



The Scottish Beekeepers' Association

The Scottish Beekeepers Association is a Scottish Charity, registered in Scotland, number SC009345.

Change of legal form of the association

Guidance for Local Associations

The move to a new ABA Membership – guidance for local associations

Introduction

At the Council meeting on 15 November 2014, a presentation was given outlining the progress that has been made by the SBA towards the change of legal status to an SCIO. This presentation included a summary of the position faced by local associations that are currently affiliated to the SBA, and how the change to the legal status of an SCIO will affect them. The purpose of this document therefore is to build on that presentation, and provide a more comprehensive guide to the local associations.

What will change?

Under the new constitution, the affiliated local association status as it currently stands will no longer be available to local associations the moment the new SBA comes into existence – this should be by mid-December 2014. (AN announcement will be made on the SBA web site: www.scottishbeekeepers.org.uk). From that point, local beekeeping associations will be able to apply for a new category of SBA membership, that of Affiliated Beekeeping Association. Details of this new membership category are given in the new constitution and the ABA membership rules. Both can be seen on the SBA web site at: <http://www.scottishbeekeepers.org.uk/structure.html>

From the point when the new SBA comes into existence, all local associations that are currently affiliated to the SBA will be given a 'period of grace' until January 2016 before they would have to apply for ABA membership. The SBA trustees have agreed that until then, they will all have 'complimentary' ABA membership. This is in order to give them time to prepare for making a formal application for ABA membership. By 1 January 2016 they will be required to apply to renew their ABA membership if they want to continue to receive the benefits of such membership. If they do not submit a successful application within 13 weeks of 1 January 2016, their complimentary ABA membership will cease. (See clause 22 of the constitution).

How can we help?

It was clear from the Council meeting that some local associations are looking towards the SBA Officers for guidance on the move to ABA membership. We would remind local associations that the SBA has never had any jurisdiction over local associations, and this situation will not change. Local Associations are independently constituted voluntary bodies in their own right. Indeed, some also have charitable status in their own right, and some are already an SCIO in their own right as well. While in the past the SBA did offer a 'model' constitution to assist local associations, particularly those that were becoming newly established, this specific area of support has been withdrawn and will not be reintroduced. Their constitution is very specific to each association, its members, its stated aims and its needs. It falls outside the remit of the SBA to give such specialised advice on something which we are not qualified to do.

Advice is available on this matter to voluntary organisations through the Charities Regulator:

<http://www.oscr.org.uk/>

and Third Sector Scotland – look for contact details of your local Third Sector Interface office on the Voluntary Action Scotland web site: <http://www.vascotland.org/>

However the SBA is very happy and ready to offer support to local associations with understanding and applying the ABA membership rules, to encourage and assist local associations to sign up to ABA membership. It is only through this route that local associations will continue to receive the support from the SBA that they have had in the past. In the future the SBA will ask for a modest

membership fee from ABA members, and these are detailed in paragraph 19 of the new constitution - £15 annually for associations with up to fifty members, and £30 annually for associations with over 50 members.

The ABA membership rules lay out the criteria that local associations must meet when applying for ABA membership. These are not onerous, and we would ask that you study the ABA membership rules carefully to begin with. Once you have done that, you should be able to carry out a simple self-assessment of your association, along the following lines.

Your self-assessment process

1 Apply for membership in writing to the SBA.

This is a straightforward. As soon as you are ready to apply for ABA membership, write a letter to the Membership Officer, stating that you are applying on behalf of your local association for ABA membership, and enclose the necessary information and subscription with your application.

2 Be a formally constituted beekeeping association in Scotland. You might also be a charity (SCVO or SCIO) in your own right, (but this last bit is not essential!)

Are you constituted, and do you have a copy of your constitution? All that we require is that you have a constitution that has been agreed by your members. Since this is your first application to become an ABA member we would like you to provide us please with a copy of your current constitution, as evidence that you are constituted. Please do this even if you have previously supplied us with a copy of your constitution, as many of the local association constitutions that we hold at present were submitted a long time ago. The only difficulty that might arise here is if an association cannot find a copy of their constitution – not unheard-of among voluntary organisations. This is not however a total disaster! If you find that you need to re-write the constitution, then we suggest first that you perhaps contact a few of your neighbouring local associations and ask if you can see a copy of their constitution to give you some ideas as to how to draft it. You can also ask for help from the organisations listed above in this document.

3 Have a key aim or purpose that is in accord with the stated charitable purpose of the SBA, and supply a signed copy of your key purpose to the SBA along with a copy of the minute by which it was adopted.

This is perhaps the area where most local associations are likely to have some difficulty. First, do you have a constitution? This will almost certainly state your organisation's purpose. Second, compare it with the SBA's Charitable Purpose in our constitution (paragraph 4). Are they similar? The key things to look for in your constitution are commitments to supporting honeybees and beekeepers; improving the standard of beekeeping; and promoting bee products. If your constitution covers those three things in some form of words, then there is no problem. Even if the purpose does not include all those things, later clauses in your constitution might cover for example the training and mentoring of new beekeepers, and promoting the products of beekeeping to the public in some way. In that case, you are covered, and there is no problem.

If however those three things are not in some way covered by your constitution, then it might be that you will want to consider a small change, and to add them in to qualify for ABA membership. If your association is already a registered charity, then it is unlikely that it will *not* contain the necessary wording, but if you do have to change it, then probably any changes to your constitution would have to be approved by OSCR.

It is possible that your association might have adopted quite separately a set of aims and purposes, in which case you would need to send this additional document to us with your application. Whatever documents you send us, please make sure that they are signed by one of your key office bearers – the chairperson perhaps, or your secretary.

You will see that we also ask for a copy of the minute of the adoption of this key aim or purpose. This will in most cases be a copy of the minute by which the constitution containing the statement was adopted. If the purpose was adopted as a separate document or at a different time, then that is the minute that we need to see. If you can't find the minute (for example it was many years ago and the minutes have been lost), then again, this is not a disaster. Your members can re-adopt the minute at their next AGM, or an EGM if necessary, and you can send us a copy of the minute of that meeting.

If you still feel that you need further support or advice, please contact the SBA General Secretary, and if necessary your enquiry will be directed to the Officer best placed to assist you. In particular, if your association is striving towards meeting then ABA criteria but your annual meeting schedule is such that you feel you are going to run out of time before the cut-off point in 2016, then please alert us to this as soon as possible. It is in our interest, as well as yours, for us to work together in a positive way to make it happen.

4 Pay annually any affiliated beekeeping association membership subscription fee to the SBA as laid down and subsequently amended under the terms of the constitution.

At present the fees are as stated above in this document, and also in paragraph 19 of the constitution. Please look at the number of members in your association and enclose the corresponding fee with your application.

5 Nominate one of your own members to represent your association's interests within the SBA.

This is the person who will normally act as a point of contact between your association and the SBA, and attend SBA member meetings and vote on your behalf, for example at the AGM. We do ask that you please provide us with a name at the point of application, although we clearly understand that it may be necessary for you to change the name of the nominated person in the future.

In conclusion

Most importantly, the SBA wants to encourage and support local associations to take up the ABA membership. The main difference from the previous affiliated status, apart from asking for a subscription, is that we have formalised the criteria by which ABA membership is granted, providing greater clarity and transparency around the exact nature of the relationship between the SBA and local beekeeping associations. We hope very much that you will enjoy continuing working alongside your national beekeeping association, for the greater good of beekeeping in Scotland.

And finally ...

... as the local associations go through this process, and as we receive feedback from them, I shall try to keep this document up-to-date and make any changes necessary to provide the best support that we can.

Version 1.1

Alasdair Joyce ICT Convener, 3 December 2014