

Final Doc

Roscommon Society for the Prevention of Cruelty to Animals

DECLARATION ON ANIMAL RIGHTS

Office of the Revenue Commissioners
Nenagh Co Tipperary

27 JAN 2010

CHARITIES SECTION

In as much as there is ample evidence

THAT WE SHARE THE EARTH with other animals, great and small;

THAT MANY OF THESE ANIMALS experience pleasure and pain;

THAT THESE ANIMALS deserve our just treatment; and

THAT THESE ANIMALS are unable to speak for themselves.

WE DO, THEREFORE DECLARE THAT THESE ANIMALS

HAVE THE RIGHT to live free from wanton harm, exploitation whether in the name of science or sport, exhibition or service, food or fashion.

WE DO THEREFORE CALL FOR THE PROTECTION OF THESE RIGHTS

CONSTITUTION

(1) **Name:** The name of the Society is "The Roscommon Society for the Prevention of Cruelty to Animals".

(2) **Objectives:** The main objective of the Society is to bring to an end all unnecessary animal suffering among all species of animals, whether domestic or wild, whether captive or free, and to prevent the emergence or acceptance of cruel practices, through means which are wholly and exclusively charitable according to the law for the time being in the Republic of Ireland.

(3) **Subsidiary Objectives:**

(3.1) To promote and provide for animal welfare.

(3.2) To establish and maintain an Inspector.

(3.3) To establish the acceptance of animals as sentient beings.

(3.4) To provide for the advancement of education by fostering knowledge among the public in general and the young in particular, of the psychology and proper care of animals.

(3.5) To secure, for companion, farm and captive animals, in particular but for all animals so far as may be practicable, the following Freedoms:

Freedom from hunger, thirst and malnutrition;

Freedom from distress and fear.

Freedom from disease and injury;

Freedom from discomfort;

Freedom to behave normally;

(4) **Powers:** In furtherance of the aforementioned objectives, but not otherwise, the Roscommon S.P.C.A. shall have the following powers:-

(4.1) To use every available lawful means to promote and advertise the Roscommon S.P.C.A. to the public including:

(4.1.1) Radio and television broadcasts, advertisements, published articles, books, pamphlets, public meetings, exhibitions, receptions, entertainments, film shows, sales and sponsorship of the same.

(4.1.2) Providing information to public bodies, individuals and others who in the opinion of the Roscommon S.P.C.A. who are in a position to assist in the promotion of its main objectives.

(4.1.3.) Participating with organisations provided that their main aims are compatible with the objectives of the Roscommon S.P.C.A. and are wholly and exclusively charitable according to the law for the time being of the Republic of Ireland.

(4.1.4.) To purchase, hire, take on loan, develop, exchange, lend, let, lease, mortgage, charge, sell, dispose of, or improve, work, manage or cultivate any real or personal property, chattels, rights, privileges or such other main objectives or documents as the Roscommon S.P.C.A. considers will enhance the promotion of its main objectives.

(4.1.5.) To construct, maintain and to restore, replace, renew, rebuild, furnish, equip and alter any property of the Roscommon S.P.C.A.

(4.1.6.) To pay for or discharge any rent, rates, taxes, costs, insurance, improvements, repairs or other outgoings payable from time to time in respect of any property of the Roscommon S.P.C.A.

(4.1.7.) To obtain, collect/receive money or funds by way of contribution/donation/subscription, legacies, endowments, grants, loans or any other lawful method and to accept and receive any gifts or property of any description whether subject to any trust or not.

(4.1.8.) To appoint Trustees, being in number at any given time not fewer than two and not fewer than three, to hold undertake or execute any charitable trust or hold in trust property as is the case may be which lawfully may be held, undertaken or executed and which may further the above objectives.

(4.1.9.) To procure, publish, issue and distribute gratuitously or otherwise any newspapers, periodicals, books, pamphlets, leaflets, audio-visual material, advertisements, appeals or other literature.

(4.1.10.) To provide, maintain, manage, operate and assist in or contract for the provision, operation, maintenance and management of land and premises, including animal shelters, in connection with the aforementioned objectives whether gratuitously or otherwise.

(4.1.11.) To acquire or become a member of any charity or charities formed for main objectives compatible with those set out above.

(4.1.12.) Through its appointed Trustees to purchase or otherwise acquire all or any part of the property, assets, liabilities and engagements of any other charity as may be beneficial to the Roscommon S.P.C.A.

(4.1.13.) Reasonably to remunerate any employee not being an officer and remunerate any person or Society for services rendered and to grant pensions, gratuities, allowances or charitable aid to any person who may have served the company as an employee, or to the wives, husbands, children or other dependents of such person provided that such pensions, gratuities, allowance or charitable aid shall be no more than that provided by a pension scheme covered by Part 30 of the Taxes Consolidation Act 1997 and provided that such pension scheme has been operated by the company and the beneficiary of the pensions, gratuities, allowances or charitable aid, or their spouse or parent, has been a member of the pension scheme while employed by the company; and to make payments towards insurance and to form and contribute to provident and benefit funds for the benefit of any persons employed by the Company and to subscribe or guarantee money for charitable objects.

(4.1.14.) To provide funds and to make or assist in the making of arrangements for initiating or sponsoring projects of research or study in relation to the objectives and for publishing and disseminating the useful results of such research.

(4.1.15.) To invest in the name of the Trustees or a Nominee account designated to the Society, maintained by the Society's stockbrokers monies & investments of the Roscommon S.P.C.A. which may require investment in any manner which might be thought fit, whether such investments are Trustee investments or otherwise or by the purchase of freehold or leasehold property.

Provided however, that prior permission shall be obtained from the Revenue Commissioner in any case where income has been accumulated for a period in excess of two years, and the Revenue Commissioners shall be informed of the purpose of such accumulation.

(4.1.16.) To vary any investments of the Roscommon S.P.C.A. from time to time in such a manner, as may be considered to be most advantageous to achieving its objectives.

(4.1.17.) To borrow or raise money in such a manner as the Roscommon S.P.C.A. shall think fit, and to secure the repayment of any money borrowed, raised or owing by mortgage.

(4.1.18.) To hold and administer legacies.

(4.1.19.) To enter into arrangements with Local Authorities in connection with animal welfare as provided for or envisaged by the provision of the Control of Dogs Act 1986 and any amending or enabling or replacing legislation or regulations made there under or any legislation pertaining to other species.

(4.1.20.) To form a company (including to form itself into a company) or companies with limited liability to facilitate the operation of the Roscommon S.P.C.A. and the achievement of its main objectives.

(4.1.21.) To make, amend, revoke or vary the Rules for the operation of Roscommon S.P.C.A. and the achievement of its main objectives subject to the provisions of Clause 10.1 .

(4.1.22.) To add to, amend, delete and alter, revoke or vary any clause or sub-clause of this Constitution of the Roscommon S.P.C.A. provide always that such addition, amendment, deletion, alteration or revocation shall be in the best interests of the Roscommon S.P.C.A. and the attainment of its objectives and shall ensure or enhance the achievement of the said objectives and be wholly and exclusively charitable according to the law for the time being, of the Republic of Ireland subject to the provisions of Clause 10.1 . subject to the provisions of Clause 10.1 .

(4.1.23.) To do all such acts and take all such steps as may be deemed incidental or conducive to the attainment of the main objectives of the Roscommon S.P.C.A.

(5) Membership: Membership of Roscommon S.P.C.A. shall comprise Members and Junior Members.

(5.1) Members: Any person aged 18 year or over who supports the objectives of the Roscommon S.P.C.A., who completes the application form prepared by the Roscommon S.P.C.A. and who pays the annual subscription shall be entitled to become a Member of the Society subject to the approval of the Committee, whose consent may be withheld without assigning a reason.

(5.2) Junior Members: Any person under 18 years of age who supports the objectives of the Roscommon S.P.C.A. who completes the necessary application form and who pays the annual subscription.

(5.3) All Members of the Branch shall accept and abide by the Constitution of the Society as amended from time to time.

(5.4) No paid employee of the Society may be a Member of the Society without the approval of the Committee. Such an employee may never be a Member of the Committee.

(5.5) It shall be in the power of a General Meeting to elect Patrons and Honorary Life Members.

(5.6) A register of all Members shall be kept, showing the name and address of each Member, and the record of all subscriptions paid. The register shall be open for inspection at all times.

(5.7) Membership shall be terminated by:

(5.7.1.) The Registration of the Member.

5.7.2.) The failure of the Member to pay the annual subscription for two consecutive years.

(5.7.3.) The expulsion of the Member in accordance with the next succeeding clause.

X (5.8) Voting Rights: Only Members who are on the Register three months prior to the AGM and have paid up all subscriptions due at that date shall have the right to vote at that Meeting. *

(5.9) Liability of Members: with reference to their obligations to their Society shall be limited to any subscriptions due from them. Subscriptions are due on the 1st January.

(5.10) All persons who at the date of the adoption of this Constitution, have paid the subscription for the current year will be deemed to be Members of the Society and shall have the right to vote at that Meeting.

(5.11) Expulsion of Members: The Society shall have power to expel any Member including any Committee Member who shall offend against the Constitution of the Society or current Irish Law, or whose conduct shall in the opinion of the Committee render such a Member unfit for the Membership of the Society. Before any such Member is expelled, The Honorary Secretary shall give such a Member seven days written notice to attend a meeting of the Committee and inform such a member of the complaints made against such a Member. No Member shall be expelled without first having an opportunity of appearing before the Committee and answering complaints made against such a Member not unless at least two-thirds of the Committee then present vote in favour of such expulsion.

(6) General Meetings:

(6.1) There shall be held each year a meeting known as the Annual General Meeting and this shall be held within twelve months of the previous Annual General Meeting. All paid up Members shall be entitled to notice of such Meetings and to attend. All Members qualified under Membership Rule (3.1.10) may vote at such a meeting. The quorum for such a meeting shall be nine Members or such higher figure as the General Meeting may from time to time decide. The Chairperson of the outgoing Committee shall Chair such a meeting until the election of a new Chairperson.

(6.2) The agenda for an AGM shall include the minutes of the previous AGM, matters arising there from, discussion and adoption of the Annual Report and the audited accounts, any specific resolutions, election of new Officers and Committee Members and appointment of Auditors and Trustees.

(6.3) The agenda of all other General Meetings shall include the Minutes of the previous General Meeting. Business arising there from and any specific resolutions for the meeting.

(6.4) The Committee or two-thirds of the Members may convene an extraordinary General Meeting.

(6.5) Voting at all General Meetings shall be by a show of hands, unless a poll is, before the declaration by 1. the Chairperson, 2. by at least four members present in person.

(6.6) All General Meetings shall be convened on twenty-one days written notice of all Members sent by post to their latest address notified to the Society.

(6.7) Resolutions must be received by the Honorary Secretary at least seven days prior to the date of the AGM and no resolution shall be carried unless it shall have the votes of not less than two thirds of the Members present and voting.

(6.8) The quorum of all General Meetings shall be nine Members.

(6.9) The Society shall appoint at the AGM Officers of the Committee who shall be Chairperson, Vice Chairperson, Honorary Secretary, Honorary Treasurer, Public Relations Officer, Educational Officer. Nomination for Officers of the Committee must be returned to the Honorary Secretary two weeks prior to the AGM. Each nomination must be proposed and seconded by a Society Member.

(6.10) A Committee shall be appointed by the meeting consisting of not less than five persons and not more than seven persons. All nominations for Committee must be returned to the Honorary Secretary two weeks prior to the date of the AGM. All nominations must be proposed and seconded by a Society Member.

(6.11) All Officers shall be elected every year and no Officer may normally serve more than three consecutive years.

(6.12) Trustees may be elected or removed at an AGM.

(7) Committees:

(7.1) The Committee shall assume the responsibility for the general running of the Society within the framework of the Constitution.

(7.2) Committee meetings shall be held nine times a year or monthly if possible.

(7.3) The Committee shall have the powers to appoint all staff and to determine remuneration.

(7.4) The Honorary Secretary shall at all times keep the Committee informed of all communications from Head Office of the I.S.P.C.A. and all other correspondence.

(7.5) The Committee shall appoint delegates to attend General Meetings and Regional Meetings and any other meetings that shall be arranged by the I.S.P.C.A.

(7.6) All meetings shall be called by the Honorary Secretary who shall give appropriate notice of not less than seven days,

(7.7) The quorum of a Committee Meeting shall be not less than five members.

(8) Finance:

(8.1) Any property or investments of the Roscommon S.P.C.A. shall be in the names of the Trustees, who shall be at least two and no more than three in number.

(8.2) The income and the property of the Society shall be applied solely towards the promotion of its main objective as set forth in this Constitution. No portion of the Society's income and property shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit, to the members of the Society. No officer shall be appointed to any office of the Society paid by salary or fees, or receive any remuneration or other benefit in money or money's worth from the Society. However, nothing shall prevent any payment in good faith by the Society of:

(a) reasonable and proper remuneration to any member of the Society (not being an officer) for any services rendered to the Society;

(b) interest at a rate not exceeding 5% per annum on money lent by officers or other members of the Society to the Society;

(c) reasonable and proper rent for premises demised and let by any member of the Society (including any officer) to the Society;

(d) reasonable and proper out-of-pocket expenses incurred by any officer in connection with their attendance to any matter affecting the Society;

(e) fees, remuneration or other benefit in money or money's worth to any company of which an officer may be a member holding not more than one hundredth part of the issued capital of such company.

(8.3) The Committee shall pay to the I.S.P.C.A. any affiliation fees or other monies as agreed from time to time by the General Meeting of the I.S.P.C.A.

(8.4) The Committee shall cause proper books of account to be kept relating to all sums of money received and expended by the Society. The books of accounts shall be held by the Honorary Treasurer of the Society for the time being and shall at all reasonable times be open to inspection by the Committee.

(8.5) The Accounts of the Society shall be kept at a Branch of a Bank approved by the Committee. Two signatures must be on all cheques, one of which must be that of the Honorary Treasurer.

(8.6) The financial year of the Society shall be from 1st January to 31st December of each year.

(8.7) Annual Audited Accounts shall be kept by the Society and made available to the Revenue Commissioners on request.

(9) Indemnity

(9.1) Every Member, Officer and Committee Member of the Society, unless otherwise stipulated by agreement, shall be indemnified by the Society against all costs, losses and expenses (including travel expenses) incurred in or about the lawful business of the Society, carried out of the request of the Committee, except such costs, losses or expenses as have been incurred or occasioned by his or her own wilful act or default. All such expenditure shall be sanctioned by the Committee.

(10) Alterations

(10.1) Alterations to this Constitution shall require the assent of not less than two-third of those qualified to vote who are present and voting at a General meeting. No additions, alterations and amendments shall be made to or in the provisions of this Constitution and Rules unless the same has been previously approved in writing by the Revenue Commissioners.

(10.2) The Chairperson of the Society shall receive a Resolution for the alteration of the Constitution at least twenty-one clear days before the meeting at which the resolution is to be brought forward. At least fourteen clear days notice of such a meeting shall be given to the Members.

(11) Dissolution:

(11.1) Roscommon S.P.C.A. may at any time be dissolved by a resolution passed by two-thirds majority of those qualified to vote who are present and voting at a meeting of the Society of which at least twenty-eight clear days notice shall have been sent to all Members of the Society.

(11.2) If upon the winding up or dissolution of the Society there remains, after the satisfaction of all its debts and liabilities, and property whatsoever, it shall not be paid to or distributed among the members of the Society. Instead, such property shall be given or transferred to some other charitable institution or institutions having main objectives similar to the main objective of the Society. The institution of institutions to which the property is to be given or transferred shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Society under or by virtue of Clause 8.2 hereof. Members of the Society shall select the relevant institution or institutions at or before the time of dissolution, and if and so far as effect cannot be given to such provisions, then the property shall be given or transferred to some charitable object.

(12) The Interpretation Act, 1937.

(12.1) The Rules pertaining to the interpretation of Act of the Oireachtas shall apply to the interpretation of this Constitution.

(12.2) The Rules of Natural Justice shall apply to the interpretation of this Constitution and the application of its provisions in the same manner as they apply to Bunreacht Nah Eireann, the Acts of the Oireachtas, Common Law, and Equity.

Signed: Glenn Morgan
Chairperson

Date: 23-1-2010

Signed: Kathleen Ruane
Hon. Treasurer

Date: 22/1/2010

Signed: Seifone
Hon. Company Secretary

Date: 22/01/2010