

Announcement made by Carol Mantle (Committee Member)

at the General Meeting on 6th January 2014

I will assume that everyone has had a chance to read the Announcement on the Website relating to the Constitution. However, if you haven't I should explain that back in October it was found that the Spanish and the English versions of the Constitution did not mirror each other. Obviously, this was not how it should have been.

The Spanish version is obviously the overriding version, mainly because we are operating in Spain, the document was drawn up by a Spanish Lawyer and incorporates the relevant Spanish By Laws which apply to an Association such as the U3A. I do not wish to go into too much detail as to how the differences occurred except for the fact that none of the present committee took part in the preparation of the Constitution.

In October a sub-committee was formed to work out the way forward. Firstly a fresh translation of the Constitution was prepared by a Specialist in the UK. Once having read the translation it was clear that the Constitution reflects accurately what the U3A is. For those of you who are unclear as to what a constitution is and how it affects the U3A, I should point out that it sets out the legal personality of the Association and that is all it does. For example individuals have a legal personality; i.e. an individual can be sued in their own right. The person who wants to sue an individual knows who they are dealing with. Whereas Companies or Associations have to have their legal personalities set out in documents, i.e. Memorandum & Articles of Association for Companies and Constitutions for Clubs and Associations. A commonly asked question is "Can we change the Constitution?" and the answer is yes we can but why would we want to when it states exactly what we are and what we want to achieve. I know many of you think we should change the Constitution so we can give to charities but there is nothing in the constitution to stop us giving to charity. However, we cannot donate to charity money that is raised by way of subscriptions because that would be using subscription money for an improper purpose. There is nothing stopping those who wish to raise money for charities, organising events and donating the money raised to the group's chosen charity. Anyone wishing to set up such a group would have to talk to Shirley Baehr.

That brings me to the Internal Regulations which were provided for under the terms of the Constitution but have never before been written down because they were not mentioned in the previous translation of the Constitution. These regulations are quite straightforward in

that they are simply a written version of what happens within the management of the Moraira Teulada U3A. However I would clarify one point and that is that in the Regulations under Member's Duties which states that the membership as a whole will indemnify the President etc against liability etc., this duty is mirrored in the Committee's duty to take out third party insurance. However, the indemnity given by Members has nothing to do with debts on liquidation, which is a completely different issue. So does anyone want further clarification on this point? One question asked in respect of the meaning of indemnity, it was explained that if any claim was made against the U3A it would be dealt with by the President, therefore, the Membership as a whole, through their membership fee pay any legal costs and claims. On the other hand the Committee have an obligation to take out Third Party Indemnity Insurance to pay such legal costs and claims. No other questions received

There are two things we need to deal with today:

Firstly, the adoption of the Constitution and on this point I would say that the signed document is with the Authorities in Alicante for registration and has been for approximately 18 months. As yet there are no signs of it having been dealt with. However, if anyone has any strong views as to why the Constitution should not be adopted could I ask you to say so now? No objections received

Secondly I would like any questions or objections on the Internal Regulations: No questions received

If there are none we can proceed with a vote to accept the Regs on behalf of the Association.

A majority vote was received and the Internal Regulations of the Association has been accepted by the Membership.