

# Bicycle Advocacy Group Statute and Regulations

## STATUTE

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# CHAPTER I - CONSTITUTION, TITLE AND OBJECTS

## 1. Title

The title of the ASSOCIATION is: BICYCLE ADVOCACY GROUP (BAG)

The ASSOCIATION is an autonomous voluntary, non-political, non-profit making organization constituting itself through this Statute and having its main scope the social and community advancement. Pursuant to the provisions of the Voluntary Organisations Act (Act XXII of 2007) no part of the income, capital or property of the Association is available, directly or indirectly to any member, committee officer (i.e. Administrator), patron, donor or any other private interest

## 2. Objective of the Association

The following are the objectives of the Association: -

- a) To promote and encourage the healthy environment-friendly mobility option of cycling in Malta;
- b) To improve the image of cycling in Malta;
- c) To lobby for the safety of cyclists on our roads: The EU Green Paper, "Towards a new culture for urban mobility" (25.9.2007) which declares that "*every EU citizen should be able to live and move in urban areas with safety and security. Whether walking, cycling or driving a car, one should be able to do so at minimum personal risk*". In keeping with the spirit of the foregoing the Association will represent the interests of vulnerable road users at local, regional and national levels.
- d) To campaign for cyclists' rights in Malta and protect their right to ride on roads.
- e) To enhance riding conditions for existing cyclists and make it easier for new cyclists to take up cycling, especially through education of children.
- f) To campaign for the creation of a network of well-designed cycle lanes, paths, tracks and routes,
- g) To disseminate information by collecting, circulating and publishing information to members and the media representing the views of cyclists with a view to promoting cycling for all and creating a favourable climate for use of bicycle in road transport.

- h) To offer expertise and advice on cycling issues such as cycling facilities town planning, cycling and legal matters.
- i) To disseminate knowledge and know-how among members and the public with the aim of instilling a bicycle mentality particularly targeting schools and councils.
- j) To provide, on initiative or on request, information, suggestions, advice to local councils authorities & other institutions advice regarding improvement of road design so as to make the roads more pedestrian and cycle friendly and improve skills and knowledge of professionals, particularly those working in local authorities, responsible for the development and delivery of cycling strategies..
- k) To increase awareness of the health benefits of cycling.
- l) To encourage Cycle tourism as a sustainable economic factor and help promote Malta as a cyclists tourism destination
- m) To liaise with lawyers, who are interested in working pro bono for cyclist's rights and help any cyclists involved in any accident find a lawyer who will assist him or her ex gratia.
- n) To offer advice on matters related to insurance and public liability matters tailored to the needs of cyclists.
- o) To collect accident, near-miss and other statistical data related to the objectives of the ASSOCIATION, providing that clause (q) is duly observed.
- p) To foster relationships both local and international, affiliate and join with other entities in pursuance of the said objectives.
- q) To ensure that members personal data and privacy is protected in line with the Malta Data Protection Act.

## CHAPTER II - MEMBERSHIP

### 3. Eligibility

All persons over 18 shall be eligible for membership, with an interest in promoting the bicycle as a healthy mobility option, as long as he or she adheres to principles and objectives of the organization.

### 4. Rejection of candidates and appeal of rejected candidates

The Executive Council may reject candidates and the decision of such rejection is final.

### 5. Re-proposal of Candidates rejected

No person whose admission has been refused may be re-proposed before the lapse of one year.

### 6. Admission fee

An admission fee is to be determined by the Executive Council from time to time, shall be payable by each person admitted to membership.

### 7. Resignation

A member wishing to terminate his membership shall notify the Secretary in writing.

### 8. Liability of Member resigning

A resigning member shall forfeit the subscription fee which he may have paid in advance, and shall be liable for the subscription up to the 31st December of the year in which he resigned.

### 9. Enforced resignation

A member whose status has altered since admission in such a manner as to deprive him in those qualifications required for membership shall be called upon to resign forthwith. If such member fails to resign within one month from the date of which he is called to do so, the Executive Council will remove the member's name from membership list. The member will, however, have the right to appeal to the Executive Council within one month.

## 10. Subscription fees

The subscription fees, which are payable yearly in advance, shall be determined by the Executive Council from time to time. At the discretion of the Executive Council, a member who persists in not paying such fees by the 31st March of each year shall forfeit his membership. The Treasurer shall inform the member concerned of his forfeiture.

## **CHAPTER III - ASSOCIATE MEMBERS**

### 11. Admission

The Executive Council has the right to admit as Associate Members the following: -

- (a) Persons living outside Malta who wish to become Associate Members and who possess the right qualifications.
- (b) Persons who do not possess the qualification for admission to the ASSOCIATION as defined in rule 3, such as minors.

### 12. Voting rights

Associate members shall not have any voting rights; but shall enjoy privileges approved by the Executive Council from time to time.

### 13. Rules governing admission

- (a) The rules governing the admission of members shall apply in the case of admission of Associate Members provided that the decision of the Executive Council shall be final and rejected applicants may not appeal from the decision of the Executive Council.
- (b) Admission and subscription fees payable by Associate members shall be determined by the Executive Council from time to time.

## **CHAPTER IV - EXECUTIVE COUNCIL**

### 14. Constitution

The Business of the ASSOCIATION shall be managed by an Executive Council which shall be constitute as follows:-

- (a) Five (5) members of the ASSOCIATION elected.

### 15. Officers

The Executive Council, at its first meeting following election, shall appoint out of the selected members, the President, the Vice-President, the Secretary, Treasurer and Public Relations Officer.

## 16. Secrecy of vote

Voting for the elections of the Executive Council's officers shall be by secret ballot and carry a two-thirds majority.

## 17. Voting Power

All members have only one vote, which is non-transferable. The President shall not have a vote but a casting vote in case of a tie.

## 18. Powers of the Executive Council - The Executive Council shall have the power: -

- (a) To elect Honorary Members of the ASSOCIATION. Persons so elected shall be exempt from payment of fees and shall not be eligible to the Executive Council and shall not have the power to vote.
- (b) To appoint overseas representatives of the ASSOCIATION.
- (c) To conduct and manage all the business and affairs of the ASSOCIATION.
- (d) To incur and pay any expenses in connection with the ASSOCIATION's objects as defined in section 2 of the Statute.
- (e) To exercise generally all the powers and functions of the ASSOCIATION which are not by the Statute conferred exclusively upon the General Meeting of the ASSOCIATION.

## 19. Legal Representation and Authorised Signatories

The President or any other Officer shall represent the ASSOCIATION in all judicial and extra judicial proceedings. Deeds, cheques, licences, certificates or other documents shall be signed by the Treasurer together with one other Officer of the Executive Council so appointed to be Authorised Signatory.

## 20. Meetings

The Executive Council shall meet at least once a month or whenever considered necessary by the President or at the request of three members of the Executive Council, in which case this should be in writing.

## 21. Notice of Meetings and Agenda

Members of the Executive Council shall be notified at least five working days prior to the date fixed for a meeting and the agenda for the meeting shall also be communicated.



## 22. Quorum

The Quorum of the Executive Council shall be three elected Members.

## 23. Voting

All questions arising at Executive Council Meetings shall be decided by a majority of votes of the members present.

## 24. Casting Vote

The President has only the right for a casting vote in case of equality of votes.

## 25. Disciplinary Measures

Disciplinary measures against members, in terms of chapter X, may be taken by a resolution passed by a majority of two thirds of the Members of the Executive Council.

## 26. Absence of Members

The election of a Member of the Executive Council shall lapse if he is absent, without just cause and without written advice for six consecutive meetings.

## 27. Vacancies

If a Member of the Executive Council ceases to form part of the Executive Council for any cause whatsoever, the runner-up at the last election shall fill the vacancy and will serve for the remaining period of office. In case of a parity of votes, the person to be appointed shall be drawn by lot from among those who had obtained the highest equal number of votes. In case that there are no runner-up candidates the Executive Council may approach any member and invite him to join the Executive Council as a co-opted member.

## **CHAPTER V - COUNCIL OFFICERS**

### 28. Tenure of Office

A Member of the Executive Council may be re-elected in the same position as an Executive Council Officer.

### 29. The President

The President shall preside over the Meetings of the Executive Council and of General Meetings of the ASSOCIATION. He may only be elected President for no more than two tenures as President of the Society.

### 30. The Vice-President

The Vice-President will assist the President and act in his stead.

### 31. The Secretary

The Secretary shall be responsible for Office Administration and shall cause minutes to be kept of all meetings.

### 32. The Treasurer

The Treasurer shall be entrusted with the financial administration of the ASSOCIATION, and shall submit to the Executive Council an Income and Expenditure Statement together with an Audited Balance Sheet as at 31st December in each year. The Treasurer is also responsible to keep an updated register of all duly registered Members.

### 33. Auditors

Two Auditors are elected from the Members attending the General Meeting. The so elected Auditors shall not run for elections as Executive Council Members or Officers. They have the power to inspect at all times the books of accounts with the Treasurer. They are to draw up an independent report on the financial books of the ASSOCIATION and present it to the Members during the Annual General Meeting following the financial report to Members by the Treasurer.

## **CHAPTER VI - THE ELECTORAL COMMISSION**

### **34. Composition**

The Electoral Commission is a committee of three members elected during the Annual General meeting to conduct the Election of members and Officers to the Executive Council.

### **35. Nomination of Candidates**

Candidates wishing to stand for nomination, as members to the Executive Council, are to be proposed and seconded by two duly qualified Members and their nomination is to reach the Secretary three clear days before the date appointed for the ballot.

### **36. Ineligibility**

No person may hold the post of member of the Executive Council or candidate of the election to the Executive Council and member of the electoral Commission at the same time.

## **CHAPTER VII - ANNUAL EXECUTIVE COUNCIL ELECTIONS**

### **37. Election**

The election of Members of the Executive Council and the Electoral Commission shall be held during the Annual General Meeting.

### **38. Method of voting**

May be by show of hands with the full consent of all those present. Failing this voting shall be by secret ballot. In this case members wishing to vote must, obtain the official ballot paper from the Secretary and sign their name on the list of members voting. A show of hands that fails to register a majority or any concerns raised in the voting our counting methods shall revert to a secret ballot.

### **39. Registering the vote**

Voting shall be recorded by marking in the appropriate column with a cross the name of those candidates for whom the member desire to vote. The number of marks shall not exceed the number of candidates to be elected.

#### 40. Ballot papers

Two members of the Electoral Commission shall sign ballot papers.

#### 41. Counting of votes

The Electoral Commission shall proceed to count the votes immediately after the closing of the ballot and shall draw up and submit to the members during the Annual General meeting a list recording the number of votes cast, number of valid votes and the number of votes cast for each candidate.

#### 42. Declaration of poll

The requisite number of candidates who obtain the highest number of votes shall be declared to have been duly elected. In the event of parity of votes the name of the candidate to be elected shall be drawn by lot.

#### 43. Validity of Ballot Papers and Results

The Electoral Commission, whose decision shall be final, shall settle any question or dispute regarding the validity of any ballot or election result.

## **CHAPTER VIII - GENERAL MEETINGS**

### **44. Annual General Meeting**

The Annual General Meeting shall be held during the first quarter of each year, irrespective of the number of members present. At this meeting the President shall read the members a report on the activities of the Executive Council during the year and invite discussion by members on any subject of interest or the affairs of the ASSOCIATION.

### **45. Extraordinary General Meetings**

All General meetings other than the Annual General Meeting shall be called Extraordinary General Meetings.

### **46. Extraordinary General Meetings**

Extraordinary General Meetings shall be held: -

- (a) Whenever it is decided by the President on the advice of the Executive Council, to discuss any specific subject of interest.
- (b) Whenever a written request is made to the Executive Council by not less than 10% members who shall state the reasons for which the meeting is being requested.

### **47. Notice of General Meetings**

Seven clear days of notice for General Meetings shall be given to members by means of a circular.

### **48. Quorum at AGM's and EGM's**

The quorum at any general meeting (AGM or EGM) will be fifty percent (50%) of the membership plus one (1). If the quorum cannot be met, the meeting will wait until such time as a quorum by this method is achieved, this being no longer than thirty (30) minutes, at which time the numbers of persons present shall be considered an adequate quorum regardless of the numbers present.

### **49. Mode of Voting at General Meetings**

Decisions of General Meetings shall be taken by open vote, provided that any one member shall have the right to ask for a secret ballot, in which case the voting shall be carried out accordingly.

## CHAPTER IX - CODE OF ETHICS

### 50. Code of Ethics

Members are bound by the following Code of Ethics: -

- (a) Members shall conduct themselves as persons of integrity and in a way to upkeep and enhance the reputation of the Members of the ASSOCIATION and the ASSOCIATION itself.
- (b) Members shall not knowingly, recklessly or maliciously injure the reputation or practice of other members.
- (c) Members shall at all times act honestly and in a way to avoid misleading others.
- (d) Members shall not in their normal activity disseminate false or misleading information.
- (e) Members shall at all times conform to any directive which the Executive Council may from time to time issue for the better enhancement of the ethical conduct of Members.

## **CHAPTER X - LIQUIDATION**

### 59. Liquidation and Winding Up

In case where the ASSOCIATION is liquidated or wound up, all monies and assets owned by the ASSOCIATION as excess balance, following the payment of all outstanding debts and claims against the Society, shall be disposed of by way of donations to the Hospice Movement or similar philanthropic organisation.