

CONSTITUTION

OF

MILNERTON CRICKET CLUB



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DOCUMENT INFORMATION

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2.1	05-Jul-2013	Document Information, History and Approval page added

DOCUMENT APPROVED

Signed:	
Club Position:	Chairman
Date:	5/7/2013

A. PROFILE

1. NAME

The name of the club shall be:- Milnerton Cricket Club

2. COLOURS

- (a) The colour of the club shall be:- Navy Blue
- (b) The Club Blazer shall be: Navy Blue Blazer with a badge incorporating a Stag's Head in White with the words Milnerton Cricket Club at the base of the badge.
- (c) The Club Cap shall be:- Navy Blue.
- (d) The Club Tie shall consist of:- i. Stag's Head
ii. Milnerton Cricket Club

3. HEADQUARTERS

The Headquarters of the Club shall be located at Theo Marais Park.

4. OBJECT OF THE CLUB

The dominant object of the club shall be the playing of, promotion and development of the game of cricket, but as subsidiary thereto, the Club may engage in promotion and playing of any games, sports or pastimes, either outdoor or indoor, and shall incidentally have power to create and provide for the benefit of its members all such amenities and facilities as are provided by an ordinary Social Club.

5. PRINCIPLES

The Club is founded on; inter alia, the following principles

- 5.1. The participation of all inhabitants of South Africa in cricket without distinction based on colour, race, creed, religion or sex.
- 5.2. Mutual respect for members "inter se" of the W P Cricket Association.
- 5.3. Strict adherence to the principle of non - racialism and the opposition to discrimination of any sort.
- 5.4. Strict adherence to the principle of democracy and accountability.
- 5.5. The active addressing of the imbalances in cricket by developing administering and providing opportunities for all who wish to play cricket.
- 5.6. The Laws of Cricket as adopted by "Cricket South Africa" together with the authorised interpretations and decisions thereon.
- 5.7. Affiliation to the WP Cricket Association and be subject to the Constitution, Bye Laws and Code of Behaviour of such Association.

B. MANAGEMENT OF THE CLUB

6. STRUCTURE

6.1. The Club shall be managed by a Committee, (hereinafter referred to as "the Committee")

6.2. The Committee shall consist of, and be elected by, full members of the club at the Annual General Meeting of the club and shall hold office from the date of their appointment until the next succeeding Annual General meeting.

6.3. The following shall comprise the Committee:

- a. The President
- b. The Vice-President(s)
- c. The Club Chairman
- d. The Club Vice-Chairman (who will be the Chairman of the Junior Section Sub Committee)
- e. The Senior Section Club Captain
- f. The Junior Section Club Captain
- g. The Club Secretary
- h. The Match Secretary
- i. The Treasurer
- j. The Events' Co-ordinator
- k. The Facilities' Manager

No committee member may fill more than one portfolio at the same time

6.4. REPLACEMENT / CO - OPTION OF MEMBERS OF THE COMMITTEE

The Committee shall have the power to –

- a) Replace a member of the Committee who has resigned or who has not attended three consecutive meetings and has not been granted leave of absence by the Committee.
- b) To co-opt an additional member or members.

6.5. QUORUM OF COMMITTEE

The committee shall constitute a quorum when present at a meeting of the committee there are one full member more than half of the incumbent committee members.

6.6. EXECUTIVE COMMITTEE (hereinafter referred to as " the Executive.")

The Executive shall comprise –

- a) The Club Chairman
- b) The Club Vice Chairman
- c) The Club Secretary
- d) The Treasurer
- e) Facilities' Manager

6.7. **DICIPLINARY COMMITTEE (DC)**

The DC shall comprise:

6.7.1 “On the field” transgressions (Junior Section)

- a) Junior Section Club Captain (Chairman of Meeting)
- b) The Club Vice Chairman
- c) Manager/Coach of offending junior team member

6.7.1 “On the field” transgressions (Senior Section)

- a) The Senior Section Club Captain (Chairman of Meeting)
- b) The Club Chairman
- c) Captain of Team of the offending member

6.7.2 “Off the field” transgressions (Junior or Senior Sections)

- a) The Club Chairman
- b) The President or Vice President
- c) The Junior or Senior Section Club Captain

6.8. JUNIOR SECTION SUB COMMITTEE

- a) The Club Vice Chairman
 - b) The Junior Section Club Captain
 - c) The Secretary
 - d) The Match Secretary
 - e) The Treasurer
- } co-opted onto Junior Section sub committee

7. **DUTIES AND POWERS OF THE COMMITTEE AND EXECUTIVE COMMITTEE**

7.1. The COMMITTEE shall have the power to:-

- a) Arrange matches;
- b) Appoint sub - committees;
- c) Accept members;
- d) Approve Rules and Bye-Laws for the regulation of the affair of the Club, Provided such Rules and bye-Laws are not in conflict with the Constitution of the Club;
- e) Administer the finances and assets of the Club, including the approval of all expenditure
- f) To appoint and discharge all officials on terms and conditions approved by the Committee
- g) To do all such things as it may consider necessary or desirable for the benefit of the club
- h) To solicit, obtain or accept subscriptions, donations or gifts (whether real or personal estate) and legacies and bequests for any purpose or purposes within the objects of the Club; from any person, company, corporation, institute or association whatsoever;
- i) To borrow or raise money for the purpose of the Club on such terms and on such security as may be deemed fit by the Management Committee;
- j) To sell, dispose of or turn to account all or any of the assets of the Club as may be thought expedient with view to the promotion of its objects.
- k) To institute or defend any legal proceedings brought by or against the Club.

7.2. THE EXECUTIVE shall have power to act only in matters of urgency where it is not practicable to convene a meeting of the Committee to deal with the urgency issue. Any decision taken by the executive in such circumstances shall be binding on the Committee and shall be ratified at the next meeting of the Committee.

7.3. The Committee will formally meet at least once every two (2) months and minutes from the meeting will be distributed to all Committee members within fourteen (14) days of the meeting being held. The Committee shall cause a record of its proceedings to be kept, and the accounts of the Club shall be kept in proper books of account which shall be audited annually.

7.4. The financial year of the Club shall end on the 30th of April.

8. INDEMNIFYING OF MEMBERS OF THE COMMITTEE

All acts done by the Committee or an individual member of the Committee in the bona fide execution of their duty shall be deemed to have been done by the Club as a whole, and the members of the Committee in their individual capacities shall incur no further liabilities in respect of such acts other than would be incurred by any other member of the Club in their individual capacity.

9. DISCIPLINARY MATTERS

9.1. Any member of the Club may be expelled or suspended forthwith by a decision of the Committee if in the opinion of the Committee such member has committed any wilful breach of the Constitution, Rules and Bye-Laws or Regulations of the Club or the Western Province Cricket Association; or whose presence at the Club; or whose membership is deemed to be prejudicial to the interest or reputation of the Club; or whose presence or membership is objectionable to the members of the Club, or has been guilty of unbecoming conduct prejudicial to the interests and reputation of the Club.

9.2. Any such member as specified in the previous clause (9.1) shall be afforded by the Committee an opportunity of disproving, explaining or justifying his conduct before any decision upon his suspension or expulsion is taken.

9.3. It shall not be incumbent upon the Committee to state its reason for suspension or expulsion of a member of the Club unless requested to do so in writing. This procedure must be handled within fourteen (14) days

9.4. Any member of the Club, whether directly concerned or otherwise, shall have the right to appeal to a General Meeting of the Club against the decision of the Committee in terms of the previous clause, provided that such a member gives notice in writing to the Executive of such appeal within twenty one (21) days of notification of such decision.

10. SELECTION OF TEAMS

The Senior Section Selection Committee shall consist of :-

- a) Club Captain
- b) The Captain of the team to be selected,
- c) The Captain of the next Team, or their respective nominees.

11. SELECTION OF TEAM CAPTAINS AND VICE-CAPTAINS

11.1. The 1st Team Captain will be selected by the Committee.

11.2. The Committee shall determine the procedure for selection of the other team captains.

11.3. The election of the Vice Captain may be done by the Team Captains.

C. MEMBERSHIP OF THE CLUB

12. CLASSES

The Membership of the Club consist of Honorary, Life, Ordinary, Social, Student, Scholar and Parent Members

Defined as follows:

- a) HONORARY MEMBERS are persons who, by reason of holding a public office or having rendered some special benefit or service to the Club, may be nominated on an annual basis as an Honorary Member by the Committee and shall thereafter be entitled to all privileges of members without payment of any annual subscription to the Club.

Ordinary members, as hereinafter defined, shall be entitled to nominate Honorary members. Such nomination(s) must be submitted in writing to the Committee for approval and shall reach the Secretary not later than 7 days prior to the AGM in each year.

- b) LIFE MEMBER – shall mean a person proposed by the Committee and who has been so elected at an Annual General Meeting or Special General Meeting of the Club in recognition of services rendered to or interest shown in the Club and thereafter shall be entitled to all the privileges of membership without payment of any annual subscription to the Club.
- c) ORDINARY MEMBERS shall be those members who have been elected to the full privileges of the Club and shall consist of Senior Members, who have attained the age of 19 years at 1 January, and Junior Member who are below the age of 19 at 1 January.
- d) SOCIAL MEMBERS shall be members who have been elected to this class of membership and shall be entitled to all privileges of the Club but shall not be entitled to represent the Club in League matches.
- e) STUDENT MEMBERS shall be those members who are at college or university on a full-time basis and who are not self-supporting.
- f) SCHOLARS shall be those members who are at school, up to Grade 12. This class of member shall not vote
- g) PARENT MEMBERS shall mean one parent or guardian for each child/family enrolled as a Junior Member. A parent member has the same voting rights as any other ordinary member that can vote only once, but is a non-Playing member.

The Secretary shall maintain a register of all members of the Club and such register shall record all elections, resignations, terminations, expulsions and deaths of members

The list of members in any class of membership may be closed by resolution of the Committee.

In this Constitution full membership means all classes of members except scholars.

13. ELECTION TO MEMBERSHIP OF THE CLUB

Only those persons shall be members of the Club who have been duly admitted to one of the classes of membership set out in clause 12. All members of the Club as at the date of coming into force of this Constitution shall continue as members without having to make a new application for membership.

Intending members shall make application for membership on the prescribed form and shall be proposed and seconded by two members of the Club.

The election of Club members shall in all cases be by a majority of the Committee who shall be satisfied that the applicant has been cleared by his previous Club, provided that such Club falls under the jurisdiction of the Western Province Cricket Association. The Committee may delegate its power of acceptance of playing members to the Selection Committee whose decision must be confirmed by the Committee at its next meeting.

14. LIMITATIONS

Members shall acquire no right, title, interest, claim or demand in or to any monies, property, or assets of the Club but shall only acquire the right and privilege of entering in and upon the Club premises and of using and enjoying the same free of charge in accordance with the use to which the same is denoted by the Committee of the Club and subject to such reasonable restrictions as the Committee may from time to time impose and subject to the Rules and Byelaws of the Club from time to time in force.

15. LIABILITY OF MEMBERS

All Contracts entered into with or on behalf of the Club shall be deemed to be entered into on the basis that credit is given solely to the Club as a body to the extent of its fund and assets, and that no personal liability shall attach to any member of the Club for any such contract whether or not the member participated in the making or authorisation of the contract

16. ANNUAL SUBSCRIPTIONS

16.1. The liability of a member shall be limited to the amount unpaid in respect of subscription and to any such amount as the member may from time to time owe in respect of fees and charges.

16.2. The annual subscription is due at the beginning of each season and must be paid to the Treasurer or such person delegated by him on or before 1st November each year. In the event the subscription of a playing member being unpaid by 30 November the defaulter shall not be eligible to participate in any match thereafter until such subscription has been paid. Such defaulter shall not, however, be released from his liability or obligation as a member, and the Committee may take such steps as it considers fit to recover the outstanding subscription.

16.3. The Committee shall be empowered to exercise its discretion and waive this condition should circumstances so demand.

17. TERMINATION

A member may terminate his membership in writing addressed to the Secretary of the Club. Such member must obtain a clearance certificate on resignation should it be the intention to play cricket at time thereafter.

D. MEETINGS

18. ANNUAL GENERAL MEETING

- 18.1. The Annual General Meeting of Members of the Club shall be held on or before the 31st May in each year, at such place and at such time as the Committee may fix the purpose of dealing with the business set out in item 18.6.
- 18.2. Seven (7) clear days' notice of the date, venue and time at which such meeting is to be held shall be given in writing under the hand of the Secretary to all members.
- 18.3. Twelve (12) members present and entitled to vote shall form a quorum.
- 18.4. The Club Chairman shall preside over the Annual General Meeting and, in his absence the Vice Chairman shall preside over such meeting
- 18.5. All members shall be entitled to attend and speak at the Annual General Meeting but only Honorary, Life, Ordinary, Social, Student and Parent Members shall be entitled to vote at such meetings.
- 18.6. The business of the Annual General Meeting shall be-
- a) To confirm the Minutes of the previous Annual General Meeting and any Special General Meeting or Meeting held since the previous Annual General Meeting;
 - b) To receive, consider and adopt the Committee's report in respect of the previous year;
 - c) To receive, consider and adopt the Financial Statements and the Treasurer's report in respect of the previous year;
 - d) The election of the following person for the ensuing year -
 - ii. President;
 - iii. Vice-President(s);
 - iv. The Club Chairman;
 - v. The Club Vice-Chairman;
 - vi. The Senior Club Captain;
 - vii. The Junior Club Captain;
 - viii. The Club Secretary;
 - ix. The Match Secretary;
 - x. The Treasurer;
 - xi. The Events' Co-ordinator;
 - xii. Facilities' Manager
 - xiii. Life Members
 - e) All candidates for the election of office must signify their willingness to stand for election, either in person at the meeting, or in writing before the meeting.
 - f) To consider any special business, notice of which has been given to the Honorary Secretary not later than seven (7) days prior to the AGM.
 - g) General Business.

Unresolved matters discussed or debated at the AGM may not be carried over for decision by the new incoming committee unless further investigation on the matter is required. In the event of a decision pending further investigation/discussion by the incoming committee these decisions may not become final until a SGM is called and report back is given to the meeting for a final decision. This decision will then be communicated to all members.

19. SPECIAL GENERAL MEETING (SGM)

- 19.1. The Committee may call a Special General Meeting of members of the Club for any special purpose, provided notice thereof specifying the purpose of the meeting be given in writing to all members at least seven (7) clear days before the date set for the Special General meeting.
- 19.2. The Committee shall call a Special General Meeting of Members when so requested by a written requisition signed by at least eight (8) full members, within fourteen days of the receipt of such requisition by the Club Secretary.
- 19.3. At Special General Meeting convened in terms of Clauses 19.1 and 19.2 only the business for which the meeting has been called shall be considered.
- 19.4. A quorum at a Special General Meeting convened in terms of clauses 19.1 and 19.2 shall be twelve (12) members present and entitled to vote.
- 19.5. The Club Chairman shall preside over a Special General Meeting but, should he be absent, the Club Vice Chairman shall preside over such meeting.

20. QUORUM AT MEETINGS

The Quorum required at meeting of members of the club and the Committee shall be as follows:

- a) At any Annual or Special General Meeting of members of the Club twelve (12) full members;
- b) At a meeting of the Committee of the Club, half the number of Committee members plus one (1) Committee member.

If a quorum is not present within half an hour of the time fixed for the holding of any meeting of the club or committee, such meeting shall be postponed to the same day and hour in the following week, and at the adjourned meeting the members present shall be deemed to be a quorum.

If at any stage of a meeting members leave thereby creating a situation where there is no longer a quorum the meeting must immediately discontinue and the discussion of further matters must be postponed until a quorum is again present. This must be reflected as such in the minutes.

21. VOTING AT MEETINGS

- 21.1. Voting at all meetings of the club, the Committee or any Special Committee of the Club shall be by show of hands, unless a majority of members present at such a meeting demand a ballot, or unless otherwise provided for in this Constitution.
- 21.2. Unless otherwise specially provided, all decisions shall be by a majority vote, the Chairman of the meeting concerned having a casting vote in addition to his deliberative vote.
- 21.3. The Chairman of the meeting concerned shall announce whether or not any resolution put to the vote has been carried or not.

22. NOTICE TO REVIEW AND RESCIND

Notice to review and rescind any resolution passed at Annual General Meeting or Special General Meeting shall be given in writing to the Secretary within fourteen days of such resolution being passed and motion to review and rescind any such resolution shall be deemed not to be carried unless it be carried by a two-thirds majority of those present and entitled to vote thereon at the relevant meeting to debate the motion to review and rescind.

E. ADDENDUMS AND AMENDMENTS

23. ADDENDUMS TO THE CONSTITUTION

The following documents are considered to be part of this constitution and thus need to be accepted together with the constitution annually at the AGM.

- Code of Conduct (Senior Section)
- Code of Conduct (Junior Section)

The Codes of Conduct may be amended from time to time by the committee for immediate implementation however these amendments must simultaneously be communicated to all members as well as presented to the members for final ratification at the next AGM.

24. AMENDMENTS TO CONSTITUTION

The Constitution of the Club may be altered from time to time, provided that –

- 23.1. Any amendment to the constitution may only be considered a Special General Meeting of the club held on the same date as, but prior to, the Annual Meeting of the Club.
- 23.2. Due notice of the amendment is furnished to all members of the Club with the notice of the Annual General Meeting, but should a notice inadvertently not be sent to any member, this omission shall not invalidate the meeting in question.
- 23.3. The amendment is adopted by at least two thirds of the eligible members present and voting at the Special General Meeting called for this purpose.

25. INTERPRETATION OF THIS CONSTITUTION, RULES AND BYE-LAWS

If any doubt or dispute shall arise as to the proper construction or interpretation of any of the clauses of this Constitution or of any of the Rules or Bye-Laws of the Club, the matter shall be referred to the Committee whose decision shall be final unless such decision is reversed by a two-thirds majority of eligible member present and voting at a Special General Meeting.

26. WINDING UP OF THE CLUB

In the event of the dissolution or winding up of the Club, the members shall decide as to the disposal of the assets at a Special General Meeting called for that purpose.

[END]