

Nextdoor Nature

Should our group be constituted?

And what does that mean, anyway?

The short answer is yes.

A “constitution” is just a written document that explains how the group is run. And yes, you should have one. A constitution can also be called “rules of association.”

See our document “Setting up a community group” ([England – Wales / Cymru – Scotland – Northern Ireland](#)) for all the details on how to do this, and what to include in the document.

When people ask, “Should we be constituted”, sometimes they actually mean, “Should we be incorporated” and that is a different thing.

See our document “Types of group” ([England – Wales / Cymru – Scotland – Northern Ireland](#)) for an explanation of all the different group types you can consider.

In summary

A “constituted group” is an informal group that has a written list of rules and guidelines. It can also be called an “unincorporated association.” It is not a charity. We recommend most basic community groups write down their rules, and set up as a constituted group/unincorporated association.

You don’t need a committee, but you can choose one if you like. You will need to have a meeting every year called an AGM. As a group, you don’t have a separate legal structure, so the group as a whole can’t buy goods or enter into contracts – but individual members can. However, if the group gets into debt, all the members could find themselves having to pay.

However, if you “incorporate”, this means the group itself is a separate thing, legally. The group can buy things, enter into contracts, and also get into debt. You will need help from a solicitor or legal advisor to set this sort of group up. It will cost money.

An incorporated group can be a charity, a company or other structure. You will have to follow more regulations. But this also means that individuals are protected if there is a legal problem, because the group itself is separate from the members. You will need to take advice about incorporation but most simple community groups will not need to incorporate unless you need to buy or rent large premises, employ people or undertake risky activities.

