

Draft v.5 dated 22<sup>nd</sup> October 2011

*Key to changes to the rules proposed for 2011 AGM:*

*New (additional) text is underlined.*

*Text to be deleted is shown ~~struck through~~.*

## **CONSTITUTION AND RULES**

**OF**

### **MONKSTOWN LAWN TENNIS CLUB**

(as amended at the Annual General Meeting of  
[ ] November 2007~~11~~)

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#### **SECTION 1. NAME, ADDRESS, COLOURS AND OBJECTS**

##### **Name and Address**

1. The name of the Club shall be "~~The~~ Monkstown Lawn Tennis Club", hereinafter referred to as "the Club". The ~~registered~~ address and premises of the Club shall be at ~~St. John's Park~~, Upper Mounttown, Monkstown, Co. Dublin.

##### **Colours**

2. The colours of the Club shall be Dark Blue and Old Gold.

##### **Objects**

3. The objects of the Club shall be:
  - (a) The promotion of the game of tennis and other associated athletic sports.
  - (b) The provision and maintenance of the club house and playing facilities for its members.
  - (c) The doing of all other things necessary or conducive to the above.

##### **Declaration**

4. The Club hereby declares its affiliation fully to the rules and regulations of Tennis Ireland.

#### **SECTION 2. MEMBERSHIP**

5. (a) The membership of the club shall consist of the Honorary Life, Paid Up Life and Ordinary members.
- (b) Ordinary membership shall consist of Family, Senior, Life, Pavilion, Student and Junior Members and such other categories of Ordinary members as the Executive Committee may in its discretion decide to create.
- (c) The number of Ordinary members shall be at the discretion of the Executive Committee.
- (d) The Executive Committee may from time to time regulate the number of members admissible into any or each category of membership.

**Ordinary Senior Members**

- (e) (i) Senior membership shall consist of all members who have reached their eighteenth birthday on or before January 1<sup>st</sup>.
- (ii) Senior members may take part in all activities of the club.

**Family Members**

- (f) (i) Family members shall be those families who have applied for and have been admitted to family membership.
- (ii) A family shall consist of parents or guardians and their children who are under the age of 18 years, or who are full-time students on January 1st.
- (iii) Parents or guardians and full-time students over 18 years who are part of the family membership shall rank with ordinary members and shall enjoy the same rights and privileges as ordinary members.

**Pavilion Members**

- (g) (i) Pavilion members shall be those members who having reached the age of eighteen years on January 1st do not wish to play tennis.
- (ii) Pavilion members shall have the same rights and privileges as ordinary members except that they may not use the courts and shall have no voting rights.

(h) **Student Members**

- (i) Student members shall be persons who have reached the age of eighteen years on January 1<sup>st</sup> and are in full-time education or engaged in study or training for a professional or vocational qualification or whose circumstances are such that the Executive Committee deems it appropriate in its discretion to grant Student member status to the persons in question.
- (ii) Student members shall be aged not more than twenty eight years on January 1<sup>st</sup> save, however, that the Executive Committee may in its

discretion grant Student member status to a person aged more than twenty eight years.

- (iii) Student members shall have the same rights and privileges as Senior members.

#### **Junior Members**

- (i) (i) Junior members shall be those members who have not reached their eighteenth birthday on January 1<sup>st</sup>.
- (ii) Applications for junior membership shall be signed by one parent or guardian.
- (iii) Junior members may use the facilities of the club only at such times and under such conditions as the Executive Committee may from time to time lay down,
- (iv) No person under the age of eighteen years whether he be a visitor or a member shall have supplied to him excisable liquor on the club premises,
- (v) Junior members shall not have the right to attend and vote at general meetings or to propose or second motions at general meetings.

#### **Honorary Life**

- (j) The Club at a ~~G~~general ~~M~~meeting may upon the unanimous recommendation of the Executive Committee, elect honorary life members in recognition of their services to the club or to the game of tennis. Honorary life members shall have the rights of ordinary members.

#### **Leave of absence**

- ~~(k) The Executive Committee may, in its discretion, grant leave of absence to a member on such terms and conditions as the Executive Committee deems appropriate. For the period of his absence, such a member shall not enjoy any of the rights of membership.~~

#### **Admission of Members**

- 6. (a) Applications for membership shall be in writing on the Club's official application form to the Honorary Secretary, or such other officer or employee as the Executive Committee may from time to time decide.
- (b) ~~All members shall be elected by the whole body of members or by the Executive Committee or governing body with or without specially added members.~~
- (c) ~~Each application for membership must be proposed by a Life, Ordinary or Pavilion Member, and seconded by another such member, to both of whom the applicant shall be personally known,~~

~~(d) The names and addresses of the persons proposed as ordinary members of the club shall be displayed in a conspicuous place on the Club premises for at least one week before their election and an interval of not less than two weeks shall elapse between nomination and election of ordinary members. Unless objections are received from 10 members within that period the person nominated shall be deemed to be elected.~~

(b) The procedures for admitting persons to membership shall be laid down by the Executive Committee from time to time. These procedures may include requirements for proposing and seconding or recommending of candidates, the display in the Club premises of the names of candidates for a stated period, a facility for members to object to candidates and so on. The Executive Committee shall be permitted to delegate to an officer or officers of the Club or to an employee or employees of the Club the power to accept or reject a candidate's application for membership.

### **SECTION 3. OFFICERS, COMMITTEES AND SUB-COMMITTEES**

#### **Executive Committee**

7. The Executive Committee shall comprise ~~of~~ the President, one Vice-President, Honorary Secretary, Honorary Treasurer, a men's captain, a ladies' captain together with five members. The Executive Committee shall include no fewer than three men and three ladies.

#### **Directions- Responsibilities, Rights and Duties of the Executive Committee**

8.1 The Executive Committee shall have the general control, direction and management of the affairs, funds and records of the Club and shall determine the policies to be pursued in the attainment of the objects for which the Club is formed. No member of the Executive Committee and no manager or servant employed by the Club shall have any personal interest in the sale of excisable liquors and goods therein or in the profit arising from such sale.

8.2 The President of the Club ~~who~~ shall preside at all meetings of the Executive Committee. In the absence of the President, the Executive Committee shall elect a Chairperson for that meeting. The President or, in his/her absence, the elected Chairperson of the meeting shall have a casting vote in addition to his/her own vote and his/her decision on a point of order shall be final.

8.3 The Executive Committee shall be empowered to make, amend and/or rescind bye-laws as the need arises for the general regulation of the Club. Bye-laws can be amended or set aside by a majority vote at a general or annual general meeting.

8.4 The Executive Committee, without prejudice to the generality of its management power, shall have the power in the name of and for and on behalf of the Club to employ a general manager or a secretary manager and such other staff under such terms and conditions as the Executive Committee may decide for the purposes of the Club and to dismiss suspend or discipline any person so employed as the Executive Committee shall deem fit and proper. Any employment agreement or termination notice for the purpose of this rule shall be in accordance with employment legislation and executed by any two Officers of the Club.

- 8.5 The Executive Committee shall be responsible for all assets of the Club.
- 8.6 The Executive Committee shall be responsible for formulating Club policy on the future development and direction of the Club in all its activities and for putting forward proposals in relation thereto for the approval of the members.
- 8.7 The Executive Committee shall ensure that all goods, supplies and services shall be purchased or otherwise acquired in accordance with procedures and conditions and within the limits laid down from time to time by the Executive Committee. In the case of emergency, however, an expenditure not exceeding €2000 may be approved provisionally by any two Officers.
- 8.8 The Executive Committee shall have no power to enter into any contract whereby the members are personally responsible for the performance thereof. If the Club's assets are insufficient to honour the terms of the contract with a supplier or provider of services, the members shall have no personal liability in respect thereof.
- 8.9 No major alterations shall be made to the Clubhouse, other buildings, or lands of the Club that would change the original character or design without first having plans drawn up. These plans to be displayed in the Clubhouse for a reasonable time. Subsequently, the Executive Committee of the day shall put these plans before a general meeting for approval by the members.
- 8.10 Any member introducing a visitor to the facilities of the Club shall first cause such visitor's name together with his or her own name, to be entered in a book provided for this purpose. Thereafter, such members will be fully responsible for the conduct and behaviour of his or her guest.
- 8.11 The Executive Committee may, however, suspend the use of the Club and/or Club facilities by visitors at any time and shall have the power to refuse the use of the Club facilities and/or Clubhouse to any particular visitor.
- 8.12 Trustees of the Club shall have the right to attend and be heard, but not vote at, meetings of the Executive Committee.

### **Finance**

- 8.13 The financial affairs of the Club shall be the responsibility of the Executive Committee in general and the Honorary Treasurer in particular. Correct accounts and books showing the financial affairs, receipts and disbursements of the Club shall be kept by the Honorary Treasurer or under his/her supervision.
- 8.14 The annual accounts of the Club, for submission to the annual general meeting, shall be prepared by the Honorary Treasurer or at his/her direction and audited by the Club's Auditor who shall be elected at the annual general meeting.
- 8.15 The Executive Committee shall be empowered to open bank accounts in the name of the Club and all transactions in these accounts shall be authorised by the Executive Committee. The Honorary Treasurer and at least one other officer or such persons who may be authorised in writing by the Executive Committee, shall have the power to write cheques or withdraw funds from the Club's bank accounts.

8.16 Subject to the authority of the Executive Committee, the Honorary Treasurer shall also have responsibility for the finances of the Club and shall monitor actual receipts and payments against the approved budgets. The Honorary Treasurer will have oversight of all payments made to the Club and shall ensure all such sums are lodged to the Club's bank account as soon as practicable.

8.17 The Executive Committee shall have the power to borrow for the purposes of the Club either at one time or from time to time whether on the security of the Club's assets and property or otherwise such amounts of money as may be sanctioned by resolution of an annual or special general meeting, in such form and at such rate of interest (if any) as shall be specified therein.

### **Committee Meetings**

9. The Executive Committee shall ~~not~~ meet not fewer than six times each year. The meetings shall be summoned in such manner and shall be held at such date, time and place as may be determined from time to time by the Committee.

### **Quorum**

10. Six members shall constitute a quorum for the transaction of business at any meeting of the Executive Committee. If within thirty minutes from the time appointed for the commencement of the meeting there is not a quorum, the meeting shall stand adjourned and provision for the holding of the adjourned meeting and the giving of notice thereof shall be as shall have previously been resolved by the Committee.

### **Vacation of Office**

11. The office of member of the Executive Committee shall be vacated, and such member shall be deemed to have vacated his office if the member:

- (i) is absent without due excuse accepted by the Executive Committee; from three consecutive meetings of the Executive Committee; or
- (ii) resigns his office by notice in writing to the Executive Committee.

### **Removal of Member of Executive Committee**

12. A member of the Executive Committee may be removed from office by ~~the two-thirds majority vote decision of a meeting of the Executive Committee at which not fewer than nine members are present of the Executive Committee voting at a meeting and at which the matter is discussed provided that no member shall be removed from office unless he has been given reasonable notice and opportunity to be represented and heard. The member whose removal is discussed at the meeting shall absent himself during the vote on the matter.~~ Notice of such removal shall be given to such member signed by ~~all members so voting.~~ the Honorary Secretary.

### **Casual Vacancies**

13. The Executive Committee shall have power to co-opt members to fill casual vacancies as they arise.

### **Election of Officers**

- 14.1 The President, one Vice-President, Honorary Secretary, Honorary Treasurer, Men's Captain, Ladies' Captain and other members of the Executive Committee shall be elected at the ~~A~~nnual ~~G~~eneral ~~M~~meeting.
- 14.2 Eligibility for members seeking election either as officers or members of the Executive Committee shall be restricted to Ordinary members
- 14.3 To be eligible to become an Officer, a candidate must be an Ordinary member of the Club for at least two years on the date of nomination.
- 14.4 Nominations for Officers and Executive Committee must be made with the nominee's consent and must reach the Honorary Secretary before the annual general meeting.
- 14.5 All candidates for the Executive Committee shall be proposed and seconded by Ordinary members and elected by ballot. In the event that there is more than one candidate for a post on the Executive Committee, a secret ballot shall be held for that post at the annual general meeting by the Chairperson. No proxies shall be allowed. If insufficient nominations are received, the Executive Committee elected, shall at its first meeting, co-opt members to fill the vacancies.
- 14.6 Officers and members of the Executive Committee must retire annually but shall be eligible for re-election without nomination.
- 14.7 Any Officer may vacate his or her office by resignation or by ceasing to be a member of the Club or by the action of the annual or special general meeting of the Club or in accordance with rule 12. The Executive Committee must, however, fill any such vacancy as soon as possible. The person appointed shall hold office until the next annual general meeting. Should a member of the Executive Committee resign during his or her period of office, the Executive Committee may operate notwithstanding that there be such a vacancy or vacancies.

#### **Junior Committee**

15. The election of a junior committee shall be at the discretion of the Executive Committee.

#### **Sub-Committees**

16. The Executive Committee may delegate any of their powers to sub-committees consisting of such member or members of the Executive Committee or Club as they think fit; any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Executive Committee. The President of the Club or his nominee shall be an ex officio member of all sub-committees.

### **SECTION 4. MEETINGS OF MEMBERS**

#### **Annual General Meeting**

- 17.1 The ~~A~~nnual ~~G~~eneral ~~M~~meeting of the members shall be held ~~each year between 1<sup>st</sup>~~ October of the current year and 31<sup>st</sup> January of the following year for the purposes of

~~the consideration of the accounts, reports on past and future activities of the Executive Committee, its committees, sub-committees or agencies, the election of officers, Executive Committee and honorary Auditor, to hold office until after the next Annual General Meeting, transacting the business described in sub-section 17.2 below and any business as may be deemed proper, at such date, time and place as may be determined by the Executive Committee. Subject to sub-clause (g) (ii) of rule 5, all Ordinary Mmembers of the Club over the age of 18 years shall have the right to vote at the Aannual Ggeneral Mmeeting and at Sspecial Ggeneral Mmeetings.~~

- 17.2 At the annual general meeting, the following business will be transacted:-
- (a) receiving the report of the Honorary Treasurer and the presentation of the annual accounts;
  - (b) the election of Officers for the coming year;
  - (c) the election of the Executive Committee for the coming year;
  - (d) to remove and elect the Auditor, or to confirm that he/she remains in office;
  - (e) the election of trustees if required in the year in question
  - (f) the alteration or amendment to any of these rules;
  - (g) to decide on any motion which may be submitted in accordance with rule 21.
- 17.3 The matters described at sub-section 17.2 (a) to (e) above shall be termed "ordinary business" for the purposes of these rules, and the matters described at sub-sections (f) and (g) above shall be termed "special business".
- 17.4 If the majority of members present wish any questions under discussion to be put to the vote by ballot, that mode of voting shall be adopted. Otherwise decisions will be taken by a show of hands.
- 17.5 Except as these rules provide otherwise, resolutions shall be passed by a simple majority.
- 17.6 It shall not be permissible for a member or trustee to re-open any matter comprising special business (as defined at rule 17.3 above) which is disposed of at an annual general meeting until a period of eighteen months shall have elapsed, save with the consent of the Executive Committee.

### **Notice of Meeting**

- 18 The Honorary Secretary shall cause not less than seven nor more than twenty-one clear days' notice to be given to each life, ordinary member over the age of eighteen, and pavilion member of an Aannual Ggeneral Mmeeting or Sspecial Ggeneral Mmeeting, Such notice shall be in writing, shall be served in accordance with clause 45 below, and shall specify the date, time and place of the Mmeeting, and the business to be transacted. The accidental omission to send such notice to a member or members shall not invalidate any decision taken at such meeting.

### Quorum

19. The quorum for an annual general meeting or special general meeting shall be twenty or one-third of the voting members, whichever is the lesser. No business shall be transacted if no quorum is present, in which case the meeting shall stand adjourned until a later date and provision for the adjourned meeting shall be governed by ~~Rule 20(b)~~, 20.2

### Chairman

- 20.1 The President, or in his/her absence, the Vice-President, or any member of the Executive Committee nominated by them shall preside as chairman at every annual general meeting and special general meeting. Such chairman shall act until the arrival of the President or Vice-President. ~~He~~ The President, or in his absence, the Vice-President, shall then assume the Chair.
- 20.2 The chairman may, with the consent of the annual general meeting at which a quorum is present, and shall if so directed by the meeting, adjourn the meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left at the meeting at which the adjournment took place. If at an adjourned meeting a quorum is not present within thirty five minutes of the time appointed for the meeting the members present shall constitute a quorum. Notice of an adjourned meeting shall be the same as that of a general meeting.
- 20.3 The Chairperson of an annual general meeting or special general meeting shall have a casting vote in addition to his/her own vote and his/her decision on a point of order shall be final.

### Motions

- 21.1 No motions may be moved at a general meeting except resolutions specified in the notice convening the meeting, motions which, under the rules are to be dealt with at the meeting, motions which may arise directly from the subject under discussion or are in the making nature of amendments, riders or addenda to such motions. It shall be open, however, for any member at such meeting to move the adjournment thereof or any vote of thanks, condolence or congratulations without notice. ~~motions of adjournment, votes of thanks and votes of condolence.~~
- 21.2 Motions for an annual general meeting may be proposed by (a) the Executive Committee or (b) by a member or trustee as set out in subsection 21.3 below.
- 21.3 A member with the right to vote or a trustee shall be entitled to have a motion placed on the agenda of the annual general meeting provided that:-
- (a) The motion is seconded by another member with the right to vote or by a trustee, and
  - (b) Notice of the motion is transmitted in writing to the Honorary Secretary twenty eight clear days in advance of the meeting in question together with the names of the proposer and seconder in order that the Executive Committee may have the opportunity of considering the subject matter of the motion.

21.4 Motions for special general meetings may be proposed as set out in rule 22 below.

21.5 In case any annual general meeting or special general meeting is adjourned for a period of seven days or more, any motion may be dealt with at such adjourned general meeting notwithstanding that notice thereof was not given in accordance with rule 21.3 (b) if such notice is given to the Honorary Secretary in writing at least six days before the date of such adjourned meeting and arises directly from the subject matter of a motion contained in the original notice of the meeting or is in the nature of an amendment, rider or addendum to such a motion.

### **Special General Meetings**

22.1 A special general meeting may be called by the Executive Committee or by the trustees or ~~and~~ shall be called by the Executive Committee on request in writing addressed to the Honorary Secretary of not less than twenty-five per cent or ten of the members entitled to vote, whichever is the less. The notice of any special general meeting shall contain a statement of the purpose for which the meeting is called and only the business specified in the notice shall be dealt with at such meeting. ~~The quorum for a special general meeting shall be the same as that for an annual general meeting.~~ The meeting must be called within 28 days of the receipt of the request.

22.3 The notice to be given of a special general meeting is as set out in rule 18 above.

22.4 The Chairperson of a special general meeting shall be appointed as set out in rule 20 above.

22.5 The quorum for a special general meeting shall be the same as that for an annual general meeting.

22.6 It shall not be permissible for a member or trustee to re-open any matter disposed of at a special general meeting until a period of eighteen months shall have elapsed, save with the consent of the Executive Committee.

22.7 Except as these rules provide otherwise, motions at a special general meeting shall be passed by a simple majority.

### **Honorary Secretary**

23. The Honorary Secretary shall conduct the correspondence of the Club and shall have custody of all documents of the Club. He/She will keep full and complete minutes of all meetings and records of competitions of the Club.

## **SECTION 5. FINANCE**

### **Finance**

24. The Club shall be financed by annual subscriptions and by such other methods as may be decided from time to time by the members in general meeting or by the Executive Committee. Correct accounts and books showing the financial affairs, receipts and disbursements of the Club shall be kept by the Honorary Treasurer.

### **Financial Year**

25. The financial year of the Club shall end on the last day of ~~December~~ September in each year.

### **Auditor**

26. An auditor shall be elected at the annual general meeting to audit the books and records of the club,

### **Subscriptions**

27. (i) The amount of the annual subscription for each class of membership shall be decided from time to time by ~~members in annual general meeting~~ the Executive Committee.
- (ii) The subscription of each member shall be payable on or before January 1st of each year.
- (iii) If any subscription has not been paid on or before April 1st, such person shall cease to be a member without however, avoiding his or her particular or general liabilities to the Club or Club trustees. The Executive Committee shall, in particular circumstances, have authority to reinstate lapsed members,
- (iv) Membership subscriptions are determined by the ~~members in annual general meeting~~ the Executive Committee and shall be payable by all members other than the President and Life Members.

## **SECTION 6. TOURNAMENTS**

### **Events**

28. The annual tournament shall consist of a men's, ladies', men's under 21, a ladies' under 21, men's doubles, ladies' doubles, mixed doubles, boys under 16 and girls under 16 championships when feasible and such other events as may be decided from time to time by the Executive Committee,

### **Eligibility**

29. The Club championships shall be open to all playing members except where specified by the Executive Committee.

### **Perpetual Trophies**

30. Perpetual trophies shall be held by the winners for the time being and must be returned by the holders to the Honorary Secretary on or before the beginning of the tournament in the succeeding year. The perpetual trophies shall not become the property of any holder who shall however, be responsible for any trophy in his or her possession.

### **Tournament Referee**

31. The Executive Committee shall appoint a tournament referee, whose decisions within the terms of reference laid down by the Executive Committee shall be binding on all matters concerning the running of the tournament.

#### **Other Tournaments**

32. The Executive Committee, or any other committee or sub-committee set up for the purpose, may arrange any other tournament or tennis competition from time to time, which may or may not be open to non-members.

### **SECTION 7 MISCELLANEOUS**

#### **Infringement of Rules and Misconduct**

- 33.1 A member of the Club may be the subject of disciplinary proceedings in the event of an alleged breach of the Club rules or bye-laws, or alleged misconduct, or an allegation of bringing the Club into disrepute.
- 33.2 The Disciplinary Committee of the Club shall be appointed by the Executive Committee and shall comprise at least three members of the Executive Committee or of the Club.
- 33.3 If an event or allegation as described in Rule 33.1 occurs, the Executive Committee shall write to the member concerned, advise him/her as to the nature of the allegation, and advise that the matter is to be addressed by the Disciplinary Committee of the Club.
- 33.4 The Disciplinary Committee shall have power to direct that an investigation be carried out as further outlined in this Rule 33.4 or in such other manner as it may direct. To that end, it may appoint one or more persons who are members of the Executive Committee or of the Club to investigate the matter. The investigator(s) shall have power to investigate the matter, which may include interviewing the complainant(s), if any, and any witnesses, and the taking of written statements from them. Copies of any written statements shall be furnished to the member under complaint. The investigator(s) may then interview the member under complaint and put any allegations and complaints etc. to him/her for a response and may take a note of the response and/or a written statement from the member. The member under complaint shall have the right to be accompanied by a friend at any such interview. If the member concerned fails or refuses to attend the interview, the investigation may proceed to conclusion regardless.
- 33.5 If an investigator or investigators is/are appointed to carry out an investigation, he/she/they shall report to the Disciplinary Committee following the interviews with the complainant(s), the witnesses, and the member under complaint, and copies of any written statements may be furnished to the member concerned. ~~at Aa meeting of the Disciplinary Committee which shall be convened as soon as practicable, and if it determines that the allegation is sustained, the Disciplinary Committee shall have power to suspend the member concerned for a definite stated period from the use of the Club facilities and privileges or to request the member concerned to resign, and on resignation, the unexpired portion of his/her annual subscription shall be refunded. It shall direct that its decision be conveyed forthwith in writing to the member concerned. Should the member concerned fail to resign within seven days of delivery of the notice to resign, the Disciplinary Committee shall have power to expel the~~

member concerned and shall direct that a further notice be sent to the member concerned expelling the member from the Club. In that event, the member concerned will not be entitled to a refund of the unexpired portion of his/her annual subscription. If the members of the Disciplinary Committee find that the allegation is not sustained, they shall send notice of this finding as soon as practicable to the member under complaint, the complainant(s) (if any) and the witnesses.

- 33.6 The members of the Disciplinary Committee shall determine the procedures for considering the evidence relating to the allegation in accordance with the fair procedures law then prevailing, and the member under complaint shall have no automatic right to an oral hearing at the meeting of the Disciplinary Committee or to be legally represented thereat. The Disciplinary Committee shall act on a majority vote in arriving at its decisions.
- 33.7 Where, in the opinion of the Executive Committee, an allegation against a member is particularly serious, it shall have power to suspend the member concerned from the use of the Club facilities and privileges pending final resolution of the matter by the Disciplinary Committee and/or Disciplinary Appeals Committee notwithstanding that an investigation directed by the Disciplinary Committee may already have begun. Its decision to suspend shall be conveyed forthwith in writing to the member concerned.
- 33.8 If a member is convicted of a criminal offence which is likely in the opinion of the Executive Committee to bring the Club into disrepute, then the Executive Committee may suspend the member from membership for a stated period or expel such member notwithstanding that the Disciplinary Committee may have already investigated the matters giving rise to the conviction.

### **Right of Appeal**

- 34.1 A member against whom an allegation has been upheld (with or without sanction) by the Disciplinary Committee ~~(with or without sanction)~~ may, within seven days of delivery of the Disciplinary Committee's ruling, appeal to the Disciplinary Appeals Committee by letter in writing to the Honorary Secretary stating the grounds of appeal.
- 34.2 The members of the Disciplinary Appeals Committee shall be appointed by the Executive Committee and shall comprise at least three members of the Executive Committee or of the Club. Neither an investigator (if any) of the allegation nor any member of the Disciplinary Committee may be a member of the Disciplinary Appeals Committee.
- 34.3 The appeal shall be determined as soon as practicable by the Disciplinary Appeals Committee which shall determine the procedures for considering the appeal in accordance with the fair procedures law then prevailing. The member under complaint shall have no automatic right to an oral hearing at the meeting of the Disciplinary Appeals Committee or to be legally represented thereat. Its decision in the matter shall be final. It may uphold, vary, or quash, the decision of the Disciplinary Committee, and shall, for the avoidance of doubt, have power to suspend or to expel a member. The Disciplinary Appeals Committee shall act on a majority vote in arriving at its decisions. It shall direct that its decision be conveyed forthwith in writing to the member concerned.

### Amalgamation and Winding –Up

~~35. The Club may not be amalgamated with another club nor wound up without the consent of two-thirds of the members entitled to vote and voting in general meeting and the unanimous consent of the trustees.~~

35.1 The Club may be dissolved or amalgamated with another club;

— By a resolution passed at a special general meeting, specifically called for that purpose and carried by two-thirds of the members present.

— By a resolution of the Executive Committee if the number of members is less than ten for a period of not less than six months.

35.2 On a dissolution, if any property remains after the discharge of all debts and liabilities of the Club such property shall be given or transferred to some other charitable institution or organization having main objects similar to the main objects of this Club. Before the time of dissolution, the members of the Club shall select the relevant institution or association to which the surplus assets will be given, and in and so far as effect cannot be given to such provision, then the property shall be given or transferred to some similar charitable object.

35.3 The Executive Committee shall be responsible for the winding up of the assets and liabilities of the Club and/or its amalgamation with another club.

### Trustees

36.1 The trustees shall be elected by a majority of the members present and voting at a general meeting. Only members of the Club are entitled to be elected as trustees. On a vacancy occurring, a new trustee shall be elected in the same way.

36.2 The property and assets of the Club shall be vested in the trustees appointed by the members at a general meeting for such purposes as the general meeting may decide, and held by them for the use and benefit of the Club. The trustees shall be indemnified against risk and expense out of the eClub property and by the general body of the members for the time being. A trustee shall remain in office for a period of five years unless he or she shall earlier die or resign or is removed from office by resolution of a general meeting. A trustee who retires in accordance with this clause shall be eligible for re-appointment for a further term or terms. The trustees shall be appointed from the ordinary members of the eClub and on a vacancy a new trustee shall be selected in the same way. Any trustee who shall cease to be a member of the eClub shall be deemed to have vacated his/her trusteeship and the Executive Committee may forthwith co-opt another in his/her place who shall serve until the next general meeting of the Club and may stand for election as a trustee at that or a subsequent general meeting. The number of trustees may be increased if the Executive Committee thinks fit but the number must not be less than three. A nominee of the trustees shall have the right to be notified and attend all Executive Committee meetings.

36.3 The trustees shall deal with the assets and property of the Club as directed by a resolution of a general meeting, of which any entry in the minute book signed by the

Chairperson shall be conclusive evidence. The trustees shall have the power to buy, sell, lease, mortgage or pledge any Club property.

36.4 There shall be no acquisition or disposal of land or buildings of the Club without the prior approval of the Ordinary members given by way of resolution at an annual general meeting or a general meeting called for that purpose at which not less than two-thirds of those present and voting, pass such resolution.

36.5 The trustees shall be indemnified by the the members of the Club against all liabilities properly incurred by them in the performance of their duties as trustees of the Club.

#### **Insurance**

37. The Executive Committee shall take out such insurance as may be necessary from time to time to protect all of the Club's property, or any trophies held by the Club or its members and to protect the Club from any third party claims against it.

#### **Alterations Additions and Amendments**

38. These rules may not be altered, abrogated, or added to except at the ~~Annual General Meeting~~ Annual General Meeting or at such general meeting present at which there must be at least twenty members eligible to vote and voting by a vote of two thirds of those members present. Notice shall be given as prescribed in Rules 18, ~~21~~, 22 and subject to Rule ~~47~~ 50 hereof.

#### **Revocation**

39. All previous rules and bye-laws and regulations made thereunder are hereby revoked.

#### **Commencement**

40. These rules shall come into effect on the conclusion of the meeting of the members at which they are adopted.

#### **Interpretation**

41. In these Rules unless the context otherwise requires:

"amendment" in relation to the rules of the Club includes a new rule and a resolution rescinding a rule of the Club.

"days' notice" shall be exclusive of the day on which the notice is served or deemed to be served and of the day for which it is given.

"guardian" shall be any person acting in loco parentis.

42. A visitor shall not be supplied with excisable liquor in the Club premises unless on the invitation and in the company of a member.

43. No excisable liquor may be sold or supplied for consumption outside the Club premises except to members of the Club between the hours prescribed by law.

44. No person shall be allowed to become an honorary or temporary member of the Club or be relieved of the payment of the regular entrance fee or subscription except as is herein provided.
- 45.1 Any notice or other communication to be given under rule 33 (Infringement of Rules and Misconduct) and rule 34 (Right of Appeal) shall be in writing in the English language and will be sufficiently given when delivered (a) by hand, or (b) by recorded delivery mail to (in the case of the member) the last known address of the member or to such other address as may be notified by the member to the Club, and, in the case of the Club and/or the Disciplinary Committee or Disciplinary Appeals Committee, to the address of the Club as stated in rule 1 c/o the President of the Club or c/o the Chairperson of the Disciplinary Committee or of the Disciplinary Appeals Committee, and a receipt signed by or on behalf of the addressee shall not be required in the case of delivery to either party by the method described in (b) above. In addition, if a member under complaint pursuant to rule 33 so consents in writing, notices or other communications under that rule and rule 34 may be sent by the Disciplinary Committee or Disciplinary Appeals Committee to him/her by electronic mail. Except in the case of delivery by hand, and save for evidence to the contrary, notices will be deemed to have been given on the day on which such communication ought to have been delivered in due course of recorded delivery or electronic transmission.
- 45.2 Any notice or other communication to be given under these rules (save for notices or communications under rules 33 and 34) shall be in writing in the English language and will be sufficiently given when delivered (a) by hand, or (b) by ordinary post, or (c) by electronic mail where an electronic email address has been supplied by the member to the Club, to (in the case of the member) the last known address or email address of the member or to such other address or email address as may be notified by the member to the Club, and, in the case of the Club, to the Hon Secretary at the address of the Club as stated in rule 1 or to such email address as the Club shall maintain from time to time. Except in the case of delivery by hand, and save for evidence to the contrary, notices will be deemed to have been given on the day on which such communication ought to have been delivered in due course of recorded delivery or electronic transmission.

#### **Child Protection Policy**

46. The Club will apply and adhere to the guidelines contained in the Code of Ethics and Good Practice for Children's Sport in Ireland of Tennis Ireland as these may be amended from time to time and members are obliged to comply with the said Code.

#### **Data Protection**

47. The Club will comply with the provisions of the Data Protection Acts 1988 - 2003, and members consent to the Club obtaining, recording, holding and retaining their personal data solely for Club purposes, either on its computer or in its manual filing system, and consent to the use of all such data, including its disclosure to third parties, for the proper and effective management of the Club.

#### **Intoxicating Liquor**

458. No excisable liquor shall be supplied for consumption on the Club premises to any person (other than a member of the Club lodging in the Club premises) or be consumed on the Club premises by any person (other than a member of the Club lodging in the Club premises):
- (a) on any weekday before the hour of half past ten o'clock in the morning, or
  - (1) during a period of summertime, after the hour of half-past eleven o'clock in the evening, or
  - (2) during a period which is not a period of summertime, after the hour of eleven o'clock in the evening, or
  - (3) between the hours of half-past two o'clock and half-past three o'clock in the afternoon, or
  - (b) on St. Patrick's Day or any Sunday before the hour of half-past twelve o'clock in the afternoon or between the hours of two o'clock and four o'clock in the afternoon or after the hour of ten o'clock in the evening, or
  - (c) at any time on Christmas Day or Good Friday.

**Optional**

469. In addition, to the foregoing rules, any rules, requirements, conditions or provisions entitling or enabling the Club to become or remain registered under the Registration of Clubs (Ireland) Act, 1904 – 2004 or any Act or Acts extending or amending the same shall be deemed to be rules of the Club and in the event that any of the foregoing rules may be found to be inconsistent to any extent with the said statutory rules, then to that extent shall the foregoing rules be void, and the statutory rules shall prevail.
50. The Executive Committee may alter or add to any of the foregoing rules as may from time to time be required to be rendered consistent and in accordance with any of the requirements of the Registration of Clubs (Ireland) Act 1904 - 2004 as amended or extended, without securing the prior approval of the members in general meeting, but in such an event the Executive Committee shall, as soon as is practicable after such alteration or addition convene a special general meeting pursuant to ~~R~~rule 40 38 hereof for the purpose of ratifying such alteration or addition.

I certify that the foregoing comprise a true copy of the revised Constitution and Rules of Monkstown LTC passed by the members of the Club at the annual general meeting on XX November 2011.

Kevin Polley  
President of the Club.