall have the power to appoint and terminate Working Groups to conduct specific business as laid down in their terms of reference set by National Council. Working Groups shall conduct the specified business and report back to National Council in writing. The National Council shall present the results of the activities of each Working Group as a report to the Annual General Meeting. The continued operation of each Working Group shall be confirmed at the first National Council meeting following each Annual General Meeting.
- 6.11. Only the Officers of the Association or persons specifically authorised by National Council or an Officer of the Association, may write on behalf of the Association.
- 6.12. The National Council shall meet at least twice a year.
- 6.13. Minutes shall be kept of all National Council meetings of the Association and these shall be made available to members on request.
- 6.14. The Executive of the Association shall consist of the Council Chairman, Secretary, Treasurer and other Members as may be deemed necessary by the National Council to carry out the administrative business of the Association. The Executive Committee shall operate under the direction of and shall report to the National Council. It shall regulate its own business within the constraints of the Association's "Manual of Operations".
- 6.15. The Association may have an Honorary President. Candidates for the post of President shall be proposed by National Council and elected 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. The President need not be a member of the Association, but on election, will become an honorary member of the Association for the period of tenure of the post. ~~The post of President shall run for a period of one year from the Annual General Meeting.~~ The post of President shall run until a new President is elected. The President shall be an ex-officio member of National Council, all Standing Committees and any Working Group set up by Council, but will have no vote at any meeting. The President may resign at any time by writing to the Secretary of the Association.

7. STANDING COMMITTEES:

- 7.1. A General Meeting may form Standing Committees from time to time to deal with particular aspects of the Association's business and shall specify their terms of reference.
- 7.2. These Standing Committees shall be open to one representative appointed by each Regional Caving Council and by each ~~National Body~~ Constituent Bodies.
- 7.3. A Standing Committee may co-opt such experts as it thinks appropriate.
- 7.4. A Standing Committee shall regulate its own business within its terms of reference and the constraints of the Association's "Manual of Operations".

8. GENERAL MEETINGS OF THE ASSOCIATION:

- 8.1. All General Meetings shall be arranged to take place at a venue agreed by the National Council.
- 8.2. The National Council shall nominate a Chairman and Recorder for the General Meeting. The General Meeting may elect a Chairman or Recorder in their absence. Neither the Chairman nor the Recorder shall be entitled to vote.
- 8.3. The time, date and place of a General Meeting shall be published at least 18 weeks in advance of the meeting.
- 8.4. Notice of any matters to be raised at a General Meeting of the Association, including all proposals for constitutional change, must reach the Secretary by midnight on the day of the National Council meeting preceding the AGM.
- 8.5. The Secretary shall ensure that an agenda is prepared and circulated to all Members, not less than 6 weeks before any General Meeting of the Association, to give notice of the time, date and place of the Meeting and the subjects to be discussed.

- 8.6. The quorum for any General Meeting shall be 10 members, of which at least 5 persons eligible to vote in each House shall be present. No one person may represent more than one group member.
- 8.7. Any General Meeting is open to all, though the Chairman shall have the right to exclude any person if the meeting so decides by a vote as laid down in sub section 8.9.
- 8.8. Minutes shall be kept of all General Meetings of the Association and these shall be made available to members on request.
- 8.9. Any person may speak at a General Meeting, subject to the Chairman's agreement. For the purpose of formal business, in addition to Individual and Honorary Members, each Group Member shall be entitled to send one voting delegate who shall be duly authorised in writing by the Group that they represent. Voting shall be conducted as two "Houses", one for the class of Group Members and the other for the classes of Individual and Honorary members. The Chairman of the General Meeting shall have no casting vote.
- 8.10. A motion not affecting the Constitution shall be taken as succeeding if a simple majority of votes cast for the motion is obtained in each House, otherwise the motion shall fail.
- 8.11. 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.
- 8.12. There shall be an Annual General Meeting of the Association which shall be held during the month of June each year or as soon as reasonable thereafter.
- 8.13. The purpose of the Annual General Meeting shall be to:
 - a) consider applications for membership,
 - b) discuss reports and the business of the National Council during the year,
 - c) elect such officers and Chairmen of Standing Committees as may be required,
 - d) discuss and confirm matters of policy of the Association and to direct the National Council on such matters,
 - e) discuss constitutional matters, and deal with any other business which may be included on the Agenda including any matter raised under Any Other Business, provided that the Chairman of the Annual General Meeting shall deem it to be acceptable business.
- 8.14. A Special General Meeting shall be called if requested either by National Council or by the Executive or in writing by not less than twenty members eligible to vote. The Secretary shall ensure that an Agenda is prepared and circulated to all Members, not less than 12 weeks before the date called for. The Agenda of a Special General Meeting shall be constrained to the matter or matters put in the request. The Chairman may accept other related business during the course of the Special General Meeting.
- 8.15. An Emergency General Meeting may be called by any two members of the Executive. One member of the Executive shall ensure that an agenda is prepared and circulated to all Members, not less than 2 weeks before the meeting. Only the subject giving rise to the emergency may be discussed.
- 8.16. 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.

OR

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.

9. PROCEDURE FOR POSTAL BALLOTS:

- 9.1. A constitutional amendment adopted by a General Meeting will require ratification by a ~~postal~~ ballot.
- 9.2. The General Meeting may refer any other successful motion that it deems appropriate, for ratification by a ~~postal~~ 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 ~~postal~~ ballot shall be held as soon as is reasonably practicable after the General Meeting. ~~The postal ballot shall be issued to all members entitled to vote. 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. Thirty days shall be given from the dispatch of the papers to the closing date for receipt of returns.~~ The counting of the votes shall be conducted as for a General Meeting.

10. FINANCE:

- 10.1. The National Council shall have the power to set the annual subscriptions for the classes of membership. Subscriptions shall be due at the time of consideration of acceptance of membership by the Association.
- 10.2. The Association shall have the power to raise funds from other sources.
- 10.3. No Council Member shall receive payment in respect of work undertaken for the Association excepting in the case where expenses incurred by individuals on behalf of the Association are reimbursed.
- 10.4. Sub Section 10.3 shall not apply when the terms of such payment have been previously agreed by the National Council of the Association.
- 10.5. No person shall be entitled to vote at any meeting of the Association on a topic related to that for which they are being remunerated, except in such cases where payments are made solely to cover out of pocket expenses.
- 10.6. All accounts holding the Association's funds shall have at least three signatories, one of whom shall be the Association's Treasurer. Authorisation of any transaction shall require a minimum of two signatories except where National Council may by specific resolution exempt an account from this, in which case the resolution must specify the name of the account, the signatory and any safeguards Council chooses to impose.
- 10.6.1. The National Council may by specific resolution authorise other suitable organisations to collect some or all of its subscriptions and or other income. Before passing such a resolution National Council must be satisfied as to the suitability of any organisation, including arrangements for dealing with mistakes, errors and liabilities which might arise from them. Any material changes shall require reauthorisation of the organisation within 6 months.
- 10.6.2. The National Council may by specific resolution authorise other suitable organisations to hold some of the funds of BCA. Before passing such a resolution National Council must be satisfied as to the suitability of any organisation, including arrangements for dealing with mistakes, errors and liabilities which might arise from them. Any material changes shall require reauthorisation of the organisation within 6 months.
- 10.7. The accounts of the Association shall be made up annually to 31st December and shall be certified by a suitably qualified person. Ideally a certified set of accounts shall be presented to the Annual General Meeting following the year end. If this is not possible draft accounts shall be presented. In such a case, certified accounts shall be presented to a subsequent meeting of the National Council together with a list identifying changes of greater than £10 between the draft and certified accounts. The certified accounts shall be published, as well as, if produced, the draft accounts and the list of items identifying changes. The suitably qualified person shall be appointed by the Annual General Meeting. In the case of a casual vacancy, the National Council shall have the power to appoint a suitably qualified person. Such a person so appointed shall remain in office until the next Annual General Meeting of the Association and shall be eligible for reappointment.
- 10.8. The National Council shall be responsible for all income and expenditure of the Association and shall delegate the control of such expenditure to the Treasurer. The National Council shall require Standing Committees and others allocated funds, to prepare and submit for approval, annual budgets detailing proposed income and expenditure.

11. LIMITATIONS:

- 11.1. The Association shall not interfere in the affairs of a Member unless specifically requested to do so by that Member.

The Association shall not mediate between Members unless requested by them in writing to do so.

- 11.2. Notwithstanding Sub Section 11.1, any member deemed to be acting against the interests of the Association may be suspended and subsequently expelled from the Association. Any suspended or expelled member shall have a right of appeal against an order of expulsion or suspension. Such an appeal shall be heard at the next General Meeting of the Association. The member must be sent a written notification of suspension and/or of expulsion to the last known address. Any member so suspended shall not be entitled to use any of the Association's facilities, including any certificates or awards or receive any grants or other funds, save for the repayment of expenses properly incurred in executing the Association's business.
- 11.3. Notwithstanding Sub Section 11.1, any individual deemed to be acting against the interests of the Association may be suspended from holding any certificates or awards and subsequently have those certificates or awards withdrawn. Such individuals shall have a right of appeal against an order of suspension or withdrawal. Such an appeal shall be heard at the next General Meeting of the Association. The individual must be sent written notification of suspension and/or of withdrawal to the last known address.
- 11.4. The Association shall have no call upon a Member's assets or property other than for debts due, or incurred during membership. Nor shall the Association be responsible for the liabilities of a Member other than for those expenses incurred with the Association's approval.
- 11.5. The name and logo of the Association shall not be used except by authority of the National Council.

12. DISSOLUTION:

- 12.1. The Association may be dissolved by a Special General Meeting of the Association convened to consider the matter. The counting of the votes shall be conducted as for a General Meeting. The motion shall succeed if the number of votes cast in favour exceeds 75%. Such a Meeting shall:
 - a) appoint one or more persons to wind up the Association's affairs including supervision of the discharge of its debts and other liabilities from its assets and who are authorised to recover from these assets reasonable expenses that they may incur,
 - b) consider the disposal of the assets of the Association and provide direction to the appointed person or persons on the manner of the disposal of remaining assets, having full regard to the aims and objectives of the Association, save that under no circumstance shall the remaining assets be passed to either any person or body which either is at the time of the Special General Meeting, or was within the two years before the Special General Meeting, a member of the Association unless that body is a registered charity nor shall they be passed to a close relative of a person who is so barred or a body of any description which is under the control of a person or close relative of a person so barred, and
 - c) specify a manner in which a report on the winding up of the Association and the final accounts shall be published.
- 12.2. The person or persons appointed to wind up the Association shall have regard to its aims and objectives when considering the details of the disposal of any assets.

13. INTERPRETATION:

- 13.1. A General Meeting of the Association shall be the final interpreter of this constitution.
- 13.2. Any matter not provided for in the constitution shall be dealt with by the National Council, pending endorsement of the action taken by the next General Meeting of the Association.
- 13.3. For the purposes of Sections 8 and 9 of this Constitution:

“publish” means placed in a publication produced by BCA, or placed on BCA's web site, or both.

“circulated” means circulated by post, or by email if the member has elected to receive communications from BCA in that manner, or by publishing the information, or by any combination of these methods.

“~~postal~~ ballot” can mean an online ballot for those members who have elected to receive communications by email.
- 13.4. National Council shall set up a procedure for satisfying itself that, where a member elects to receive communications by email, that election has come from that person. In an online ballot Council may, if it has reasonable grounds for believing that a vote cast has not come from that member, reject that vote. It is the member's responsibility to ensure that the email address is valid and BCA shall take no responsibility if the email sending the communication fails to arrive with the member or the member's response fails to arrive with BCA.
- 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”.

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