



## **THE 2004 CONSTITUTION OF THE SAGARMATHA GURKHA NEPALESE COMMUNITY ASHFORD, KENT (SGNCAK), UNITED KINGDOM**

### **INTRODUCTION**

1. 'Sagarmatha' translated simply in English means 'Mount Everest', the world's highest mountain peak, which is in Nepal; a landlocked country sandwiched between China and India where all Nepalese hail from. The Sagarmatha Gurkha Community Ashford, Kent was established in 2004 by retired and serving members of the British Army's Brigade of Gurkhas, following the special grace and recognition granted by Her Majesty's Government as a special honour of gratitude to her Gurkhas most loyal contribution towards Britain for over 200 years. The Gurkhas have fought defended and protected British interests in both World War 1 and 2 and in almost all the major operations Britain has been involved in, most recently in Iraq. The change in the immigration law now grants naturalisation and settlement status to her retired Gurkhas and their families.

1.1 It's office and correspondence address is:

International House, 1<sup>st</sup> Floor,  
Dover Place, Ashford Kent.  
TN23 1HU  
United Kingdom.

### **NAME**

2. The name of the community shall be the Sagarmatha Gurkha Nepalese Community Ashford, Kent. (SGNCAK)

### **OBJECTIVE**

3. The objective of the community shall be:

3.1 To promote and foster mutual friendship, understanding and goodwill between the communities; of former and serving members of the British Army Brigade of Gurkhas, all locally based Nepalese and their families with their local and other ethnic minority community in Ashford, Kent. The community's objectives will be non-political and non-commercial.

3.2 Establish the identity of our Nepalese community within the ethnic minority communities within Ashford and integrate into the general society as responsible and caring citizens with the view of supporting and improving Ashford and provide assistance in liaison with the Borough Council and help to improve the social status of all.

3.3 Foster unity and cohesiveness amongst all former British Gurkhas throughout the UK whilst preserving its diversity and ethnic origins.

3.4 Strive for the benefit of all Nepalese residents in the Community and the local community by identifying, profiling, learning and sharing the community members' talent, skills and knowledge with the general public to promote harmony and co-existence and creating civic awareness.

3.5 Maintain a close link with Nepal such that the Nepalese community in the UK preserves its national and cultural identity to benefit all Nepalese children and to teach and lead them in the right path.

3.6 Organise and hold social events with and within the wider Community in order to foster close co-operation, harmony, sense of belonging and unity.

3.7 Prepare a community profile and identify the needs and prospects of the Community and seek assistance from the Ashford Borough Council, Emergency Services and other government agencies, where necessary.

### **MEMBERSHIP AND ANNUAL SUBSCRIPTION**

4. Membership of the Community shall be open to all former and serving British Gurkhas and all Ashford based Nepalese residents with 'Friends of the Society' as Honorary Members as agreed with the objectives of the committee. All applications for membership will be submitted to the Executive Committee for ratification.

4.1 An initial joining fee of £10.00 is to be collected from each member.

5. The Annual Membership fee, as set down by the Annual General Meeting, shall fall due in March each year. Any member who is deemed financially unsound as at the 01<sup>st</sup> of April of each year shall have his membership revoked for the purpose of rules (Article) number 6, 7, 8 and 9. A grace period of 30 days, following notification is to be granted to each member by the Community for settlement.

5.1. Any member ceasing to belong to the community by death, resignation or expulsion, or should be compound with his or her creditors shall not (except as regards any debt owing to the members by the community) have any claim or be entitled to participate in any of the effects and property of the community, or to have any part of the annual subscription returned.

### **TERMINATION OF MEMBERSHIP**

6 Membership is terminated if:

6.1 The member dies or, if the organisation, ceases to exit.

6.2 The member resigns by written notice to the Community unless, after the resignation, there would be less than two members.

6.3 Any sum due from the member to the Community is not paid in full within six months of its falling due.

6.4 The member is removed from membership by a resolution of the Community that it is in the best interests of the Charity that his or her membership is terminated. A resolution to remove a member from membership may only be passed if:

a. The member has been given at least twenty-one days' notice in writing of the meeting of the Community at which the resolution will be proposed and the reasons why it is to be proposed.

- b. The member or, at the option of the member, the member's representative, who need not be a member of the Community, has been allowed to make representations to the meeting.

### **SUSPENSION OF A MEMBER**

7. Membership may be suspended by not less than a two-thirds majority vote at an Executive Committee or General Meeting. By resolution of the Committee Members, a member may have his/her membership suspended if there are reasonable grounds to believe this to be in the interests of the Community, subject to:

7.1 The suspension being no longer than necessary and not exceeding eight weeks.

7.2 The member being advised of the reason for suspension and the action to be taken by the Committee.

7.3 Any suspended member may, on not less than 2 weeks written notice, other than under clause 5, appeal against the suspension at one subsequent Committee or General Meeting.

7.4 The Community shall not be required to accept the renewal of a membership of a suspended member when the renewal next falls due.

### **FINANCES**

8. The books of the community shall commence on the 1st day of April and close on the 31st day of March each year. A full audit of accounts is to be made prior to the Annual General meeting and the Executive Committee is to arrange and appoint auditors to carry out these checks. A completed auditors report is to be presented and read out at the meeting.

9. All monies, which are the property of the Community, except; those deemed by the Treasurer to be necessary for the good and proper conduct of community business, shall be deposited with financial institutions as determined by the Committee at a duly constituted Committee meeting. Cheques drawn on any account so operated shall require the signature of any two of the following office-bearers:

9.1 The Chairman.

9.2 The Chief Vice Chairman.

9.3 The Vice-Chairman.

9.4 The Treasurer.

9.5 The Secretary.

10. An auditor appointed by the Committee in March each year, to fulfill the functions as stated in Article 8 of this rules, shall be so appointed prior to the Annual General Meeting and shall report to the Annual General Meeting in writing.

### **INCOME AND PROPERTY**

11. The income and property of the Community shall be applied solely towards the promotion of the

community's objectives.

11.1 The Chairman is entitled to be reimbursed from the finances of the Community or may be paid out for reasonable expenses incurred by him or her when acting on behalf of the Community.

11.2 The Chairman may benefit from trustee indemnity insurance cover purchased at the Community's expense.

11.3 None of the income or property of the Community may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the Community. This does not prevent a member who is not also a Committee Member receiving:

- a. A benefit from the Community in the capacity of a beneficiary of the Committee.
- b. Reasonable and proper remuneration for any goods or services supplied, purchased or donated to the Community.
- c. The Chairman or Committee Members may not buy, sell goods or services to or belonging to the Community.
- d. No member may receive any remuneration from the Community, other than special awards for special achievements or progress made in education, sports or community enlistment by the children of the Community.

#### **ANNUAL GENERAL MEETING**

12. The Annual General meeting of the Community shall be held in the month of March each year or as soon as practicable after that and shall require a quorum of fifteen (15) members, or thirty percent (30%) of the members when the total membership is less than one hundred person.

13. The General Secretary of the Community shall post or e-mail to each member, not more than 30 days and not less than 14 days prior to the date, details of the time, place and the agenda for the said Annual General Meeting and a form of nomination for office-bearers in the community.

14. Every member of the Community shall be entitled to attend the Annual General Meeting, vote on the business transacted at the Meeting, vote on the election of office-bearers and submit any motion for decision by the Meeting in accordance with this rule.

15. The Annual General Meeting will

15.1 Elect the office-bearers of the Community for the ensuing 24 months.

15.2 Receive and adopt the minutes of the previous Annual General Meeting, the Annual Report of the Committee, and the Audited Financial Statement of the Community.

15.3 Transact such other business and make decision as the Meeting may decide.

#### **GENERAL MEETING**

16. The Executive Community may call general meetings as required, giving not more than 30 days and not less than 10 days notice to all members.

## **SPECIAL GENERAL MEETING**

17. The Executive Committee shall call a Special General Meeting.
  - 17.1 If the Executive Committee deems a Special General Meeting to be necessary, or:
    - 17.2 At the request to that effect, signed by not less than 15 members of the Community, or 30% of the membership if the membership is less than 100. This is to be done within 30 days of receipt of such a request.
    - 17.3 The Committee shall, at any time, within 21 days after the receipt of the request to that effect, signed by not less than fifteen members of the Association or 30% of the membership if the membership is below 100, hold a Special General Meeting.
    - 17.4 The quorum shall be as for an Annual General Meeting.
    - 17.5 The General Secretary shall, not more than thirty days and not less than ten days, prior to the holding of a Special General Meeting, notify members of the community a notice setting out the time and place, date and agenda of the said meeting.
    - 17.6 A Special General Meeting shall require a quorum as for an Annual General Meeting, fifteen (15) members or 30% of the membership, if that is below 100 and shall have the power to transact only such business (including an amendment) as is set out in the agenda.
    - 17.7 In the event of a Special General Meeting passing a vote of no confidence in the Committee, then the meeting shall be adjourned to a date not more than thirty days thereafter for the purpose of holding elections for the new Committee in the manner prescribed by the rules. Special General Meeting shall appoint an interim executive to organise the election.

## **RULES AMENDMENT**

18. This rule may only be amended at an Annual General Meeting of this Community at least fourteen days prior to which written notice of such proposed amendments has been forwarded to the General Secretary; or at a Special General Meeting called for that purpose.
19. A majority of two-thirds of those present and voting is required to pass an amendment to the rules.

## **EXECUTIVE COMMITTEE**

20. The Committee of the Community shall be elected for a period of twenty four months (2 years) at the Annual Meeting each year.
21. The Committee shall consist of:
  - 21.1 The Chairman.
  - 21.2 The Chief Vice Chairman
  - 21.2 The Vice-Chairman.
  - 21.3 The Secretary.
  - 21.4 The Assistant Secretary

- 21.5 The Treasurer.
  - 21.6 Assistant Treasurer.
  - 21.7 The Cultural Secretary.
  - 21.8 The Assistant Cultural Secretary.
  - 21.9 The PR and Media Officer.
  - 21.10 The Sport Secretary.
  - 21.11 The Assistant Sport Secretary.
  - 21.12 The Executive Members x 3.
22. The Committee shall:
- 22.1 Meet at least four times per calendar year and as required to conduct the affairs of the community.
  - 22.2 Carry out all decisions of the Annual, General and Special General Meeting of the Community.
  - 22.3 Keep minutes of its proceedings.

### **DUTIES OF EXECUTIVES**

23. The Chairman shall:
- 23.1 Act as the spokesperson for the Community, unless an alternative spokesperson has been appointed; and;
  - 23.2 Preside over all General and Executive meetings. In the absence of the Chairman, the Vice-Chairman shall act as the spokesperson and take the chair.
24. The Chief Vice-Chairman Shall:
- 24.1 Undertake the responsibilities of the Chairman in his absence.
  - 24.2 Organize annual Committee events and functions.
  - 24.3 Elect and form his/her own committee to perform such events and functions.
25. The Vice-Chairman shall:
- 25.1 Undertake the responsibilities of the Chairman and Chief Chairman in their absence.

- 25.2 Keep proper record of Sagarmatha Gurkha Nepalese Community all Property and entertainment equipments.
26. The Secretary shall:
- 26.1 Keep a record of minutes of all meetings and disseminate it to members.
  - 26.2 Attend to and keep a record of all correspondence;
  - 26.3 Issues notices of meetings; and,
  - 26.4 Perform such other duties as requested by the committee.
  - 26.5 Prepare and distribute an Annual Diary of Events in April each year.
27. The Assistant Secretary shall:
- 27.1 Undertake the responsibility of the Secretary in his/her absence.
  - 27.2 He/ she will support the Secretary to carry out his responsibility and update the membership nominal roll.
  - 27.3 Perform such other duties as requested by the committee.
28. The Treasurer shall:
- 28.1 Receive all monies payable to the Community and issue receipts for the same, all monies received shall be paid into the bank account of the Community; except as provided for in clause 8.
  - 28.2 Keep proper record of all monies received and disbursed.
  - 28.3 Present a balance of the finances of the Community at Committee Meetings and at the Annual General Meeting; and,
  - 28.4 Perform all such duties as directed by the Committee from time to time.
  - 28.5 Keep a detailed account of all property belonging to the Community; presented, purchased or inherited through members. The annual audit is to carry out a full check of all Committee property and report as necessary.
29. The Assistant Treasurer shall:
- 29.1 Undertake the responsibility of the Treasurer in his/ her absence
  - 29.2 To assistant to Treasurer at any time.
30. The Cultural Secretary shall:
- 30.1 Organize, receive and plan all entertainment at functions.
  - 30.2 Shall organize and liaise with other communities and foster and spread comradeship, cultural

exchanges and other activities.

30.3 Perform all such duties as directed by the Committee from time to time.

31. The Assistant Cultural Secretary shall:

31.1 Undertake the responsibility of the Cultural Secretary in his/her absence.

31.2 To Assistant to Cultural Secretary at any time.

32. PR and Media Officer shall:

32.1 Publicize the community and its activities through the internet, local dailies and other publications.

32.2 Organize and be the community's photographer for all its activities

32.3 Perform all such duties as directed by the Committee from time to time

33. The Executive Members shall:

33.1 Perform all such duties as directed by the Committee from time to time.

34. **ADVISORY COMMITTEE**

34.1 Any member of the public community who can assist in the well-being and the betterment of Sagarmatha Gurkha Community Ashford, Kent may be elected to the Advisory Committee. Committee members on expiry of their tenure and other Nepalese within Ashford and UK; with specialist skills and experience may elect or volunteer their services for the betterment of the Community.

34.2 The Advisory Committee, in consultation with the Executive Committee shall from time to time recommend, make, repeal and amend Byelaws and Regulations (not inconsistent with these Rules) as they shall think expedient for the internal management of the community and well being of its members.

34.3 All such Byelaws and Regulations shall be binding upon the members until repealed by a resolution of a General Meeting of the Community. Any member ceasing to belong to the community by death, resignation or expulsion, or should be compound with his or her creditors shall not (except as regards any debt owing to the members by the community) have any claim or be entitled to participate in any of the effects and property of the community, or to have any part of the annual subscription returned.

## **VOTING**

35. Voting shall be by show of hands except that:

35.1 Any contested election at an Annual General Meeting or otherwise shall be via secret ballot;

35.2 The meeting may, by show of hand, require any other vote to be via a secret ballot.

### **DISSOLUTION**

36. The Community will be dissolved if a resolution to this is carried at:

36.1 A Special General Meeting called for the purpose in accordance with Article 17 of this rules.

36.2 The Annual General Meeting in accordance with Article 12-15 of this rule.

36.3 At the time of dissolution, the assets of the Community, being those remaining after all debts incurred have been met and all liabilities paid, shall be transferred to an organisation with similar objectives as determined by a two-thirds majority of those present and voting at the Meeting at which the community is dissolved.

### **ISSUE OF COPIES OF RULES TO ALL MEMBERS**

37. A copy of the Rules of the Community shall be displayed in the Community office and is available on request; including copies of any alterations or amendments of the Rules. These rules are the agreed constitution of the Sagarmatha Gurkha Community Ashford, Kent and a copy of these rules may be forwarded by the Chairman to organisations as a legal document to validate the Community's existence in Ashford.

MR NARENDRA KUMAR LIMBU -----  
Chairman

MR POPIRAJ RAI -----  
Chief Vice Chairman

MR SHREE LIMBU -----  
Vice Chairman

MR BHASKAR TITUNG -----  
Secretary

MRS BAL KUMARI GURUNG -----  
Assistant Secretary

MRS BINITA LAWATI -----  
Treasurer

MRS AMRITA TAMANG -----  
Assistant Treasurer

MR OM RAI -----  
PR & Media Officer

MR GANESH RAI -----  
Cultural Secretary

MRS SUSMA LIMBU  
Assistant Cultural Secretary

-----

MR SHERU LIMBU  
Sport Secretary

-----

MR OM MAGURATI  
Assistant Sport Secretary

-----

MR PRASHNA RAI  
Executive Member

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MR LOKENDRA LIMBU  
Executive Member

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MR DEBRAJ RAI  
Executive Member

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