

BELLVILLE CRICKET CLUB

CONSTITUTION

1. NAME

The name of the club shall be the Bellville Cricket Club, hereinafter referred to as “the club”.

2. COLOURS

The colours of the club shall be maroon and old gold on a navy blue background.

3. AREA OF OPERATION

The club shall operate within the boundaries of the Bellville Municipality.

4. HEADQUARTERS

The headquarters of the club shall be the PP Smit Sports ground situated in Durban Road, Bellville.

5. AFFILIATION

The club shall be affiliated to the Western Province Cricket Association, the City of Cape Town and seek affiliation to any other organization which is in existence or shall come into existence, if it is considered to be in the interest of its members.

6. PRINCIPLES

The club shall operate under the following principles:

Open to membership to anybody desirous of being a member of the club for their own reason.

There shall be no discrimination based on colour, creed, race or sex.

Equal opportunity shall be afforded to all players to reach the optimum in their playing careers with the club.

7. OBJECTIVES

7.1 To control, promote, encourage, advance and generally assist and protect the interest of cricket in the area of operation of the club.

7.2 To govern and to make, alter and repeal rules governing and controlling the playing of cricket in the area of operation of the club.

7.3 To do all such things as may be deemed necessary to implement the principles referred to in Clause 6.

7.4 To raise and administer funds of the club in such a manner as it is deemed advisable, for the benefit of the members.

8. MEMBERSHIP

8.1 Membership of the club shall be open to all as referred to in Clause 6.

8.2 Application for membership shall be made in writing on a prescribed form which is obtainable from the Club Secretary of the club.

8.3 Membership shall be defined in the following categories:

8.3.1 Life members.

- 8.3.2 Full members.
- 8.3.3 Full time students at a tertiary institution.
- 8.3.4 Scholars and
- 8.3.5 Social members.
- 8.4 Members in all the defined categories shall pay an annual subscription fee as determined at the Annual General Meeting each year.
- 8.5 All members shall register with the club at the commencement of each season, in writing, on a prescribed form obtainable from the Club Secretary. Non-registration by members shall not absolve them from outstanding liabilities and other obligations to the club.
- 8.6 On resigning as a member, no player shall be issued with a Clearance Certificate unless, all his/her outstanding commitments with the club have been fulfilled, be it the non-payment of a member subscription or disciplinary action. A Clearance Certificate shall be generated by the Club Secretary and the Chairman shall approve it and sign it.

9. MANAGEMENT OF THE CLUB

- 9.1 The affairs of the club shall be administered by a Management Committee comprising of:
 - 9.1.1 The Chairman.
 - 9.1.2 The Vice-Chairman.
 - 9.1.3 The Finance Manager
 - 9.1.4 The Club Captain
 - 9.1.5 The Grounds Manager
 - 9.1.6 Marketing and Communication Manager.
 - 9.1.7 The Entertainment Manager
 - 9.1.8 The Secretary/Club Manager
 - 9.1.9 Two or more additional members
- 9.2 The Management Committee of the club shall be elected at the Annual General Meeting and shall hold office for one year. All members may be eligible for re-election.

In the event that a nominee for election to the Management Committee cannot be present at the Annual General Meeting, his/her nomination shall be valid only if a nomination form is presented at the AGM duly signed by the nominee, the proposer and seconder.

The Chairman shall be elected annually and may serve a continuous tenure of THREE years. The Chairman shall be eligible to retain the portfolio after three years only in the event of there being no other nomination for Chairman according to Clause 17.4.c. If there is no nomination for Chairman according to clause 17.4.c, then nominations for Chairman proposed from the floor at the AGM may include the incumbent, despite having served a continuous term of three years.
- 9.3 The Management Committee shall meet once per month following the Annual General Meeting as decided by the Management Committee and not later than the 14th of each month.

- 9.4 Any member of the Management Committee failing to attend two consecutive meetings without a reasonable acceptable apology, shall automatically vacate his/her position held and the vacancy shall be filled by the Management Committee at its succeeding meeting. However, if the third consecutive meeting is not attended, no apology will be accepted and an automatic vacation of the portfolio will arise.
- 9.5 The Management Committee shall be empowered to institute sub-Committees and to co-opt members when it is deemed necessary.
- 9.6 It shall be the duty of the Management Committee to appoint the Captains of the teams.
- 9.7 The Management Committee shall be empowered to raise funds in whatsoever manner it is deemed necessary to provide for the needs of the club and to this end the Management Committee shall have the right to raise sponsorships, loans and let facilities or part thereof. Any agreements and contracts entered into by the Management Committee on behalf of the club for the purpose of raising funds shall be binding on the club.
- 9.8 It shall be the duty of the Management Committee to choose the players award winners for the season.
- 9.9 The criteria for eligibility of players to qualify as candidates for an award shall be determined by the Management Committee.
- 9.10 The Management Committee shall be empowered to refer any matter to the Executive Committee for consideration and in all such cases the finding of the Executive Committee shall be ratified by the Management Committee.

10. EXECUTIVE COMMITTEE

- 10.1 The Executive Committee shall comprise of:
the Chairman, Vice-Chairman, Financial Manager, and any other bona fide member recommended by the Management Committee. The Executive Committee shall act in all cases of emergency and act as a Board of Appeal to settle disputes and appeals that may arise.
- 10.2 The Executive Committee shall deal with all disciplinary cases and in doing so shall have the power to suspend, inflict fines and cancel membership.
- 10.3 The Executive Committee shall deal and decide on matters referred to it by the Management Committee.
- 10.4 All decisions taken by the Executive Committee shall be ratified by the Management Committee.

11 SELECTION COMMITTEE

- 11.1 The Selection Committee shall comprise of:
- 11.1.1 A minimum of two and a maximum of four members, one of whom shall be the convener and one of whom shall be the head coach. The committee shall also include the Captain of each team who will only have one vote for his respective team. All of the above shall be appointed by the Management Committee.
- 11.2 Any Member of the Club, who is in good standing, may nominate members for the Selection Committee. The names of the nominees must be submitted in

writing, signed by the proposer and seconder, to the Chairman within ten [10] days after the Annual General Meeting.

- 11.3 The Convener of the Selection Committee shall be appointed by the Management Committee.
- 11.4 Any member of the Selection Committee, who fails to attend two consecutive Selection Committee Meetings without a reasonable acceptable apology, shall vacate his/her position held and the Management Committee shall be informed to replace him/her.
- 11.5 Any player who is guilty of failing to meet his/her playing commitment without an acceptable excuse shall be suspended from playing until his/her case is dealt with by the Executive Committee. The onus shall rest with the player to have his/her name cleared.

12 LIFE MEMBERS

- 12.1 The club shall consider bestowing Life-Presidency on a member only at an Annual General Meeting on the recommendation of its Management Committee. Only one member may serve at any time as Life-President.
- 12.2 The club shall consider bestowing Life-Membership on members only at an Annual General Meeting on the recommendation of its Management Committee.
- 12.3 Life-Members shall be free of any compelled obligation to the club and shall have the right to vote at meetings which they are attending, with the exception of the Selection Committee Meetings.

13 MEETINGS

- 13.1 Except for the Selection Committee, the Chairman of the club shall preside over all meetings.
- 13.2 In the absence of the Chairman, the Vice-Chairman shall act in his place and in the event of both Chairman and Vice-Chairman being absent the meeting shall elect a presiding officer from the membership in attendance, for the time being.
- 13.3 The Annual General Meeting of the club shall not be held later than the last day of August of each year.
- 13.4 The Agenda for the Annual General Meeting shall be:-
 - 13.4.1 To read the notice convening the meeting.
 - 13.4.2 To confirm the Minutes of the previous Annual General Meeting and any Special General Meetings held during the season.
 - 13.4.3 To receive and discuss the annual report of the Chairman.
 - 13.4.4 To receive and discuss the annual report and Financial Statements.
 - 13.4.5 To consider amendments to the Constitution, if any.
 - 13.4.6 To elect officials and Committees.
 - 13.4.7 To consider any general business.

14 SPECIAL GENERAL MEETINGS

- 14.1 A Special General Meeting shall be convened on the requisition of at least twenty members who are in good standing with the club who shall advance reasons, in writing to the Management Committee, for their request.
- 14.2 The Management Committee shall have the right to convene a Special General Meeting when it is deemed necessary to consult the members.

15 NOTICE CONVENING MEETINGS

- 15.1 Notice convening the Annual General Meeting shall reach members at least fourteen [14] days prior to the date of the meeting.
- 15.2 Notice convening a Special General Meeting shall be seven [7] days.
- 15.3 The Management Committee shall meet as per Clause 9.3.
- 15.4 The Executive Committee shall meet when and if necessary.
- 15.5 The Selection Committee shall meet on every Tuesday after the commencement of the season unless otherwise decided by the Selection Committee.

16 QUORUMS FOR MEETINGS

- 16.1 The quorum for the Annual General Meeting shall be twenty members in good standing with the club in membership categories 8.3.1, 8.3.2 and 8.3.3.
- 16.2 The quorum for the Special General Meeting shall be twenty members in good standing with the club in membership categories 8.3.1, 8.3.2 and 8.3.3.
- 16.3 The quorum for the Management Committee Meetings shall be five members.
- 16.4 The quorum for the Executive Committee Meetings shall be three members.
- 16.5 The quorum for the Selection Committee Meetings shall be three members.
- 16.6 All members absent at any meeting shall be bound by the decisions of those present.

17 VOTING AT MEETINGS

- 17.1 In the event of a tie in voting the Chairman shall have a casting vote in addition to his deliberate vote.
- 17.2 The Life-President and a Life-Member shall have a vote at all meetings at which they are in attendance excepting Selection Committee Meetings.
- 17.3 Committee Members shall have one vote in committee meetings on which they serve in addition to a single vote at the Annual General Meeting and Special General Meetings.
- 17.4 All members in good standing in categories 8.3.1, 8.3.2 and 8.3.3 shall have the right to vote at the Annual General Meeting and Special General Meetings.
 - a. A member in good standing cannot be represented at meetings by any other person unless in possession of a proxy duly signed by the (absent) member. A person shall be allowed more than one vote, if in possession of signed proxies.
 - b. All matters submitted to an Annual General Meeting and a Special General Meeting, shall be decided by a two- thirds majority of votes cast by those present and eligible to vote.
 - c. Notice of the election of Office Bearers and a request for nominations, shall be dispatched to all members in good standing together with the notice convening the AGM at least fourteen (14) days prior to the date of the meeting. Each nomination must be referred to the administration of the and must be signed by the proposer, the seconder and the nominee. The closing time for the nominations shall be strictly at noon, one week prior to the AGM. It shall only be permissible to accept a nomination from the floor at the AGM if no nomination was received within the above mentioned prescribed time period.
- 17.5 Only members who have paid their subscription by 30th March shall be

- eligible to vote at an AGM.
- 17.6 Voting at the AGM shall be limited to members in good standing in membership categories 8.3.1, 8.3.2 and 8.3.3.
- 17.7 Voting shall be restricted to members eighteen and older.

18 ANNUAL SUBSCRIPTIONS

- 18.1 Annual subscriptions shall be determined at ~~by~~ the Annual General Meeting and shall be payable by the end of October of each year.
- 18.2 Annual subscriptions shall be levied in terms of categories as defined in Clause 8 of the Constitution.
- 18.3 The category in which players are graded is determined by the situation at the commencement of the season.
- 18.4 No player shall be considered for selection if any part of the subscription remains outstanding after 31 December of each year.
- 18.5 Notwithstanding the above, the Management Committee shall have the right to grant any member an extended period for the settlement of dues. Applications for extended payments shall be made in writing to the Management Committee.
- 18.6 Funds accrued from subscriptions shall solely be employed for administration purposes and the acquisition of playing equipment. Coaches, players and players incentives shall be funded from sponsorships and donations received for that purpose.

19. FINANCES

- 19.1 The financial year of the club shall end on 30 April of each year.
- 19.2 The books and financial records of the club shall be reviewed by suitable qualified accountants at the end of the financial year.
- 19.3 The Financial Manager shall not affect any payments or incur any expenditure unless it is approved by the Management Committee. In cases of emergency the Chairman shall approve the aforementioned.
- 19.4 All payments and contracts shall be signed by the Financial Manager plus the Chairman or Vice-Chairman.
- 19.5 No member or group of members shall be allowed to benefit financially from any circumstances that might present itself at the club, unless it unanimously sanctioned by the Management Committee.
- 19.6 In order to avoid any conflict of interest, no member, whilst serving on the Management Committee, shall be allowed to enter into any contract with the club, unless it is unanimously sanctioned by the Management Committee
- 19.7 The Financial Manager shall present management accounts to the Management Committee within fourteen days of the reporting month end.

20. DUTIES AND POWERS OF OFFICIALS AS PER BY-LAWS

- 20.1 The duties and powers of the officials serving on the Management Committee Are incorporated in the By-Laws. The By-Laws are an integral component of the Constitution and are binding on all officials.
- 20.2 Amendments to the By-Laws remain the responsibility of the Management Committee. However, a member in good standing can propose amendments for consideration by the Management Committee.

21. RULES GOVERNING PLAYERS AND CAPTAINS OF TEAMS

- 21.1 Players shall at all times, when representing the club, behave in a manner that will protect the dignity and enhance the reputation of the club.
- 21.2 Captains of teams shall represent the authority of the club on the field of play and shall ensure that the conduct of their players is exemplary and displaying good sportsmanship.
- 21.3 Any player guilty of misconduct of any nature shall be reported by his captain and his case shall be dealt with by the Executive Committee.
- 21.4 Players are expected to attend practices as often as it is possible but not less than once weekly. If for any reason a player is unable to attend practices he shall inform the Club Captain of his problem.
- 21.5 Any player who is aggrieved because he is of the opinion that he is not given fair treatment by the Selection Committee or his captain shall have the right to submit his grievances in writing to the Management Committee which shall investigate the complaint in an effort to resolve the matter to the satisfaction of all concerned.
- 21.6 Players are expected to attend and support fundraising functions arranged by the Management Committee for the benefit of the club.
- 21.7 Any player resigning as a member of the club shall not be issued with a Clearance Certificate until the Management Committee is satisfied that he has settled all his outstanding obligations with the club.
- 21.8 The selections of Vice-captains of teams shall be done by the players of the respective teams and the Management Committee shall be informed of the appointments.
- 21.8 Captains shall return score books and completed match result cards to the Administration Manager within 72 hours after the completion of a fixture.
- 21.9 All used match balls shall be returned to the Club Captain.

22. NOTICE TO REVIEW AND RESCIND

Notice to review and rescind any decision passed by the Annual General Meeting, Special General Meeting or the Management Committee shall be given in writing to the Administration Manager within fourteen [14] days of such decision being passed and no motion to review and rescind a decision shall be deemed to be carried unless a two-thirds majority is obtained from those present and entitled to vote.

23. AMENDMENTS TO THE CONSTITUTION

- 23.1 Amendments shall only be considered and effected at the Annual General Meeting or Special General Meeting of the Club.
- 23.2 Due notice of intended amendments shall be furnished to all members with the notice given of the Annual General Meeting or Special General Meeting, but

should a notice inadvertently not reach any member it shall not invalidate the meeting or the proposed amendments to the Constitution.

- 23.3 No amendments to the Constitution shall be made unless it is adopted by a two-thirds majority of the members present at the Annual General or Special General Meeting who are entitled to vote.

24. DISSOLUTION AND WINDING UP

- 24.1 As a separate legal entity, the Club shall enjoy perpetual succession, notwithstanding any changes in its membership, unless two-thirds (2/3) of the fully paid up members present and with voting rights at an AGM and/or Special General Meeting, called for such purpose, resolve to merge with any other Sporting Body having objectives similar to those of the Club or to dissolve completely.

- 24.2 The Executive Committee shall ensure that the Club does not in any way Distribute its funds directly or indirectly to any person, unless this occurs in the Understanding of a Public Benefit Activity. On dissolution, the Club shall not distribute any of its funds to individuals or any tax-paying entities, thus enabling the recipients to share the concession of the exemption which the club had enjoyed.

- 24.3 The Executive Committee on dissolution shall ensure that all remaining assets, in consultation with the Western Province Cricket Association and the City of Cape Town (Sport and Recreation), must be transferred to:

- 24.3.1 A similar approved and established Public Benefit Organisation formed, Incorporated or established in the Republic of South Africa.
- 24.3.2 A department of state or administration in the national, provincial or local sphere of Government of South Africa.
- 24.3.3 The Executive Committee shall ensure that a detailed dissolution and winding up report be drafted and published by the Club Chairman and Club Treasurer (inclusive of detailed audited financial statements of the wind up process), which shall be issued to all full members with voting right as per clause 8.1, 8.2, 8.3 and 17.4 of this constitution, and interested and effected parties.

25. INTERPRETATION OF CONSTITUTION, RULES AND BYE-LAWS

If any doubt or dispute shall arise as to the proper construction or interpretation of any Clause/s of the Constitution, Bye-Laws or Rules of the club, such doubts and disputes shall be referred to the Management Committee whose interpretation of such Clause/s of the Constitution, Bye-Laws and Rules shall be final.

26. INDEMNIFICATION

All officials and members serving on standing committees of the club are hereby indemnified by the club in respect of any liability incurred by them in due and proper performance of their delegated powers vested in them in terms of this Constitution.

27. CONSTITUTIONAL/ IMPLICATIONS/IMPLEMENTATIONS DURING FORCE MAJEURE (UNFORSEEN CIRCUMSTANCE)

27.1. If an AGM cannot be held before the last day of August as per clause 13.3 of the constitution then:

27.1.1 the incumbent committee shall continue to serve the club.

27.1.2 the Executive Committee shall be empowered to determine an appropriate date for the AGM.

27.1.3 the Executive Committee shall be empowered to determine the annual subscription.

27.1.4 monthly Management Committee meetings may be suspended and resumed when permissible. Virtual meetings may be permitted subject to adherence to the rules and regulations of the club's constitution.

27.1.5 clause 9.4 shall not be implemented.

27.1.6 the quorum for an AGM and a SGM shall be reduced to 15 members.

28. IMPLEMENTATION

This Constitution shall supersede all previous Constitutions, Bye-Laws, Resolutions and Standing Orders and shall be implemented by the club on approval at the Special General Meeting on 06 April 2021.