



Scotwest Lottery Constitution

Text in red is proposed new text. Text in ~~red and scored through~~ is text being deleted from the Constitution.

1 TITLE

- 1.1 The Society shall be an unincorporated association with the name 'The Scotwest Lottery', hereinafter to be referred to as "the Society".

2 OBJECTS

- 2.1 The objects of the Society are to promote, or propose to promote, a small society lottery, (hereinafter referred to as "the Lottery") ~~in terms part 11 and part 4 of schedule 11 of the~~ as defined by the Gambling Act 2005 (as amended from time to time), (hereinafter referred to as "the Act") and to distribute the whole proceeds after the deduction of amounts for expenses and prizes to Scotwest Credit Union Ltd, a company incorporated under the Industrial and Provident Societies Acts and now regulated by the Co-operative and Community Benefit Societies Act 2014 and registered with the Financial Conduct Authority, Registration Number 213616, having its registered office and principal place of business at 13 Elmbank Street, Glasgow, G2 4PB, (hereinafter referred to as "the Credit Union") for the purposes as defined in the Credit Unions Act 1979 namely:

- (a) the promotion of thrift among the members of the Credit Union by the accumulation of savings.
- (b) the creation of sources of credit for the benefit of the members of the Credit Union at a fair and reasonable rate of interest.
- (c) the use and control of the members' of the Credit Union savings for their mutual benefit.
- (d) the training and education of the members of the Credit Union in the wise use of money and in the management of their financial affairs.

- 2.2 To comply with the terms of the Act and any subsequent legislation affecting the Lottery to include, amongst other things ~~inter alia~~:

- ~~2.2.1~~—To seek and maintain its registration with the local licensing board, (hereinafter referred to as "the Licensing Board") and to renew such registration annually or otherwise as required;
- ~~2.2.2~~—To provide the Licensing Board with a completed application form if required;
- ~~2.2.3~~—To provide the Licensing Board with a copy of the constitution of the Society and the rules of the Lottery; and
- ~~2.2.4~~—To notify the Licensing Board of any change in the address of the Society's office or head office within the period of 21 days beginning with the day on which the change takes effect.

3 MEMBERSHIP

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3.1 Membership of the Society shall be open to any person currently a member of the Credit Union over the age of 18. Any new member of the Credit Union shall be entitled although not obliged to join the Society.

3.2 The Society shall be the promoter of the Lottery.

4 **OFFICERS GENERAL COMMITTEE**

4.1 The affairs of the Society shall be controlled by a General Committee comprising the Officers of the Society. The General Committee shall meet at agreed intervals and not less than once per year. All three Officers must be present for meetings of the General Committee to be quorate.

4.2 The Officers of the Society shall be as follows:

- Chair
- Secretary
- Treasurer

4.3 The duties of the General Committee shall be:

- i. To control the affairs of the Society on behalf of the Members.
- ii. To keep accurate accounts of the finances of the Society. The Society shall maintain a bank current account, and two of the three members of the General Committee shall be authorised to sign Society cheques, or another as designated by the General Committee
- iii. To make decisions on the basis of a simple majority vote.

4.4 The members of the General Committee shall be able to participate in a meeting of the General Committee when they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting. In determining whether members of the General Committee are participating in a meeting of the General Committee, it is irrelevant where any members of the General Committee are or how they communicate with each other. If all the members of the General Committee participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is located.

~~4.1 The Officers of the Society shall be as follows:~~

- ~~• Chair~~
- ~~• Secretary~~
- ~~• Treasurer~~

5 **ELECTION OF OFFICERS**

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- 5.1 Officers shall be elected at the Annual General Meeting of the Society, from, and by, the Members of the Society. ~~Each term of office will be for a period three years. Officers may seek re-election at the end of each term of office to either the same office or another at the applicable Annual general Meeting. Election will be by a simple majority of votes of members present. One third of the Officers shall retire by rotation at each Annual General Meeting. The Officer to retire by rotation shall be the one who has been longest in office since his/her last appointment or reappointment, but as between persons who became or were last reappointed Officers on the same day, the Officer to retire shall (unless they otherwise agree among themselves) be determined by lot.~~
- ~~5.2 Any Officer retiring by rotation shall be entitled to offer himself or herself for reappointment and may be reappointed to the same office or another office at the meeting at which he or she retires or at any subsequent annual general meeting.~~
- 5.32 All Officers shall be Members of the Society.
- 5.43 The Officers shall be permitted to purchase entries to participate in draws of the Lottery provided that in the event that an Officer declines to purchase tickets to participate in draws of the Lottery, he or she shall be entitled to remain a member of the Society for the duration of ~~his/her~~ their appointment as an Officer.
- 5.54 The Officers shall on behalf of the Society designate one of their number as having responsibility within the Society for the promotion of the Lottery.

~~6~~ **GENERAL COMMITTEE**

- ~~6.1 The affairs of the Society shall be controlled by a General Committee comprising the Officers of the Society and one other member of the Society elected by the Members of the Society for a period of one year and such member shall be entitled to offer himself or herself for reappointment and may be reappointed to the General Committee at the meeting at which he or she retires or at any subsequent annual general meeting. The General Committee shall meet at agreed intervals and not less than once per year. The quorum for meetings of the General Committee shall be three members of the General Committee being present.~~
- ~~6.2 The duties of the General Committee shall be:~~
- ~~i. To control the affairs of the Society on behalf of the Members.~~
 - ~~ii. To keep accurate accounts of the finances of the Society. The Society shall maintain a bank current account and the following Officers shall be authorised to~~

~~sign Society cheques: two from the General Committee or as designated by the General Committee.~~
 - ~~iii. To make decisions on the basis of a simple majority vote. In the case of equal votes, the Chair shall be entitled to an additional casting vote.~~

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~~6.3 The members of the General Committee shall be able to participate in a meeting of the General Committee when they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting. In determining whether members of the General Committee are participating in a meeting of the General Committee, it is irrelevant where any members of the General Committee are or how they communicate with each other. If all the members of the General Committee participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is located.~~

76 GENERAL MEETINGS

76.1 The Annual General Meeting of the Society shall be held not later than the end of December each year. Fourteen clear days' notice shall be given to Members of the Annual General Meeting by circulating a copy of the notice to Members by email and by posting the notice on the Society's pages on the Credit Union's website which shall be deemed to be satisfactory notice to all Members. Members must advise the Chair in writing of any business to be moved at the Annual General Meeting at least seven days before a meeting.

76.2 The business of the Annual General Meeting shall be to:

- i. Confirm the minutes of the previous Annual General Meeting and any other General Meetings;
- ii. Receive the accounts of the Society;
- iii. Receive the annual report of the Society;
- iv. Elect an auditor (if required);
- ~~v.~~ ~~v.~~ Elect the Officers of the Society ~~and the other General Committee Member if required;~~
- ~~v.vi.~~ Confirm the prize structure for the coming year;
- vii. Transact such other business received in writing by the Chair from Members not less than seven days prior to the date of the meeting and included on the agenda; ~~and~~
- viii. Such other business as the Chair in ~~his/her~~ their discretion admits.

76.3 Special General Meetings may be convened by the Committee or on receipt by the Chair of a request in writing from not less than ten per cent of the Members of the Society. At least fourteen clear days' notice of the meeting shall be given to Members of a Special General Meeting by circulating a copy of the notice to Members by email and/or and by posting the notice on the Society's pages on the Credit Union's website. The business to be considered at the Special General Meeting shall be specified in the notice convening the meeting.

76.4 Nomination of candidates for election of Officers shall be made in writing to the Chair at least seven days in advance of the Annual General Meeting date. In the absence of nominations prior to the meeting nominations may be taken from the floor. All nominations shall require to have the consent of the nominee.

76.5 At all General Meetings the chair will be taken by the Chair, or, in ~~his/her~~ their absence, by a deputy appointed by the General Committee.

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- 76.6** Decisions made at a General Meeting shall be by a simple majority of votes from those Members attending the meeting. In the event of equal votes, the Chair shall be entitled to an additional casting vote or alternatively in ~~his/her~~ their discretion he/she may direct a written poll.
- 76.7** A quorum for a General Meeting shall be three members personally present of whom not less than two must be members of the General Committee.
- 76.8** Each Member of the Society shall be entitled to one vote on any separate issue at General Meetings.
- 76.9** A Member who is found by vote carried at a Special General Meeting called in accordance with clause **76.3** to have behaved in a manner likely to bring the Society into disrepute or cause substantial prejudice to it may be expelled from the Society. Provided that:-
- a) The resolution must be carried by not less than 4/5ths of those attending and voting;
 - b) This is the only business at the meeting; and
 - c) Before putting the motion to the vote the member shall have an opportunity to address the meeting.
- 76.10** The Member expelled may appeal by notice in writing sent to the Chair within 14 clear days who shall within 14 days thereafter convene a meeting of the Secretary (or in their absence the Treasurer) of the Society and two Members who shall decide the appeal and shall not be required to give reasons.

87 ALTERATIONS TO THE CONSTITUTION

- 87.1** Any proposed alterations to the Society's Constitution may only be considered at an Annual or Special General Meeting convened with the required notice. Any alteration or amendment must be proposed by a Member and seconded by another Member. Any alteration or amendment may be posted on the website for the Credit Union which shall be deemed to be adequate notice to the Members. Such alterations shall be passed if supported by not less than a majority of those Members present at the meeting and voting, assuming that a quorum has been achieved.
- 87.2** An abstention shall be recorded but shall not count as a vote.

98 DISSOLUTION

- 98.1** If at any General Meeting of the Society, a resolution be passed calling for the dissolution of the Society, the Chair shall immediately convene a Special General Meeting of the Society to be held not less than one month thereafter to discuss and vote on the resolution.

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- ~~98~~.2 If at that Special General Meeting, the resolution is carried by at least two thirds of the Members present at the meeting and voting the General Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the

Society and discharge all debts and liabilities of the Society. Abstentions shall be recorded but shall not count as a vote.

- ~~98~~.3 After discharging all debts and liabilities of the Society, the remaining assets shall be paid or distributed in accordance with clauses 2(1) (a) to (d).

~~109~~ **ENTRIES TO THE LOTTERY**

- ~~109~~.1 Each Member of the Society may purchase up to a maximum of 15 entries to each monthly draw of the Lottery. The cost of each entry to each monthly draw at the date of the amendment to these rules shall be £1.00 per entry. Payment for entries shall be deducted from the Member's Credit Union account and paid to the Lottery's account on the 26th of each month, or the next working day if the 26th falls at the weekend or on a bank holiday.

Where, after taking into account the minimum amount required to remain a member of the Credit Union, there are insufficient funds available in a Member's Credit Union account to pay for the Member's full number of entries to the Lottery, no funds will be withdrawn and allocated to that draw. Where on the next following draw there are sufficient funds available in the Member's account to cover ~~his/her~~ their full number of entries to the Lottery, he /she will be permitted to participate in that draw of the Lottery. Where three consecutive draws take place and on each occasion the Member has had insufficient funds available to cover ~~his/her~~ their number of entries to the Lottery that Member will be deemed to have terminated ~~his/her~~ their membership of the Society and will be advised accordingly by the society so far as it is able by telephone. The Society shall have no liability to the Member in the event that it fails to notify the Member of the termination of ~~his/her~~ their membership of the Lottery. The excluded Member may re-apply for membership of the Society at any time thereafter.

- ~~109~~.2 Any Member of the Society who wishes to amend the number of entries to the monthly draw of the Lottery or who wishes terminate ~~his~~-~~their~~ entries to the Lottery shall advise the Society in writing, ~~or~~ by telephone, ~~or by~~ email or online banking not less than 7 days before the draw. In the case of a telephone instruction this is subject to the usual security checks having been satisfactorily completed. An email reply confirming receipt of the email instruction will be sent on the day it is received. The period of notice will run from the date the written notification, telephone call or email is received in the office of the Society. Once money has been received by the Society from the Credit Union for, or on account of, an entry to the Lottery, it cannot be refunded to the Member.

- ~~109~~.3 In the event that a person ceases to be a Member of the Society as a result of no longer being a member of the Credit Union, and where the Society has received money for, or on account of, an entry to a draw of the Lottery, such funds will not be refunded to the former Member and that former Member shall not be permitted to participate or benefit from the relevant draw of the Lottery.



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1110 PROCEED LIMITS

1110.1 The Society shall comply with the provisions of the Gambling Act 2005 to ensure that the Lottery remains a small society lottery for the purposes of that Act. Currently the proceeds limits for a small society lottery are as follow:

a) The proceeds of the Lottery (being the aggregate of amounts paid in respect of the purchase of lottery tickets) shall not exceed £20,000 for any one draw; and

a)b) The aggregate of the Society's proceeds from draws of the Lottery shall not exceed £250,000 at any time in a calendar year.

In the event that the proceeds limits are altered by any changes to the Act, the Society shall comply with any reductions to such limits and shall be entitled to increase the proceeds of the Lottery in accordance with any increase in the statutory limits without any requirement to alter this constitution.

1211 PRIZES

1211.1 Subject to paragraph **1110** above, no prize will exceed (in money, money's worth, or partly the one and partly the other) £25,000.

1211.2 The current arrangements for a small society lottery under the terms of the Act provide that at least 20% of the proceeds of the lottery are applied to a purpose for which the Society is conducted.

1211.3 Subject to compliance with the foregoing the Society shall have discretion as to the level and nature of prizes.

1312 ENTRIES TO THE LOTTERY

1312.1 The price of every entry to the Lottery shall be the same. It shall be £1 unless an increase to the price is approved at a general meeting to the Society.

1312.2 As per Rule **109.1**, no Member shall participate in a draw of the Lottery unless the whole price of the entry/entries has/have been paid to the Society. In addition, once money has been received for, or on account of, an entry it cannot be refunded to the Member.

1312.3 In relation to each entry to the Lottery, each Member shall be notified of (a) the name of the Society promoting the lottery (b) the price of an entry to the Lottery (c) the name of the Officer designated pursuant to Rule 5.5 above as having responsibility within the

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Society for the promotion of the Lottery and (d) the date of the draw in relation to the Lottery and (e) the fact that the Society is registered with the Local Authority. Where such notification is sent or displayed to the Member electronically, this shall be done in a manner which enables the Member to (i) retain the message electronically or (ii) print it.

~~13~~12.4 Each entry to the Lottery shall be allocated a dedicated number. A Member may be informed of the dedicated number(s) applying to ~~his/her~~ their entries upon request.

~~14~~13 THE DRAW

The draw will ordinarily be carried out on the next working day after the payment for entries has been deducted. In the event of unforeseen circumstances prohibiting this, the draw will take place as soon as reasonably possible.

~~15~~14 IDENTIFICATION AND NOTIFICATION OF WINNING ENTRY AND FORFEITURE

~~15~~14.1 All winners will be advised by e-mail, letter or telephone call and the winners' names will also be posted on the Society's page on the Credit Union's website within 5 days of taking place.

~~15~~14.2 Winners will receive their prizes by direct transfer into their saving account with the Credit Union within 5 working days of the draw.

~~15~~14.3 If for any reason this cannot be done, a letter will be sent to the last known address of the winner and if the prize is not claimed by the winner within a period of 6 months from the date of the letter it will be forfeit and be credited to the Lottery's bank account and be dealt with under Rule 2.1 of the Lottery.

~~16~~15 LOTTERY STATEMENT

~~16~~15.1 After completion of each draw of the Lottery, the Society shall submit to the Licensing Board a statement containing the matters set out in paragraph ~~18~~17.2 below (or such other matters as may be required under relevant legislation or required by the Licensing Authority)

~~16~~15.2 The matters to be contained in the statement referred to above are:

- (a) the arrangements for the lottery (including the dates on which tickets were available for sale or supply, the dates of any draw and the arrangements for prizes (including any rollover);
- (b) the proceeds of the lottery;
- (c) the amounts deducted by the Society in respect of the provision of prizes (including the provision of prizes in accordance with any rollover);

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- (d) the amounts deducted by the Society in respect of other costs incurred in organising the lottery;
- (e) any amount applied to a purpose for which the Society is conducted, and
- (f) whether any expenses in connection with the lottery were defrayed otherwise than by deduction from proceeds, and, if they were -
 - (i) the amount of the expenses; and
 - (ii) the sources from which they were defrayed.

~~1615~~.3 The statement must be sent to the Licensing Board during the period of three months beginning with the day on which the draw (or the last draw) in the Lottery takes place.

~~1615~~.4 The statement:

- (a) shall be signed by two members of the Society who are appointed for the purpose in writing by the General Committee; and
- (b) shall be accompanied by a copy of the appointment under paragraph (a).

~~16.5~~ — A member signing a statement in accordance with sub-paragraph (4) must be an adult.

~~1716~~ **BENEFICIARY RECEIPTS**

In addition to submitting lottery returns, the Society shall forward beneficiary receipts signed by representatives of any organisation receiving part or all of the net proceeds of the Lottery if required.

~~1817~~ **AUDITED ACCOUNTS**

~~1817~~.1 In the event of the Society selling more than £100,000 worth of entries to the Lottery in all its draws held in any one calendar year, the Society shall submit to the Licensing Board accounts in respect of these lotteries if requested (i.e. for the whole year) together with a report on the accounts prepared by a qualifying auditor.

~~1817~~.2 The accounts shall show the results of the Society's lottery activities for the year prepared on an accruals basis. The accounts shall indicate that they have been approved by the General Committee and signed by the Treasurer and one other Officer.

~~1817~~.3 The auditor shall be required to carry out whatever investigations are necessary to enable ~~him~~ them to form an opinion as to whether proper accounting records have been kept and whether the accounts agree with the records.

~~1817~~.5 The auditor's report must extend to both the income and expenditure statement and the consolidation schedule. The report must state whether, in the opinion of the auditor, the statement shows a true and fair view of the lottery activities for the year concerned.



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1918 RECORD KEEPING

The Society shall before proceeding with a draw of the Lottery ensure that adequate record keeping and accounting procedures are in place. The following records should be maintained:

- (a) details of Member's entries to the Lottery;
- (b) details of all income received from the sale of entries, together with banking records in support;
- (c) details of all expenses, together with relevant invoices. The records should distinguish between those expenses met directly from the proceeds;

_____ those met by the Society or the Credit Union and those met by donations from a third party;
- (d) details of all prizes together with relevant invoices;
- (e) details of winners and winning entries; and
- (f) where agents are employed, records should be maintained showing their remuneration and the number of tickets sold and returned.

2019 RETENTION OF RECORDS

All documents relating to the Lottery shall be preserved by the Society for at least six years.

2120 DATA PROTECTION

23.1 Members' personal information will be dealt with in accordance with the Scotwest Lottery Privacy Notice at all times.

~~Each member of the Society shall give his/ her consent to exchange personal information between the Society and the Credit Union relating to his/ her membership of the Society and any payments due by him or her.~~