Constitution for an unincorporated association

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| We have provided this constitution as a guide for organisations intending to apply to enrol as an Environmental Body (EB) with ENTRUST.  When you apply, you have to provide a written constitution. If you do not have a constitution, you will need to create one. Your constitution must fit ENTRUST’s enrolment criteria so you may need to change an existing constitution if it does not already fit.  This is an example of a constitution that ENTRUST would find acceptable for anunincorporated association wanting to enrol as an EB. You do not have to use it but you may find it helpful. It is provided to assist, and does not constitute legal advice from ENTRUST. |

# Constitution of *[Insert the name of your association here]*

**of *[Insert the address of your association here]***

*[Insert the name of your association here]* is a non-profit making environmental body whose objects are: *[include one or more of the following. Additional objects of your own may also be included]*

1. Reclamation, remediation, restoration or any other operation intended to facilitate the economic, social or environmental use of land, where its use has been prevented or restricted because of a previous activity on the land, which has ceased.
2. Operations intended to prevent or reduce any potential for pollution that may be caused, or to remedy or mitigate the effects of any pollution that has been caused, by a previous activity on the land which has ceased.
3. The provision, maintenance or improvement of a public park or other public amenity in the vicinity of a landfill site, where it is for the protection of the environment.

DA. Where it is for the protection of the environment and the conservation or promotion of biological diversity through–

(i) the provision, conservation, restoration or enhancement of a natural habitat; or

(ii) the maintenance or recovery of a species in its natural habitat;

on land or in water situated in the vicinity of a landfill site.

1. The maintenance, repair or restoration of a building or other structure which is a place of religious worship or of historic or architectural interest, in the vicinity of a landfill site and which is open to the public, where it is for the protection of the environment.

*[Insert your own additional objects here if you have them]*

*[Insert the name of your association here]* shall not distribute profits and shall apply all of its income to the furtherance of the objects above.

The work of *[insert the name of your association here]* shall not be for the unique benefit of either landfill operators who contribute to *[insert the name of your association here]* and claim credit under the Landfill Tax Regulations (1996) in respect of such contribution, or any person who acts as a contributing third party in relation to a landfill operator’s contribution.

*[Insert the name of your association here]* shall maintain audited accounts and keep full records that shall identify all its income and expenditure, and shall separately identify in these accounts the receipt and application of all contributions received under the Landfill Communities Fund.

Any projects that are to be funded by Landfill Communities Fund money shall only be undertaken once the project has been registered with, and approved by, ENTRUST.

All the activities, operation and work of *[insert the name of your association here]* shall be controlled by a Board of Management, the initial membership of which is as follows:-

*[insert names of all members of the board of management here]*

The Board of Management shall meet at least once a year to consider and control the activities of *[insert the name of your association here]* and shall record its proceedings in writing.

The quorum for meetings shall be *[insert number]***,** and when decisions are made by voting, each member of the Board of Management shall exercise one vote and each vote will be equally weighted. In the event of a tied vote, the Chairman shall have the casting vote as long as that person is not a local authority or landfill operator representative. Where the Chairman is connected to a local authority or landfill operator, the casting vote will pass to an independent member.

The Board of Management may appoint and remove members as it sees fit, and shall notify ENTRUST within 7 days of any such changes, including the names, addresses and occupations and employers of any new members.

Dissolution Clause:

In the event of the dissolution of *[insert the name of your association here]* any remaining Landfill Communities Fund monies held by or in the control of *[insert the name of your association here]* shall be transferred to another enrolled Environmental Body.  It shall not be distributed to the members of *[insert the name of your association here].*

There are *[number]* of members to the Board of Management at *[Insert the name of your association here]*

*[Note: There should be a minimum, of 2. Each member of the board of management should sign the constitution.]*

Signature Signature

*[Note: This information is needed so that ENTRUST can see who controls the organisation, and that the arrangements for control comply with the Landfill Tax Regulations 1996]*

Date