

BALBRIGGAN RUGBY FOOTBALL CLUB

CONSTITUTION

1. TITLE, OWNERSHIP

1.1 The Name of the Club shall be Balbriggan Rugby Football Club hereinafter referred to as the 'Club'.

1.2 The ownership of the Club shall be vested in the Trustees on behalf of the Voting members. The voting members only shall have control of the affairs of the Club.

2. OBJECTS

2.1 The main object of the Club shall be the promotion of the game of Rugby Union Football.

2.2 The rules of the game shall be those of the International Rugby Board as determined by the Irish Rugby Football Union.

2.3 The club may provide other facilities for its members.

3. CLUB COLOURS

3.1 The Club Colours shall be determined by the Executive Committee.

4. TRUSTEES

4.1 The number of trustees shall normally be three. Whenever the number of Trustees falls below three the resulting vacancy shall be filled as soon as is practicable. Pending the filling of such vacancy the remaining Trustees shall have vested in them the powers and duties applicable to the full body of Trustees. Where a vacancy amongst the Trustees arises, the Executive Committee shall have the power to appoint an eligible Full Member of the Club to act as a Trustee until a replacement Trustee is elected by a General Meeting of the Club.

4.2 Each Trustee shall be a full member of the Club for a minimum of seven years prior to election as a Trustee and shall be elected as a Trustee at a General meeting.

4.3 The Trustees shall hold office for seven years, renewable for one further term of seven years, or until they resign or cease to be members of the Club, unless removed from Office by a resolution of members passed by a two thirds majority vote at a General meeting.

4.4 All individual expenditure in excess of €10,000 needs the prior approval of the Trustees, unless specific expenditure in any amount has been approved by the members of the Club at a General Meeting of the Club.

4.5 All land, buildings and investments of the Club shall be vested in the Trustees on behalf of the Voting members and the Trustees shall deal with them as directed by the Executive Committee or by resolution of the General Meeting.

4.6 The Trustees may instruct the Executive Committee to convene an Extraordinary General meeting and such a meeting shall be convened forthwith.

4.7 The Trustees shall not hold any office in the club.

4.8 Notwithstanding paragraph 4.7, one or more Trustees may be appointed from time to time to be members of one or other of the Standing Sub-Committees or of other sub-committees of the Executive Committee where such sub-committees shall be established.

4.9 Should the Executive Committee resign or cease to function or to legally exist for whatever reason, the President, Vice-President and the Trustees in such instances shall take complete control of the Club and take such steps as shall be necessary to have a new Executive Committee elected and if unable to do so shall take all steps to have the affairs of the Club carried on or wound up according to law as they in their absolute discretion think fit.

5. OFFICERS

5.1 The Club shall have the following Officers; President, Vice President, Honorary Secretary, Honorary Treasurer.

5.2 To be eligible for election to the position of President or Vice President a member must have been elected to the Executive Committee or to one of the Standing Sub-Committees of the Executive Committee and have served at least three years on the Executive Committee or Standing Sub-Committee and have been a Full Member of the Club for seven years prior to election as President or Vice-President.

- 5.3 The Honorary Secretary and Honorary Treasurer may, with the prior consent of the Executive Committee delegate all or part of their functions to another member of the Executive Committee, or to another member of the Club who is a member of the appropriate Standing Sub-Committee or to an employee of the Club employed for the purpose of carrying out the function delegated to that employee.
- 5.4 If a vacancy should occur in any of the Officer positions due to the resignation from the Club or Executive Committee or owing to death the Executive Committee may appoint a successor to hold office until the next general meeting of the Club.

6. EXECUTIVE COMMITTEE

- 6.1 The business and affairs of the Club shall be managed by an Executive Committee consisting of the President, Vice-President, Honorary Secretary, Honorary Treasurer, Director of Rugby, Director of Club Facilities and 1 other full member of the Club elected at a general meeting of the Club.
- 6.2 The Executive Committee shall meet at least seven times every year, preferably monthly. The President or Honorary Secretary shall have the power to convene meetings including special or ad hoc meetings of the Executive Committee.
- 6.3 A Quorum of the Executive Committee shall be four members. A member of the Executive Committee other than the President, Vice-President or Honorary Secretary may nominate a Club Member to attend a meeting of the Executive Committee in his absence. In the case of the Honorary Treasurer, Director of Rugby and Director of Facilities, the person nominated to attend a meeting of the Executive Committee in their absence shall be a member respectively from the Finance, Rugby and Facilities Standing Sub-Committees.
- 6.4 The President shall take the Chair of a meeting of the Executive Committee or in his absence the Vice-President or in his absence, a member of the Executive Committee elected by those present.
- 6.5 Matters shall be decided by a simple majority of votes cast and in addition the Chair shall have the casting vote.
- 6.6 Minutes shall be recorded of all meetings of the Executive Committee and of resolutions and proceedings of the Club. The Honorary Secretary shall be responsible for keeping all relevant records of the Club including minutes of Executive Meetings and General Meetings, save for the financial records of the Club which are the responsibility of the Honorary Treasurer.
- 6.7 The Executive Committee shall have power to make, alter or rescind such local rules, bye laws, and regulations for the management of the Club as they may consider necessary (subject to the right of the members to alter a particular bye law or local rule by resolution at a general meeting) provided always that no law or local rule shall be made that would remove, alter or amend, modify or qualify any of the rules of the Club that are required by law to be in the Constitution of a Club seeking or holding a Certificate of Registration under the Registration of Clubs Acts 1904 to 1999.
- 6.8 Club local rules, bye laws and regulations shall be posted on a notice board and every member, visitor or other person shall be subject to and must comply with them.
- 6.9 The Executive Committee shall have the power to appoint sub committees from their body of members or from members of the Club and to define the scope and duration of their activities.
- 6.10 The President, Vice-President, Honorary Secretary and Honorary Treasurer shall be *ex officio* members of all sub-committees including Standing Sub-Committees of the Executive Committee.
- 6.11 No order or Contract will be valid or binding on the Club unless sanctioned by the Executive Committee.
- 6.12 The Executive Committee shall have the power to fill vacancies arising during the year on the Executive Committee by co-option.
- 6.13 No member of the Executive Committee or any Sub-Committee or employee of the Club who has business connections with a firm or organisation involved with commercial or financial dealings with the Club shall take part in the negotiations or voting on such commercial or financial dealings.
- 6.14 The Executive Committee shall have the power, for the due management of the Club to appoint or dismiss such employees as they consider necessary subject to statutory regulations.

7. ELECTION OF EXECUTIVE COMMITTEE MEMBERS

- 7.1 The President and Vice-President shall hold office, first as Vice-President of the Club for two seasons and then as President of the Club for two seasons.
- 7.2 The Vice-President shall become President at the expiry of the President's term of office and a new Vice-President of the Club shall be elected by the Annual General Meeting of the Club.

- 7.3 Should the President of the Club resign from his office or due to illness or death be otherwise unable to continue to act as President of the Club, the Vice-President shall become President of the Club and serve out the remaining period of the previous President's term together with the full two year term that the Vice-President would otherwise have served. The Executive Committee shall cause an Extraordinary General Meeting of the Club to be held for the express purpose of electing a new Vice-President of the Club, unless an Annual General Meeting is due to held within twelve weeks of the vacancy in the office of President arising.
- 7.4 The members of the Executive Committee save and except for the President and Vice-President shall be elected by the Annual General Meeting and shall hold Office until the following Annual General Meeting.
- 7.5 Only voting members of at least three years standing shall be eligible for election to the Executive Committee. Any two voting members may nominate an eligible person for the Executive Committee. All nominations must be notified to the Honorary Secretary not less than seven days prior to the Annual General Meeting. Nominations must be in writing and signed by the nominee, the proposer and the seconder. An alphabetical list of nominations must be displayed on the Club Notice Board at least five days prior to the Annual General Meeting.
- 7.6 Voting on the election of a member of the Executive Committee, including the vote for Vice-President, if required, shall be by secret ballot. In the event of a tie, the result shall be determined by lot except in the case of the election of Vice-President where in the case of a tie the Trustees will decide which of the candidates involved in the tie is to be the Vice-President.
- 7.7 Any member of the Executive Committee save and except for the President and Vice-President shall automatically cease to hold office if requested to do so by a two thirds majority vote of the Executive Committee.

8. STANDING SUB-COMMITTEES

- 8.1 There shall be three Standing Sub-Committees of the Executive Committee and such other Sub-Committees of the Executive Committee as the Executive Committee shall cause to be established from time to time.
- 8.2 The three Standing Sub-Committees of the Club shall be the Rugby Committee, the Finance Committee and the Club Facilities Committee.
- 8.3 The Director of Rugby shall be the Chair of the Rugby Committee. The Rugby Committee will be responsible for Club Fixtures and for the Mini, Youth, Adult and Women's Rugby in the Club. The Director of Rugby shall report on the activities of the various sections of the Rugby Committee to the Executive Committee at each of the Executive Committee meetings. The Director of Rugby, with the assistance of the Executive Committee, will appoint such persons as are deemed necessary to sit on the Rugby Committee. Each person on the Rugby Committee is to have a designated role and area of responsibility on the Rugby Committee as determined by the Director of Rugby in conjunction with the Executive Committee.
- 8.4 The Honorary Treasurer shall be the Chair of the Finance Committee. The Finance Committee will be responsible for recording and monitoring all Club income and expenditure in the Club. The Honorary Treasurer shall report on the activities of the various sections of the Finance Committee to the Executive Committee at each of the Executive Committee meetings. The Finance Committee shall also oversee the fundraising activities in the Club and the Honorary Treasurer, with the assistance of the Executive Committee will appoint such persons as are deemed necessary to sit on the Finance Committee. Each person on the Finance Committee is to have a designated role and area of responsibility on the Finance Committee as determined by the Honorary Treasurer in conjunction with the Executive Committee.
- 8.5 The Director of Facilities shall be the Chair of the Facilities Committee. The Facilities Committee shall be responsible for the Club's grounds including the upkeep and maintenance of the Club's pitches and Astro Pitches, together with the Club's built infrastructure and the development of the Club's facilities and infrastructure. The Director of Facilities shall report on the activities of the various sections of the Facilities Committee to the Executive Committee at each of the Executive Committee meetings. The Director of Facilities will be the line manager to the Club's employed grounds staff. The role of line manager of Club's grounds staff can be delegated by the Director of Facilities to a specific member of the facilities Committee appointed for that purpose. The Facilities Committee will oversee the tendering process for all facilities maintenance and development in the Club in conjunction with the Finance Committee and where required by the Finance Committee, a tender process will be used. The Director of Facilities with the assistance of

the Executive Committee will appoint such persons as are deemed necessary to sit on the Facilities Committee. Each person on the Facilities Committee is to have a designated role and area of responsibility on the Facilities Committee as determined by the Director of Facilities in conjunction with the Executive Committee.

9. ACCOUNTS

9.1 Proper books of account shall be kept showing the financial affairs, receipts and disbursements of the Club and these shall be open to inspection by any officer or member of the Executive Committee or to the Trustees at all reasonable times.

9.2 The Club Bank Account shall be kept at a banking institution as determined by the Executive Committee. All cheques must be subject to two signatures as determined by the Executive Committee.

9.3 The Executive Committee shall have the power to borrow money and negotiate temporary overdraft facilities for the purpose of meeting current revenue expenditure. Such sums and the requirements thereof shall have been approved by the Trustees.

9.4 Any one item of expenditure above €1,000, except for items specifically excluded, must be approved by the Executive Committee before being expended.

9.5 In accordance with Article 4.4 of this Constitution, any one item of expenditure above €10,000, must be approved by the Trustees before being expended.

9.6 Any one item of expenditure above €50,000 and approved by the Trustees must be passed by the members at general meeting.

9.7 An accountant's report on the accounts of the Club shall be presented to the Annual General Meeting of the Club by a qualified accountant.

9.8 The Club accounts and any accountant's report on the accounts of the Club shall be made available to the Revenue Commissioners on request.

9.9 All Club insurances, including public liability insurance and any player insurances if required by the IRFU and or the Leinster Branch IRFU, are for the purpose of this Constitution, items which are specifically excluded as per Article 9.4 above.

9.10 If the Trustees refuse a request by the Executive Committee, to allow expenditure on any item above €1,000, then the Executive Committee may request the members of the Club at a General Meeting to allow that expenditure.

10 MEMBERSHIP

10.1 The Club shall consist of the following Categories of members all of whom shall be elected by the General Committee or as other wise provided by the Rules and Regulations.

- Playing members
- Unwaged Playing Members
- Full members
- Life members
- Honorary life members
- Student members
- Youth members
- Minis members
- Family Members
- Visitors

10.2 Only the following category of members shall be entitled to attend and vote at General meetings of the Club (Voting Members).

- Playing members
- Unwaged Playing Members
- Full members
- Life members
- Honorary life members

10.3 Application for membership shall be made on the form provided. In the case of adult playing members such applications must be approved by at least two members of the Rugby Committee. In

respect of non playing members the application must be approved by the Executive Committee or a sub-Committee of the Executive Committee so delegated to deal with such applications. In respect of Youth membership approval of membership shall follow upon completion of the necessary registration forms approved by the Rugby Committee.

10.4 A Playing member is one who is actively involved in playing Rugby and is a registered player of the Club. A playing member shall be an adult male or adult female player.

10.5 An unwaged Playing Member is a playing Member who is unemployed or otherwise unable to pay the full annual subscription as a playing member and who subscription may be set by the Executive Committee on an individual basis or as a rate applicable for a particular season for all unwaged playing members.

10.6 A full member is a member who is not playing rugby but has been approved by the Executive Committee and has paid the required annual subscription as a full member.

10.7 A playing member of at least 10 years standing, or a full member of at least 10 years standing may apply to become a Life member of the Club on the approval of the Executive Committee and the payment of the required subscription. Such members will not be liable for any further annual subscription but would be due to pay any levies raised by the Club. The period of 10 years membership for a playing member or full Member can be a combination of periods as playing member and full member.

10.8 A student member is one who no longer qualifies for Youth's Rugby and is not in full time employment and is in full time education and is actively involved in playing Rugby and is a registered player for the Club.

10.9 A Youth's member is any member under the age of 18 who is registered as a youth's player by the Club.

10.10 A Minis member is any member under the age as set by the IRFU for players in the Minis age grade and who is registered as a minis player by the Club.

10.11 Family Membership shall consist of a parent or parents or legal guardian(s) together with their child or children such children being eligible to play at mini or youth level, who will each be deemed members of the Club on payment of the prescribed annual subscription for Family Membership. One only of the parents or legal guardians in the Family Membership will be deemed the equivalent of a full member or a playing member for the purpose of voting rights at any General meeting of the Club. The child or children in a family membership will be considered as being the same as youths members or minis members according to the age they are at.

10.12 The Executive Committee with the consent of the trustees shall have the authority to appoint Honorary Life members. Such members should have been members of the Club and have rendered exceptional service to the Club or the game of Rugby. The Executive Committee with the consent of the trustees may appoint in exceptional circumstances a person as Honorary Life member who was not previously a member of the Club.

10.13 Annual subscriptions shall be payable on 1 October each year. Subscriptions may be paid by instalment if agreed in advance with the Honorary Treasurer.

10.14 All subscriptions must be paid by the 1 November unless a payment plan has been agreed in advance with the Honorary Treasurer. Such payment plans must be completed by 28 February in the relevant season. A person whose subscription has lapsed may be re-admitted as a member upon application at the discretion of the Executive Committee provided their subscription has been tendered in full. The Executive Committee shall have power to make special arrangements in exceptional cases.

10.15 The Executive Committee shall set the Annual Subscription for each category of members once per season and shall publicise the subscriptions rates for members on the Club website, the Club Notice Board and in such other way as it deems necessary to allow members know the subscription rates.

10.16 The General Meeting of the Club retains the right to amend the Annual Subscription for each category of members.

11 GENERAL MEETINGS

11.1 A General Meeting of the members of the Club is a meeting of the members eligible to vote at such a meeting and shall include the Annual General Meeting and any Extraordinary General Meeting of the Club.

11.2 Notice of Motion and nominations for a General Meeting shall be posted on the notice board at the Club grounds at least five days in advance of the General Meeting.

11.3 Fourteen days notice shall be given to members in respect of the date and venue of the Annual General Meeting.

11.4 An Extraordinary General meeting may be called at any time by the Executive Committee or Trustees or by a motion signed by at least 20 voting members of the club stating the business to be brought forward. Seven days notice of any Extraordinary General meeting shall be sent to Voting members.

11.5 Twenty Voting members shall be a quorum for any General meeting. Voting shall be by ballot or show of hands at the discretion of the Chairman. Matters shall be decided by simple majority and in the event of a tie, the Chairperson has the casting vote.

11.6 The President shall be the Chairperson of the General Meeting. In the absence of the President, the Vice-President shall be the Chairperson. In the absence of both the President and the Vice-President the members so present shall elect a Chairperson to Chair the General Meeting.

11.7 Standing orders can be suspended at any General Meeting by a two third majority of those voting members present for the purpose of receiving, discussing and putting to the General Meeting resolutions, nominations or amendments of Rules that may be invalid by reason of some technicality, or may be of considerable urgency or for the purpose of bringing into force or operation amendments to rules at a time other than that provided in an existing rule. The Chairperson shall decide as to whether or not the Resolution or Nomination is invalid for a technicality or is of urgency.

11.8 Voting Members only shall be entitled to attend and vote at a General Meeting.

11.9 Notice of General Meetings shall at the discretion of the Committee be by post, e-mail, text message, posting of notices on the Club Web Site or Notice Board or by Notice in a local or National Newspaper.

12 RULES OF THE CLUB

12.1 A Rule of the Club shall only be made or an existing rule altered by a General Meeting.

12.2 The Executive Committee may however alter or add to the Rule for the purposes of complying with the Provisions of the registration of Clubs Acts 1904 to 1999, the intoxicating Liquor Act 2000 or any Act which may be passed amending these Acts or any Act relating to the registration and conduct of Clubs.

12.3 The Executive Committee shall within the limits of these Rules, have the power to make or amend such regulations as they consider necessary and these shall have effect until revoked by the Executive Committee or set aside by General Meeting. All such regulations shall be displayed on the Club Notice Board during the period they remain in force.

12.4 Written notice of any proposed change in the rules may be given to the Honorary Secretary duly signed by the proposer and seconder at least seven days before the Annual or Extraordinary General Meeting at which such changes are to be considered.

12.5 The Executive Committee shall be the sole authority of the interpretation of Club Rules and the decision of the Executive Committee shall be final and binding.

12.6 Every member, visitor or other person using the Club's facilities shall be subject to and must comply with the by laws and regulations in force and no member, visitor or other person using the Clubhouse shall be absolved from their effect on the grounds that he/she had no notice or was not supplied with a copy of the rules.

12.7 No addition, alteration or amendment shall be made to the main objects and/or the income and property clauses of this constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

12.8 The rules shall become operative from 9 September 2002.

12.9 A copy of the rules shall be available from the Honorary Secretary upon request.

13. PERSONAL PROPERTY

14.1 All personal belongings of members, employees, visitors and others in or on the Club premises, either in the Club house or outside it shall be at the sole risk of the owner and the Club or Executive Committee shall not be responsible for any loss or damage thereto. This rule shall not prejudice any claim by the Club, any member thereof, the Executive Committee to the owners against any insurance company for the loss or damage sustained.

14 DISCIPLINARY ACTION

14.1 The Executive Committee shall have the Power to suspend temporarily and or to request the resignation of or to expel from membership of the Club any member who, in their opinion, individually or with others, is or has been guilty of conduct harmful to the Club, whether it be inside or outside the

precincts of the Club grounds or who has persistently failed to comply in any respect with the Rules and regulations of the Club. The member shall be given the opportunity to state their case before the Executive Committee.

14.2 Such member shall have the right to appeal within fourteen days to an Extraordinary General Meeting of the Club called for that purpose and the appeal shall be determined by a majority of Voting members present.

14.3 Where the Executive Committee deems that a member of the Executive Committee, a Trustee or a member of a Standing Sub-Committee or other sub-committee of the Executive Committee has a conflict of interest due to that member being involved with another club to the detriment of Balbriggan RFC, or where such member has business and/or economic interests that are in conflict with the objects of the Club, then that member shall be removed from the position they held in the club.

14.4 The Executive Committee may establish a sub-committee to deal with Disciplinary matters in the Club. Decisions of the Disciplinary sub-committee established by the Executive Committee can be appealed to the Executive Committee which in those circumstances will act as the final venue of appeal in all matters of discipline.

15 SALE OF EXCISABLE LIQUOR

15.1 No member of any Committee or employee of the Club shall have any personal interest in the sale of excisable liquor or in the profits arising from such sale on the Club's grounds.

15.2 No excisable liquors shall be sold or supplied in the Club premises to any person under the age of eighteen years

15.3 A visitor shall not be supplied with excisable liquor in the Club premises unless under the invitation and in the company of a member. The member shall, upon admission of such a visitor to the Club premises or immediately upon his being supplied with such liquor enter his own name and the name and address of the visitor in the book that will be kept for such purposes and which shall show the date of each visit,

15.4 No excisable liquors shall be sold or supplied for consumption outside the premises of the Club, except to members of the Club between the hours of eight in the morning and ten at night.

15.5 Subject to the exemptions specified in sub paragraphs of this rule, 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 to be consumed on the Club premises

at any time on Christmas Day or Good Friday or

on any other day outside the hours specified in respect of that day in section 2 (1)(b) (as substituted by section 3 of the Intoxicating liquor Act 2000) of this Act.

Nothing contained in the Registration of Clubs Acts, 1904 to 1999, or contained, by virtue only of the operation of subsection (1) of this section in the Rules of a Club registered under these Acts shall operate to prohibit the supplying for consumption on the Club premises of excisable liquor to any person or the consumption of excisable liquor in the club premises by any person on any day for one hour after the expiration of any period in that day during which it is lawful for the Club by virtue of subsection 1 b to supply any excisable liquor for if in each case the excisable liquor is ordered by on behalf of that person at the same time that a substantial meal is ordered and consumed by that person during or after that meal has ended.

16 INCOME AND PROPERTY

16.1 The income and property of the Club shall be applied solely towards the promotion of its objects as set forth in paragraph 2 of this constitution. No portion of the Club's income and property shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the Club. No officer shall be appointed to any office of the Club paid by salary or fees or receive any remuneration or other benefit in money or money's worth from the Club in respect of such office. However nothing shall prevent any payment in good faith by the Club of:

- a) reasonable and proper remuneration to any member or officer of the Club for any services rendered to the Club (other than as an officer)
- b) Interest at a rate not exceeding 5% per annum on money lent by officers to other members of the club to the Club

- c) reasonable and proper rent for premises demised and let by any member of the club to the Club
- d) reasonable and proper out of pocket expenses incurred by any officer in connection with their attendance to any matter affecting the club
- e) fees, remuneration or other benefit in money or money's worth to any Company of which an officer may be a member holding not more than one percent of the issued capital of such Company.

17 WINDING UP

17.1 If upon winding up or dissolution of the Club there remains after the satisfaction of any debts and liabilities any property whatsoever, it shall not be paid to or distributed among the members of the Club. Instead such property shall be given or transferred to some other institution or institutions having main objects similar to the main objects of the Club. The institution to which the property is to be given or transferred shall prohibit the distribution of their income among their members to an extent at least as great as is imposed on the Club under Section 15 hereof. Members shall select the relevant institutions at or before the time of dissolution and if and so far as effect cannot be given to such provisions then the property shall be given or transferred to some charitable object.

18 INDEMNITY

18.1 Every Trustee, officer, Executive Committee member, sub Committee member of the club shall be indemnified by the Voting members against all liability and expense incurred by them in so far as the assets of the Club shall be deficient. No such person shall be liable for any loss, damage or liability which may happen to be incurred by the Club due to the execution of the duties of office unless the same shall occur through their own fault of dishonesty.

18.2 The liability of the members shall be limited to €1.

19 TRANSITIONAL PROVISIONS

19.1 The General Committee in place in the Club at the time of the adoption of this Constitution including the Honorary Officers of the Club at the time this Constitution is adopted, shall remain in place upon the adoption of this Constitution until such time as the new Executive Committee and Standing Sub-Committees shall be put in place by the General Committee which said General committee will then cease to exist.

19.2 The Executive Committee of the Club shall be formed from the members of the aforementioned General Committee of the Club.