#### **BUSINESS LAW AND PRACTICE (KNOWLEDGE)**

Unit 5 Guide Members

#### Context

Directors and members have different roles within a company. The directors are charged with the general management of the company and we have seen that they make their decisions in board meetings. Members are the owners of the business and are not given any powers of direct management. However, as owners, they do have some decision-making powers. These fall into two categories, and the first is decisions which are reserved to members alone and which generally relate to matters of a constitutional nature. These types of decision are relatively infrequent. This Unit concentrates on this type of decision. The second type of members' decision is where the board has to seek permission from the members before passing board resolutions, usually to guard against the potential wrongdoing of directors. You will concentrate on this type of members' decision in Unit 8.

Traditionally, members have exercised their decision-making powers by attending general meetings. This remains a common means of allowing members to vote on resolutions. The procedure involved in calling general meetings is set out in the Companies Act 2006 (subject to any changes made by the company's own articles). Strict rules on documentation and notice periods are laid down.

Companies often use a short notice procedure for general meetings. It is useful to be able to call meetings quickly in a business situation and calling a meeting on full notice can be very slow. In the Unit you will look at the procedure involved in calling a general meeting on short notice.

Further, sometimes it will not be possible (or desirable) to call a meeting at all and the company may prefer the members to exercise their votes through the written resolution procedure. This procedure is being used more and more as digital communication becomes the norm. Once again, strict rules apply to ensure this procedure is conducted fairly and those rules are set out in the Companies Act 2006.

Whichever method is chosen, it is also important to appreciate how the members will actually exercise their votes, since there are different rules for each different procedure and the method chosen may have an impact on the fate of any given resolution.

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