

MENDIP CAVING GROUP – PROPOSED CIO CONSITUTION

The Club was formed in 1954 when it had no property or savings. Since that time, it has acquired the freehold of a cottage and some adjoining land and, with prudent housekeeping and letting of beds, has saved funds which allow for improvements and equipment purchase. As the Club developed, a decision was made to register as a charity and this was done in 1975 – in hindsight, this was very forward looking, as it has set us up nicely for what is now being proposed.

Two hurdles presented themselves in 1975 and these were a) the need to show a “public benefit” and b) who would hold legal ownership of the Club's assets. In the first case, it would not have been sufficient to say that visiting caves was charitable and so the objects of our Club are to “further the exploration, scientific study and conservation of caves and related features”. Remember this when you're next stuck in a tight squeeze! Ownership of the assets is where I (a retired solicitor) come in.

Our present constitution, which has gone through numerous alterations, comprises two pages. In it there is the requirement for a working committee who would then appoint four Trustees to hold the Club's property – only four people can hold land collectively for this purpose. Joan Goddard, who has done so much for our cause, was one of those Trustees and wanted to retire. It raised the question of who were the Trustees and whether they had any ongoing involvement with the management of the Club. The first point was to track down the deeds of the cottage and documents of appointment and I found these gathering dust in the offices of a firm of solicitors in Milton Keynes. Bringing the matter up to date, deeds of retirement and appointment were prepared and registered so that the present Trustees are all still in post and actively involved in the current discussions.

At around the same time as matters were brought up to date, the government published plans to give charities independent legal status by the creation of a Charitable Incorporated Organisation (CIO) but nobody was quite sure if interested parties had a free hand in this. If so, we might simply have registered the Constitution we already have, tweaked a bit. However, at around the same time, the government stopped approval of draft documents and then, in response to requests for guidelines, the Charities Commission (which registers all charities) published a model constitution and a set of guidance notes. These documents run to many pages and it is abundantly clear there are options, but certain fundamentals must be observed. In the end, and with the benefit of many meetings of the sub-committee, pouring over every line, we have eventually come up with a draft which is hopefully what the Charities Commission will pass but also works well for us.

To sum up, the major differences and advantages of creating a CIO are as follows:

1. A CIO has independent legal status and so ownership of its assets will no longer be in the name of the Trustees.
2. Once the assets are in the name of the CIO there is no need for any legal work to appoint new Trustees apart from the requirement to notify the Charities Commission of changes which the Club Secretary does at present.
3. Trustees can only be Full Members and, (subject to permitted co-option), must be elected by the Membership.

Steve Porter May 2021