

RULES

OF THE

**Rushden Permanent Allotment
And Small Holdings Society
Limited**

Registered under the
Co-operative and Community Benefit Societies Act 2014

Register No. 3126 R.

Registered Office:

Denton Tavera, 6 Alfred Street, Rushden, Northamptonshire, NN10 9YS

ALL PREVIOUS RULES RESCINDED

RULES

1 NAME AND OBJECTS

- 1.1 The Society shall be called “The Rushden Permanent Allotment and Small Holdings Society, Limited” (the Society), and its objectives shall be to carry on the industries, businesses, or trades of farmers, gardeners and dairymen and of buying and selling land.
- 1.2 The Society shall not receive money on deposit.

2 REGISTERED OFFICE

- 2.1 The Society’s registered office shall be either the present Secretary’s address or the Chairman's address or property owned by the society or professional services company address representing the Society.
 - 2.1.1 The current registered office is C/O Denton Tavera, 6 Alfred Street, Rushden, Northamptonshire, NN10 9YS
- 2.2 In the event of any change in the situation of the registered office, notice of such change shall be sent within 14 days thereafter to the Registrar in the form prescribed by the Treasury regulations.

3 USE OF NAME

- 3.1 The registered name of the Society shall be kept painted or affixed on the outside of every office or place in which the business of the society is carried on.
- 3.2 It will be in a conspicuous position, in letters easily legible and shall be engraved in legible characters in all notices, advertisements and other official publications of the Society:
 - 3.2.1 This includes all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by, or on behalf of, the Society, and in all bills of parcels, invoices, receipts and letters of credit of the Society

4 MEMBERSHIP

- 4.1 Membership is open to any person who wishes to rent land owned by the Society for the purposes of cultivation and/or the husbandry of livestock.
- 4.2 No Society or Company shall be eligible for membership.
- 4.3 Any person who wishes to become a member of the Society will complete an application form and upon its return to the Society where their name will be added to the waiting list. A copy of the waiting list will be available for any member to inspect.
- 4.4 The Committee reserve the right to refuse membership to an applicant.
- 4.5 When joining the Society, each new member will be allocated one share of 25 pence each which will not be transferable. The shares do not attract any Interest or Dividend and are purely representative of the right of a member to have a vote at the Annual General Meeting (AGM) or Special General Meeting (SGM) should one be called.
 - 4.5.1 The 25 pence share will be refunded when the member leaves the Society either voluntary or by expulsion.
- 4.6 Each new member will be given, a copy of the Society’s rules and Society policies and guidance (for example lighting of bonfires).
- 4.7 A members share will be withdrawn from the Society by giving written notice to leave the Society to the Secretary by letter or email, after which they will cease to be a member. They will have 7 days to clear their plot / land of their possessions.

- 4.8 Applicants will not be allowed to join the society unless they agree to take and cultivate Land held by the Society for a minimum of 2 years. Applicants shall be proposed and seconded and elected by a majority "on block" at any general meeting, retrospectively.
- 4.9 New members who have joined the Society during the Financial Year will be formally recorded at the AGM.
- 4.10 Members are accountable for their visitors to Society property. (eg Friends, Family, Contractors etc).
- 4.11 There will be a probationary period of 2 years from date of joining.

5 BORROWING POWERS

- 5.1 The management Committee may obtain advances of money from members and others for the purposes of the Society and may secure the repayment thereof by mortgages or charges on any of the Society's property.
- 5.2 The total amount so obtained shall not at any time exceed the limit of £3,000.
- 5.3 The terms of repayment, rate of interest and any other conditions of such advances shall be determined by the Management Committee from time to time.
- 5.4 The management Committee may contract any such loan, on such terms as to time and management of repayment as it thinks fit.
- 5.5 The rate of interest agreed to be given on any such advance shall not exceed six percent per annum.
- 5.6 The Society shall not receive money on deposit.

6 MEETINGS

- 6.1 Annual General Meeting (AGM).
 - 6.1.1 The Society's AGM will be held in February or March.
 - 6.1.2 Members must give 21 days' written notice to the Secretary of any items they wish to have added to the AGM Agenda.
 - 6.1.3 Each member (and not disqualified by arrears or otherwise as mentioned in these rules) shall have one vote and each resolution passed at the AGM must have a Proposer and a Secunder and be supported by a majority of votes or where applicable "Subject to the Act". For resolutions that can be decided by a majority vote and the cast votes are equal, the Chairperson will have an additional or casting vote.
 - 6.1.4 Members who are unable to attend the AGM will have the option of casting a postal vote for the Election of Chairperson, Vice-Chairperson and Committee Members. It will be the member's responsibility to notify the Committee Secretary of their wish to have a postal vote so that voting papers can be issued and returned by the member no later than the start time of the AGM.
- 6.2 Special General Meeting (SGM).
 - 6.2.1 A Special General Meeting may be called by any 3 of the Management Committee or whenever 30 members so request one in writing to the Secretary. The Secretary has 14 days to convene such a special meeting and if this is not achieved, the members may arrange the special meeting by:
 - 6.2.2 Stating the business to be discussed at the special meeting giving 7 days notice to the members.
 - 6.2.3 No other business shall be brought before the meeting.
- 6.3 Committee Meeting.
 - 6.3.1 The Society will have a Management Committee that is elected at the AGM and who will meet monthly and undertake the general business management of the Society.
 - 6.3.2 The Committee will be presided over by the Chairperson or, in their absence, the Vice-Chairperson.

- 6.3.3 A minimum of 5 Officers must be present for the meeting to be Quorum.
- 6.3.4 The Committee shall have full power to superintend and conduct the business of the Society according to the rules thereof, and shall in all things act for and in the name of the Society.
- 6.3.5 Should any Committee business require a vote it shall be decided by a majority of votes and if the votes are equal the Chairperson shall have a casting vote in addition to his vote as a member.
- 6.4 At all Meetings, the Chairperson or Vice-Chairperson shall preside.
- 6.5 Members are only eligible to vote if they hold land are not in arrears with rent, subscription or any debts owed to the Society.
- 6.6 Members who do not hold land may retain membership as an "associate member". This type of membership will have no voting rights.

7 OFFICERS OF THE SOCIETY AND COMMITTEE

- 7.1 The Society will have the following elected officers in order to undertake the business, maintenance of records and financial transactions with due diligence:
A Chairperson, a Vice-Chairperson and 9 committee members who will have voting rights. A Treasurer and a Secretary. It is acceptable for a committee member to hold the post of Treasurer or Secretary.
- 7.2 All elected officers shall serve for 2 years and continue in office until the next Annual General Meeting (Committee – 5 Committee members and the Vice-Chairperson to retire one year and 4 Committee members and the Chairperson to retire the next). The said officers shall be elected by a majority of the members entitled to vote. Members may vote at the Annual General Meeting OR, if unable to attend the AGM, opt to use a postal vote by requesting a ballot paper from the Secretary in advance of the Annual General Meeting
- 7.3 Members standing for any Committee position must declare if they have been issued with official warnings for behaviour, bad cultivation, or breach of Society rules.
- 7.4 Members standing for any elected position on the Committee must have served their 2 year probation period at the date of the AGM.
- 7.5 The Treasurer and Secretary shall hold office during the pleasure of the Society.
- 7.6 In the case where an elected Officer post becomes vacant for whatever reason, the Management Committee may appoint a member to fill the vacancy or it may be filled at a Special General Meeting until the next AGM.
- 7.7 Any elected Officer may be removed from the post by resolution of a Special General Meeting.
- 7.8 The elected officers shall be eligible for the remuneration of expenses, incurred in carrying out the Society's business.

8 HOW LAND SHALL BE LET

- 8.1 When the Society has acquired land, or when a plot becomes vacant, it shall be let out to members in the following way order:
 - 8.1.1 Members with split plots of less than 10 poles can apply for land that becomes vacant to return the plot to its original size.
 - 8.1.2 Land will be offered to new members in plots in strict order of the length of time they have been on the waiting list. A new applicant may defer taking a plot without losing their place on the waiting list.
 - 8.1.3 Members with more than 10 poles requiring additional land.
 - 8.1.4 Members with more than 20 poles requiring additional land.
- 8.2 No Member may sub-let any of their land.
- 8.3 No outgoing Member may transfer or bequeath their land.

- 8.4 Following the decease or disability of a Member, their spouse / partner may apply to the Committee to continue working the land and become a Member in their own right.
- 8.5 Any person who has been a member for 2 years can apply to the committee to keep livestock on their land that is appropriate to the size of the land rented.
 - 8.5.1 If permission is granted, they must adhere to all the relevant legislation and the policy laid out by the Society, in order to ensure the health and well-being of the livestock in their care.

9 HOW RENTS AND SUBSCRIPTIONS ARE TO BE PAID

- 9.1 All rents, charges and current subscriptions will be due annually in March, rent day will be held in March.
- 9.2 Any member who has failed to pay their rent within 1 month of rent day will be overdue and can be charged 25% interest on the overdue amount.
- 9.3 Any member who is overdue in their rent, charges or subscriptions by 2 months of rent day will be given 7 days written notice by the Committee of the Society to clear their plot / land of their possessions of any tools, equipment, cropping or livestock. After 7 days the possessions will become the property of the Society. Their membership with the Society will also be terminated and their share will be withdrawn.

10 ARBITRATION

- 10.1 Should any dispute arise between a member or any person aggrieved who has for not more than six months ceased to be a member, or any person claiming through each member or person aggrieved, and the Society or an officer thereof it shall be referred to three arbitrators, one each to be chosen by the disputing parties, and an umpire or third arbitrator by the two arbitrators chosen as aforesaid. The award of such three arbitrators shall be final and binding, and there shall be no appeal there from. None of the arbitrators shall be members of or interested in the Association. Their award shall state (inter alia) how the costs of the arbitration are to be paid. Anyone, other than the Committee of Management requiring any matter settled by arbitration, shall, on applying to the Secretary to arrange such arbitration, pay to him a deposit of five pounds as a guarantee of bona-fides – the arbitrators in their award to state how such deposit shall be applied.

11 MAINTAINING LAND AND ANIMAL HUSBANDRY

- 11.1 Any member who is not maintaining and cultivating their land in a tidy and well ordered manner will be warned in writing by the Management Committee and given one month to improve it. If, after such a warning, there is no visible improvement, they will be given 7 days written notice by the Committee of the Society's that proceedings to take repossession of their Plot / land. They will have 7 days to remove their possessions from the plot. After 7 days the possessions will become the property of the Society. Their membership with the Society will also be terminated and their share will be withdrawn.
 - 11.1.1 Members will have the right to appeal the decision within 7 days in writing to the Committee.
 - 11.1.2 Any member receiving 3 such warning notices in an 18 month rolling period will on the final notice in this period be given the 7 days notice to remove their possessions from the plot. After 7 days the possessions will become the property of the Society. Their membership with the Society will also be terminated and their share will be withdrawn.
- 11.2 Any member may dig or plough their land, but should not damage their neighbour's land or land not rented by them while doing so. Should any such damage be incurred, the Society will have the right to seek appropriate compensation from the member causing it.

- 11.3 Should a member appear to be failing in their responsibilities for animal husbandry, the Management Committee will take appropriate steps to correct the situation including the involvement of relevant external Agencies and expulsion from the Society.
- 11.4 No Member shall be allowed to:
- 11.4.1 Deposit any vegetable refuse or rubbish of any description on any part of Society footpaths or main roads.
 - 11.4.2 Place any stones, vegetation or rubbish in any of the hedges or ditches in or around any of the Society's lands.
 - 11.4.3 Store or deposit on their or any other members plot non-compostable vegetation, hard core, building debris or any type of rubbish or items not associated with the cultivation of their plot or used for the keeping of their livestock
 - 11.4.4 Store vehicles not used for agricultural use on Society land. 1 trailer per plot holder accepted to be used for transporting items to and from plot.
 - 11.4.5 The quantity of fire wood stored should not exceed one cord. (4ft x 4ft x 8ft =128 cubic feet).
- 11.5 Use of Sprayers
- 11.5.1 No banned substances/chemicals to be used on Society land. Use of banned substances/chemicals will result in the member having their membership with the Society terminated and their share in the Society will be withdrawn.
 - 11.5.2 Members should only use sprayers when there is no risk of the spray being blown on to land not rented by themselves.
 - 11.5.3 Members using sprayers are responsible for any damage or loss caused to other members crops.
 - 11.5.4 Members should hold an appropriate licence / certificate for substances / chemicals that require a licence for use.
- 11.6 Any Member who is found to have committed the acts described above will be fined an amount to cover the cost of clearance and any remedial work required plus may have their membership with the Society terminated and their share in the Society will be withdrawn.

12 DAMAGE OR LOSS OF CROPS OR PROPERTY

- 12.1 Members suffering damage or loss of crops and who can supply correct information to bring the offenders to justice shall be paid their expenses by the Society.
- 12.2 Any member causing damage or loss of crops or property to another member or the Society, subject to investigation by the Management Committee resulting in the finding of indisputable proof will have their membership with the Society terminated by the Committee and their share will be withdrawn.

13 REMOVAL OF CROPPING

- 13.1 No member shall remove any of their cropping if in arrears with their rent, until such rent or arrears are paid, together with any extra payment such rent arrears may incur. Any member leaving the Society with any rent unpaid may be sued for the same.
- 13.2 Any member, whose cropping and property remains on the land for 7 days after notice to leave has expired such cropping and property will become the property of the Society.

14 GRASS LAND

- 14.1 Should the Society not require the grass land for their own use, the Management Committee will have the power to let the same to anyone becoming a member in any way they may think fit.
- 14.2 In the event of a member having a quantity of grass land rented for a season, through its not being wanted by members for cultivation, part of this shall be eligible for other members as they may require it.

- 14.3 Each member shall see that the grass land in their possession shall be properly spudded and mown and all accumulation of manure properly broken down and spread as required.

15 AUDIT

- 15.1 There shall be appointed in each year of account a qualified auditor to audit the Society's accounts and balance sheets for that year. In this rule "qualified auditor" means a person who is a qualified auditor under Acts in effect.
- 15.2 None of the following persons shall be appointed as auditor of the Society:
- 15.2.1 An Officer or Servant of the Society.
 - 15.2.2 A person who is a partner of, or in the employment of, or who employs an officer or servant of the Society.
- 15.3 Appointment of an auditor shall be made by resolution of an AGM of the Society.
- 15.4 The Management Committee may appoint an auditor to fill any casual vacancy occurring between AGM's of the Society.
- 15.5 An auditor appointed to audit the accounts and balance sheet of the Society for the preceding year of account (whether by a general meeting or by the Committee) shall be re-appointed as auditor of the Society for the current year of account (whether or not any resolution expressly re-appointing him has been passed) unless;
- 15.5.1 A resolution has been passed at a general meeting of the Society appointing somebody instead of him/her or providing expressly that he/she shall not be re-appointed or
 - 15.5.2 They have given to the Society notice in writing of their unwillingness to be re-appointed or
 - 15.5.3 They are not a qualified auditor or
 - 15.5.4 They have ceased to act as auditor of the Society by reason of incapacity.
 - 15.5.5 Provided that a retiring auditor shall not be automatically re-appointed if notice of an intended resolution to appoint another person in their place has been given in accordance with these rules and the resolution cannot be proceeded with because of the death or incapacity of that other person is not a qualified auditor.
- 15.6 A resolution at a general meeting of the Society:
- 15.6.1 Appointing another person as auditor in place of a retiring auditor or,
 - 15.6.2 Providing expressly that a retiring auditor shall not be re-appointed shall not be effective unless notice of the intention to move it has been given to the Society not less than twenty-eight days before the meeting at which it is to be moved. On receipt by the Society of notice of such an intended resolution the Society shall forthwith send a copy of the notice to the retiring auditor. If it is practicable to do so the Society shall give notice to its members of the intended resolution at the same time and in the same manner as it gives notice in accordance with these rules of the meeting at which the resolution is to be moved or, if that is not practicable, by advertisement not less than fourteen days before the said meeting in a newspaper circulating in the area in which the Society conducts its business. Where writing to the Society with respect to the intended resolution or notifies the Society that he/she intends to make such representations, the Society shall notify the members accordingly as required by the Co-operative and Community Benefit Societies Act 2014
- 15.7 The auditor shall in accordance with Co-operative and Community Benefit Societies Act 2014, make a report to the Society on the accounts examined by him/her and on the revenue account or accounts and the balance sheet of the Society for the year of account in respect of which he/she is appointed.

16 INSPECTION OF BOOKS

- 16.1 Any member or person having an interest in the funds of the Society shall be allowed to inspect his/her own account and the books containing the names of the members at all reasonable hours

at the registered office of the Society or at any place where they are kept, subject to such regulations as to the time or manner of such inspection as may be made from time to time by the general meetings of the Society.

16.2 Members will not be given copies or allowed to remove originals.

17 ANNUAL RETURNS

17.1 Sent to the FCA in accordance with the act the Society is registered.

18 WITHDRAWAL AND EXPULSION

18.1 A member may resign from the Society at any time, provided they are clear on the Books.

18.2 A Special General Meeting may, by a two-thirds majority, expel any member upon a charge of conduct detrimental to the Society provided that a notice specifying the conduct for which it is intended to expel them is sent to them at their address entered in the register of members at least one calendar month prior to the date of the meeting.

18.3 Specific reasons for expulsion as covered by other rules.

18.4 Any member, whose cropping or property remains on the land for 7 days after notice to leave has expired such cropping or property will become the property of the Society.

19 REGISTER OF MEMBERS

19.1 The Society shall keep at its correspondence office a register of members of the following particulars:-

19.1.1 The names and addresses of the members and field and plot numbers rented by the member.

19.1.2 The date at which each person was entered in the register as a member, and the date at which any person ceased to be a member;

19.1.3 The names and addresses of the officers of the Society, with the offices held by them respectively and the dates on which they assumed office.

19.1.4 A statement of other property in the Society, whether in loans, deposits or otherwise, held by each member.

19.1.5 Any member changing their address and contact details shall notify the Society of such change.

19.2 Personal Data held by the Society will be subject to Data Protection Legislation.

20 APPLICATION OF PROFITS

20.1 The profits shall be applied in the following ways, purchase of additional land and improvement of existing land and any other way the Committee may decide.

20.2 The Committee will be limited to a maximum spend value per item/project. This maximum value will be agreed at the AGM. Items/project above this value will be agreed by a vote at the AGM or SGM.

20.3 Any sale of land owned by the Society will be agreed by the members at an AGM or SGM. Compulsory purchase being the exception.

21 SEAL

21.1 The Society shall have its name engraved in legible characters on a seal which shall be securely stored and shall be used only under the authority of the Committee. The date of such authority shall be recorded in the Committee meeting minutes.

22 INVESTMENT

22.1 Any money not wanted for immediate use, or to meet the usual accruing liabilities, shall, with the consent of the Committee, or of a majority of the members present and entitled to vote in general

meeting, be invested in any manager provided by the Co-operative and Community Benefit Societies Act 2014, but not otherwise.

23 STATUTORY APPLICATIONS TO THE REGISTRAR

- 23.1 Any ten members of the Society, each of whom has been a member of the Society for not less than twelve months immediately preceding the date of the application and are not in arrears, may apply to the Registrar in the form prescribed by the Treasury Regulations to appoint an accountant or actuary to inspect the books of the Society and to report thereon, pursuant to the Co-operative and Community Benefit Societies Act 2014.
- 23.2 It shall be the right of one-tenth of the whole number of members, by an application in writing to the Chief Registrar, signed by them in the forms respectively prescribed by the Treasury Regulations:-
- 23.2.1 To apply for the appointment of an inspector or inspectors to examine into the affairs of the Society and to report thereon, or,
- 23.2.2 To apply for the calling of a special meeting of the Society.

24 DISSOLUTION

- 24.1 The Society may at any time be dissolved by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution in the form provided by the Treasury Regulations, or by Winding-up in manner provided by the Co-operative and Community Benefit Societies Act 2014.
- 24.2 At the time of dissolution a Special General Meeting will be called to decide where any remaining funds would be distributed.

25 AMENDMENT OF RULES

- 25.1 No new rule shall be made, nor shall any of the rules herein contained or hereafter to be amended or rescinded unless with the consent of a majority of the members present at a general meeting specially called for that purpose.
- 25.2 No new rule or amendment of rule is valid until registered.

26 NOMINATIONS AND PROCEEDINGS ON DEATH OR BANKRUPTCY

- 26.1 Upon a claim being made by the personal representative of a deceased member or the trustee in bankruptcy of a bankrupt member to any property in the Society belonging to the deceased or bankrupt member the Committee shall transfer or pay such property to which the personal representative or trustee in bankruptcy has become entitled as the personal representative or trustee in bankruptcy may direct them.
- 26.2 A member may in accordance with the Co-operative and Community Benefit Societies Act 2014 nominate any person or persons to whom (subject to the provisions of the Act as to amount and the persons to whom a valid nomination may be made) any of his/her property in the Society at the time of his/her death shall be transferred. On receiving satisfactory proof of death of a member who has made a nomination the Committee shall if and to the extent that the nomination is valid under the said Act either transfer or pay in accordance with the Act the full value of the property comprised in the nomination to the person entitled thereunder.

Co-operative and Community Benefit Societies Act 2014

Acknowledgement of Registration of Amendment of Rules

Register No. 3126 R

The amendment of the rules of the Rushden Permanent Allotment and Small Holdings Society Limited to which this acknowledgment is attached, is this day registered under the Co-operative and Community Benefit Societies Act 2014

Financial Conduct Authority
25 The North Colonnade
Canary Wharf
LONDON
E14 5HS

Date: 12th June 2018

Copy kept.