

9.2. J.24 – A Motion to Amend Referenda and General Meetings

THIS SRC AND SSC NOTE:

1. The ongoing review of the governance of the Association;
2. The Charities and Trustee Investment (Scotland) Act 2005; and,
3. That the Laws provide for ambiguity in the relationship between SAB and referenda and general meetings.

THIS SRC AND SSC BELIEVE:

1. That students should be able to use referenda and general meetings to express their will and change Association policy; and,
2. That the Charities and Trustee Investment (Scotland) Act 2005 and relevant OSCR guidance require the trustees of a registered charity to manage and control the charity and to act in the best interests of the charity.

THIS SRC AND SSC RESOLVE:

To recommend the following amendments to the Laws to SAB with the recommendation that the same do pass:

1. Strike 7 Laws § 5 and insert the following:
 - 5.1. Referenda may be called by the Association Councils or a signed petition of 5% of the Ordinary Membership of the Association.
 - 5.2. Four weeks' notice must be given from the passage of any motion to call a referendum before the beginning of the voting in that referendum.
 - 5.3. Only Ordinary Members of the Association in good standing may vote in referenda.
 - 5.4. A referendum shall only be binding if 1/5 of eligible voters cast a vote.
 - 5.5 A simple majority shall determine the outcome of any referendum.
 - 5.6 A referendum may overturn a decision passed by a quorate General Meeting, and shall then be binding on the Students' Association until such a time as it is revoked by another referendum.
 - 5.7 Notwithstanding the foregoing provision, referenda shall be subject to the Association's financial cascade policy as determined from time to time by SAB.
 - 5.8 Notwithstanding the two foregoing provisions, in extraordinary circumstances SAB shall have the authority to disregard the results of a referendum if it determines that implementing the outcome of the referendum would not be in the best interests of the Association or would not be consistent with the purposes of the Association.
2. Add to Chapter 7 of the Laws a new § 2.6 to read 'Notwithstanding the foregoing provision, the decisions of general meetings shall be subject to the Association's financial cascade policy as determined from time to time by SAB.
3. Add to Chapter 7 of the Laws a new § 2.7 to read 'Notwithstanding the two foregoing provisions, in extraordinary circumstances SAB shall have the authority to disregard the decisions of general meetings if it determines that implementing the decision would not be in the best interests of the Association or would not be consistent with the purposes of the Association.'