

CUMNOR CRICKET CLUB**Constitution**
September 2009Name

1. The name of the Club shall be "Cumnor Cricket Club".
2. The principal objective of the Club is to provide facilities for and promote participation in the playing of the game of cricket, according the Laws of the Marylebone Cricket Club, by the whole community. The Club also commits itself to discharging a duty of care to all club members to:
 - (a) adopt and implement the ECB's "Safe Hands" Policy (or any future version thereof); and
 - (b) adopt and implement the ECB's "Cricket Equity" Policy (or any future version thereof).

Membership

3. The Club will be a Members Club, comprising Playing Members and Social Members. Membership of the Club will be open to any person regardless of age, gender, race, ethnic origin, disability, creed, colour social status or sexual orientation. The types of membership are:
 - (a) Full playing Membership, which includes membership for partner and children.
 - (b) Student Membership.
 - (c) Junior Membership, which includes Social Membership for parents.
 - (d) Social Membership.
4. The Club shall be run according to this Constitution and such Rules as may be made from time to time pursuant to clause [14] hereof. Any person who becomes a member of the Club shall be deemed to have accepted and agreed to the affairs of the Club being administered in accordance with the Constitution and the Rules.
5. Voting rights at any general meeting of the club shall be restricted to full playing members and student members (not including any member in arrears with their subscription), and Trustees.
1. The level of subscriptions and match fees will be determined for the following season at the AGM and all subscriptions are payable by 1 April. Where a Playing member has not paid a subscription it may render him ineligible for selection. In any case where the General Committee is satisfied, on information provided to it before 1 April, that any Playing member will be available only for a limited part of a season such that in the opinion of the Committee it would be unfair to require that he pays a full subscription, the Committee may, at its absolute discretion, direct that such Playing member shall pay a proportion of his subscription (which may, if the Committee so directs, be payable by way of increased match fee).

2. Applications for all categories of membership, excluding 3(c), should be made on the appropriate form and require a proposer and seconder from the current membership. The application process will be posted on the Club noticeboard. The outcome of an application will be made within one month by the General Committee or its nominated sub-group. A simple majority vote in favour shall decide admittance.
3. If membership of the Club is refused there shall be the right to appeal the decision of the General Committee or its nominated sub-group through the calling of an Extra-Ordinary General Meeting of the Club as outlined in clause [26]. The decision of that meeting shall be final and binding.

General Committee

4. The affairs of the Club will be administered by a General Committee that will be elected at the Annual General Meeting.
5. The General Committee will consist of the following officers:
 - a. Chairman
 - b. Treasurer
 - c. Secretary
 - d. Fixtures Secretary
 - e. Membership Secretary
 - f. Captains of each of the senior cricket playing elevens
 - g. Club Captain
 - h. Youth Team Manager
 - i. Four trustees
 - j. Child Welfare Officer
 - k. Up to four further Committee members.
6. In the event of a vacancy in any of the offices specified in clause [10] above, the General Committee shall continue to meet and exercise its powers under this Constitution, and nothing done by the General Committee shall thereby be rendered invalid.
7. In addition the General Committee has the power to co-opt further members if it deems that to be necessary.
8. To be recognised as a quorate meeting there must be a minimum of seven members of the General Committee, elected or co-opted, present at the meeting.
9. The General Committee shall make Club Rules which may prescribe how the affairs of the Club are to be conducted, and such Rules shall be binding on the members of the Club. In the event that a Rule made pursuant to this clause conflicts with any provision of this Constitution, the Constitution shall prevail. Club Rules shall be notified to members in accordance with clause [49] hereof. Changes to the Rules shall take effect within such period (not being shorter than 14 days) as may be specified in such a notice.

10. The General Committee will meet with sufficient frequency to facilitate the smooth running of the Club. The General Committee may, in its absolute discretion, opt to work in Executive Groups and delegate certain responsibilities to any person(s) whom it shall think fit, but at all times it retains its decision-making authority.
11. The General Committee will appoint a Bar Committee, consisting of at least three members and including at least two General Committee members, whose function is to liaise with any Bar Manager or equivalent post. The General Committee, or its nominated sub-group, will draw up and oversee the Bar Manger's contract.
12. The General Committee shall, where appropriate, recommend to the AGM individuals it feels worthy of the position of Honorary Vice-President. Such nominees will have made an exceptional contribution, usually over a significant length of time, to Cumnor Cricket Club.

Indemnity and Insurance

13. Save in the case of any act or omission resulting in death or personal injury, and save in any case of bad faith, the General Committee (and each member thereof acting in that capacity) shall have no liability in connection with or arising out of any act or omission (whether negligent or not) done or omitted to be done in the discharge or purported discharge of its (or their) functions.
14. The General Committee shall take such steps as are reasonable to take out and maintain in force an insurance policy covering the premises and goods of the Club against the usual perils, and covering the legal liabilities of the Club, its officers and members.
15. Save in any case of bad faith, the General Committee (and each member thereof acting in that capacity) shall be entitled to indemnity from the funds and assets of the Club in respect of any legal liability (including liability for its/their own and/or third party costs) which it or they incur arising out of any act or omission (whether negligent or not) done or omitted to be done in the discharge or purported discharge of its (or their) functions, provided always that:
 - i. this indemnity shall not apply if and to the extent that such liability is discharged by insurers under the policy taken out pursuant to clause [19] above; and
 - ii. any person claiming indemnity pursuant to this clause shall, as a condition precedent to the right to indemnity, first take such steps as may be reasonable to obtain indemnity from the said insurance policy.

Officers of the Club

16. The General Committee will nominate at the AGM a candidate for President of the Club; the AGM will either accept or reject this nomination by a simple majority vote.
17. The Chairman will take the Chair at the AGM and all General Committee meetings at which he is present and, when unable to attend, will nominate a deputy.

18. The Club Captain (who may also be a Captain of one of the playing elevens) will represent the Club at all external senior cricket-related meetings and if unable to attend, may nominate a deputy.
19. A current description of the roles of all officers forms part of the Rules of the Club and is not part of the Constitution.

General Meetings of the Club

25.a) The Annual General Meeting of the Club will be held no later than the end of October. Only Full Playing Members, Student Members and Trustees shall be entitled to vote at the AGM. All nominations for officers must have the prior agreement of the nominee and be formally seconded, and shall be submitted in writing to the Secretary no later than [14] days before the date of the AGM. The Secretary shall give notice to members of all nominations received, no later than [7] days before the AGM. Unless a candidate has been duly nominated in accordance with this clause, he may not stand for election at the AGM, save that: where no nominations have been received for a particular post in accordance with this clause; or

- b) where any properly nominated candidate does not object to a rival candidate being nominated otherwise that in accordance with this clause;

the Chairman of the AGM may, in his absolute discretion, accept nominations at the AGM (but shall not be bound to do so).

26. An Extra-Ordinary General Meeting of the Club shall be called within 21 days of the application in writing to the Secretary (or in his/her absence to the Chairman) by at least ten (10) Members with voting rights.

27. The Secretary will notify (in accordance with clause [49] hereof) all Members with voting rights of the date of the AGM and any Extra-Ordinary General Meeting at least 14 days prior to the meeting.

28. All proposals and items for discussion should be submitted to the Secretary, in writing, at least 7 days prior to the meeting. Proposals from the floor of a meeting will only be permitted in extraordinary circumstances at the absolute discretion of the Chairman of the meeting.

29. Any voting shall normally be by show of hands but the Chairman must, at the request of two or more members entitled to vote, conduct a secret ballot on any proposal or election. Such ballot shall be undertaken by two scrutineers, appointed by the Chairman, who shall be persons not nominated for any post or office which is the subject of the ballot and/or shall (so far as possible) be persons not personally affected by outcome of the ballot.

30. Subject to clauses [41] to [43] hereof, all resolutions passed by a majority of members voting at any meeting shall be deemed carried. In the event of a tie, the Chairman of the meeting shall exercise a casting vote.

31. It shall be the duty of the Secretary to present a brief report of the Club's activities over the previous twelve months to the AGM.
32. It shall be the duty of the Treasurer to present a statement of the Club's accounts to the AGM to cover the financial year 1 April to 31 March which has most recently concluded. The statement shall have been audited by a person appointed at the previous year's AGM.
33. It shall be the duty of the Club Captain to present a report on the Club's cricketing exploits from the recent season, although this will normally be delegated, by agreement, to the Captains of the playing elevens.

Suspension and Expulsion from Membership

34. The Bar Manager, or his delegated representative, has the authority to temporarily suspend any member of the Club from the premises for a period not exceeding one month. Such a suspension must be reported, in writing, to the Secretary within three days as a disciplinary issue with the meaning of clause [35].
35. Disciplinary issues may arise as follows:
 - i. upon a report made to the General Committee pursuant to clause [34];
 - ii. upon a report of unsatisfactory conduct during or in connection with any match played by a Club XI, where such report is received from the Captain of the relevant XI, the opposing club or any umpire, or any League official;
 - iii. upon the General Committee resolving that a disciplinary issue of any kind has arisen, in which event a brief written report shall be prepared by the Secretary setting out the facts giving rise to that issue.
36. The General Committee, or its nominated sub-group, shall consider any disciplinary issue arising, within 21 days of any report or resolution of a kind mentioned in clause [35]. A copy of any report giving rise to a disciplinary issue shall be supplied to the accused person not less than 14 days before any such meeting.
37. The General Committee or its nominated sub-group shall have power to:
 - i. suspend any member for such period as it shall think fit;
 - ii. rescind, extend or vary any suspension imposed pursuant to clause [34];
 - iii. direct that any playing member of the Club shall not be considered for selection for any or all club XIs for such period as it thinks fit;
 - iv. expel a member from the Club;

and

 - v. impose any conditions which it thinks fit upon any suspension, direction or expulsion.
38. In determining any disciplinary issue, the General Committee or its nominated sub-group shall take into account such report as has been made pursuant to clause [35], and any written statement of facts and/or representations as the accused person may submit to the Secretary not less than 5 days before the meeting. The General Committee or nominated sub-group shall (at its absolute discretion) be entitled (but

not bound) to hear oral evidence and/or representations at such a meeting. The General Committee or sub-group has absolute discretion as to what action if any it shall take pursuant to clause [37], subject only to the requirements that it observes the rules of natural justice and acts in good faith.

39. There shall be the right to appeal a decision of the General Committee or its nominated sub-group on any disciplinary issue through the calling of an Extra-Ordinary General Meeting of the Club as outlined in clause [26]. The decision of the meeting shall be final and binding.
40. Where membership is suspended or a member is expelled there will be no eligibility for the refunding, in full or in part, of the membership subscription.

Alterations to the Constitution

41. No alteration to the Club's Constitution may be made except at the AGM or at an Extra-Ordinary General Meeting of the Club. All proposals for a change in the Constitution must be made, in writing, to the Secretary at least 21 days prior to the AGM or at the time of an application for an Extra-Ordinary General Meeting. If the proposal for change does not originate from the General Committee then it must have the support of at least ten (10) Members with voting rights.
42. An alteration to the Constitution can only be made at a meeting that is attended by more than 25% of the Members with voting rights. In addition, an alteration requires the support of a two-thirds majority of those in attendance or those Members with voting rights who have indicated their support for, or objection to, the alteration in writing to the Secretary at least seven days prior to the meeting.
43. No amendments to proposals for alterations to the Constitution will be accepted once the proposal has been submitted, save at the absolute discretion of the Chairman of the relevant meeting.

Property and Finance

44. The Income and Property of the Club shall be applied solely towards promoting the Club's objectives, as set forth in this Constitution, and no portion thereof shall be paid or transferred, directly or indirectly, to the members of the Club.
45. The Property of the Club (excluding cash) shall be held on Trust for the Club by four Trustees who shall be appointed by the General Committee and approved by the AGM. The General Committee shall have the power to remove Trustees and appoint Trustees to fill vacancies caused by removal, resignation or death. The Property of the Club shall be dealt with by the Trustees as the General Committee shall direct.
46. The cash assets of the Club shall be held by the Treasurer on Trust for the Club. The Treasurer shall provide regular updates to the General Committee about the Club's financial position. The Treasurer, the Chairman, the Secretary and the Club Captain may authorise payments to Level 1. The Finance Committee, consisting of the Treasurer and at least two further General Committee members, may authorise payments to Level 2. The General Committee may authorise payments to Level 3. All

payments above Level 3 must be agreed by the AGM or an Extra-Ordinary General meeting of the Club. (See Club rules for current Authorised Payment Levels).

47. The General Committee shall recommend the Authorised Payment Levels to the AGM.

Dissolution

48. Dissolution

- a) If at any General Meeting of the club, a resolution be passed calling for the dissolution of the club, the Secretary shall immediately convene a Special General Meeting of the club to be held not less than one month thereafter to discuss and vote on the resolution.
- b) If at that Special Meeting, the resolution is carried by at least two-thirds (three quarters) of the Full Voting Membership present at the meeting, the Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the club and discharge all debts and liabilities of the club.
- c) The Committee will then be responsible for the orderly winding up of the club's affairs.
- d) After settling all liabilities of the club, the Committee shall dispose of the net assets remaining to one or more of the following:
 - i. A Community Amateur Sports Club (CASC) which can provide for the furtherance of cricket and other sports in the Parish of Cumnor,
 - ii. Another club which is CASC registered,
 - iii. The England & Wales Cricket Board for use by them for community sports;
 - iv. A registered charitable organisation(s).

Notices

49. Whilst the Secretary shall use best endeavours to give notice to members of any relevant matter by post, email or otherwise at his or her discretion, any notice required to be given by the provisions of this Constitution shall be deemed to be sufficiently given by displaying written particulars of the relevant matters upon the club notice board.

Governing Law and Jurisdiction

50. This Constitution and any Rules of the Club shall be governed by and construed according to the laws of England and Wales, and the Courts of England and Wales shall have exclusive jurisdiction in relation to any legal proceedings.