



HEWORTH TENNIS CLUB –CONSTITUTION AND RULES MAY 2012

1. NAME

The Club is called Heworth Tennis Club

2. OBJECTS

The club is formed to provide tennis courts and a clubhouse for, and to supply refreshments to, its members, and generally to encourage and facilitate the playing of tennis. It is non-profitmaking which means that any profits generated will be reinvested back into the club.

3. NUMBERS OF MEMBERS

The club may consist of firstly full members, secondly junior members, thirdly off-peak members, fourthly student members and fifthly honorary members, the maximum numbers (if any) of such categories to be at the committee's discretion from time to time. (Family membership may consist of a combination of full and/or off-peak and/or student and/or junior members at the committee's discretion).

4. ELIGIBILITY FOR MEMBERSHIP

4.1 Membership of the club is open to all without discrimination and in particular shall be open to anyone interested in tennis on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis. The club may have different classes of membership and subscription on a non-discriminatory and fair basis. The club will keep subscriptions at levels that will not pose a significant obstacle to people participating and to that end the committee shall have the exclusive power in its absolute discretion to waive all or part of the subscription:-

4.1.1 of an existing or prospective member if the committee is satisfied as to exceptional hardship on the part of that existing or prospective member

4.1.2 for the year of joining in relation to a new member wishing to join after the start of that membership year

4.2 Persons of either sex are eligible for full membership provided they are at least 18 years old

4.3 Persons below the age of 18 before 31 March in any year may be elected as junior members for the playing year beginning on 1 April thereafter without the right to hold office or to vote at general meetings during that playing year even if they become 18 during such year

4.4 Persons may be elected as honorary members at an Annual General Meeting on the recommendation of the committee to enjoy the rights and privileges of full membership for services to the club

4.5 Persons may be eligible for off-peak, visiting student or local student membership on terms to be decided by the club in general meeting

5. ELECTION TO MEMBERSHIP

New members other than honorary members must be approved by the committee

6. ENTRY TO MEMBERSHIP

6.1 The honorary secretary or other membership officer must send a new member written confirmation of his membership and a copy of the rules and request him to pay his entrance fee (if any) and first subscription to the honorary treasurer.

6.2 If payment is not made within one month from the date of the written confirmation, the membership is void unless sufficient cause is shown to the satisfaction of the committee.

7. ENTRANCE FEES AND SUBSCRIPTIONS

7.1 The entrance fees, visitors fees and subscriptions shall be decided annually at the annual general meeting

7.2 Each full, off-peak, visiting student or local student member and a parent/guardian of each junior member shall be entitled to a key/keys/combination to the club, courts and clubhouse on application to the honorary secretary subject to paying (if required) a reasonable non-refundable and/or refundable deposit (to be fixed from time to time by the committee) on the basis that:

7.2.1 such key(s)/combination must not be copied nor given or lent to anyone who is not a member;

7.2.2 such key(s) must be returned within 14 days of the holder ceasing (for whatever reason) to be a member; and

7.2.3 on a failure to comply with clause 7.2.2 the defaulting member shall be liable to pay the reasonable cost of replacing the existing locks and keys for the club

8. PAYMENT OF SUBSCRIPTION

8.1 All annual subscriptions (except as provided by rule 6) must be paid by 31 March in each year, and, whether or not a written reminder has been given, if a subscription has not been paid on or before 30 April following, the defaulter, subject to a contrary decision of the committee, immediately ceases to be a member of the club.

8.2 A defaulter may, in the absolute discretion of the committee, be readmitted to membership on payment of all arrears without payment of any further entrance fee.

9. RESIGNATION OF MEMBERSHIP

Any member may resign his membership by giving to the honorary secretary written notice of his intention to do so but no refund of any subscription paid for the then current year shall be made except at the absolute discretion of the committee.

10. EXPULSION

10.1 If at any time the committee is of the opinion that the interests of the club so require, it may by letter invite any member to resign from the club within a time specified in the letter.

10.2 If the member does not resign, the question of his expulsion must be submitted to a special general meeting to be held within three weeks after the date specified in the letter as the date before which he is invited to resign.

10.3 The member whose expulsion is sought must be given notice of the meeting and of the grounds on which it is sought to expel him at least 14 days before the meeting.

10.4 At the meeting the member must be allowed to offer any explanation or defence that he thinks fit, either verbally or in writing.

10.5 If at least two-thirds of the members present and entitled to vote at the meeting vote for his expulsion, the member immediately ceases to be a member.

10.6 The voting on a question of expulsion must be by ballot if not less than five members present and entitled to vote so demand.

10.7 The committee may exclude the member from the clubhouse and club grounds until the special general meeting has been held.

11. EFFECT OF RESIGNATION OR EXPULSION

Any person ceasing to be a member forfeits all right to, and claim upon, the club its property

and its funds (which he otherwise may have by reason of membership), and he has no right to the return of any part of his subscriptions.

12. MANAGEMENT OF THE CLUB

The entire management of the club (except as otherwise provided by these rules) must be deputed to a committee of 8 or more members to include the chairman the honorary secretary the honorary treasurer and preferably a captain or other representative for each current team.

13. ELECTION OF COMMITTEE

13.1 All members of the committee must retire at the annual general meeting. Each member who has not served for all of the three previous years is eligible for re-election to any office or other place on the committee, but a member who has served for all of the three previous year is eligible only for election to an office or other place on the committee for which no candidate who has not served for all of the three previous years has been proposed.

13.2 Any two members who are entitled to vote may propose any other member or members who is or are entitled to hold office, but has or have not held office for all of the three previous years, by giving notice in writing to the honorary secretary by the 7th January before the meeting.

13.3 If any notice of proposal is given, all members entitled to vote must be given written notice of it with the notice of the meeting.

13.4 If no notice of proposal for an office or an insufficient number of proposals for other places on the committee is received in accordance with Rule 13.2, further proposals may be received at the annual general meeting at the discretion of the chairman of the meeting.

13.5 Voting must be by ballot (unless on a majority show of hands the meeting is content to vote on a show of hands) and every voting member is entitled to vote for one candidate for each office and for a number of candidates for other places on the committee equal to the number of places remaining vacant

13.6 The candidates who receive most votes must be declared elected up to the number of vacancies, and, in the case of two or more candidates receiving an equal number of votes, the chairman may have a casting vote.

13.7 Any proposed candidate must be at the meeting unless he or she has consented in writing to the appointment beforehand.

14. CASUAL VACANCIES

14.1 In the event of a vacancy on the committee, the committee may appoint any member eligible to hold office to fill the vacancy.

14.2 The proceedings of the committee are not invalidated because there are less than the prescribed number of members.

15. PRESIDENT

- 15.1 The president of the club must be elected by the members in general meeting.
- 15.2 He holds office until death or resignation or until he ceases to be a member of the club unless he is removed from office by a resolution of the committee or the members in general meeting.

16. TRUSTEES

- 16.1 The property of the club must be vested in trustees who must not be less than two nor more than four in number
- 16.2 The trustees must deal with the property as the committee from time to time directs by resolution (of which an entry in the minute book is to be conclusive evidence).
- 16.3 The trustees must be indemnified against risk and expense out of the club property.
- 16.4 The trustees will hold office until death or resignation or until removal from office by the committee.
- 16.5 Where by reason of death, resignation or removal it is necessary for a new trustee or trustees to be appointed, the committee must nominate the person or persons to be appointed the new trustee or trustees.
- 16.6 For the purpose of giving effect to such nomination the President is now nominated as the person to appoint new trustees of the club within the meaning of the Trustee Act 1925 Section 36, and he must by deed appoint the person or persons nominated by the committee.

17. PROCEEDINGS OF THE COMMITTEE

- 17.1 The committee must meet at least 6 times per year to arrange the affairs of the club and to examine its accounts.
- 17.2 The honorary secretary must send notice of each meeting to every committee member.
- 17.3 Five members form a quorum.
- 17.4 The honorary secretary must take minutes of all proceedings of the committee, and these minutes must be open to the inspection of any member of the club upon application to the honorary secretary.

18. SUB-COMMITTEES

- 18.1 The committee may from time to time as it considers necessary or expedient appoint sub-committees from among its members and may depute or refer to them any of its powers and duties.
- 18.2 The sub-committees must periodically report their proceedings to the

committee and must conduct their business in accordance with the directions of the committee.

- 18.3 If any member of a sub-committee ceases to be a member of the committee, he automatically ceases to be a member of the sub-committee and another elected member of the committee must be appointed in his place.

19. ANNUAL GENERAL MEETING

- 19.1 The annual general meeting of the club must be held in February in each year on a date and at a time to be fixed by the committee.

- 19.2 The annual general meeting must:

19.2.1 receive from the committee a report, and independently examined balance sheet and statement of accounts for the preceding financial year;

19.2.2 elect the committee;

19.2.3 appoint an independent examiner of the accounts for the ensuing year and

19.2.4 decide on any resolution duly submitted to the meeting as provided by rule 20.

- 19.3 A copy of the report and independently examined balance sheet and statement of accounts must be sent to members with the notice of the annual general meeting.

20. MEMBERS' RESOLUTIONS

Any member who wishes to move a resolution at the annual general meeting must give written notice of the resolution to the honorary secretary by the 7th January preceding the meeting.

21. SPECIAL GENERAL MEETINGS

The committee may call a special general meeting at any time for any special purpose, and it must do so immediately upon the requisition in writing of any 10 members of the club stating the purpose for which the meeting is required.

22. NOTICE OF GENERAL MEETINGS

- 22.1 The honorary secretary must send notice of the annual general meeting or any special general meeting and of the business to be transacted at the meeting to every member at least 14 days before the meeting.

- 22.2 No business may be brought forward at a general meeting other than that of which notice has been given.

23. CONDUCT OF GENERAL MEETINGS

23.1 At all general meetings the Chairman of the club, or in his absence a member selected by the meeting, must take the chair.

23.2 Every member present and entitled to vote may have one vote upon every resolution. Except as provided in rules 29 and 33 a resolution is passed by a majority of votes of those present and voting. In the case of equality of votes the chairman may have an additional or casting vote.

24. QUORUMS

Except as provided in rule 33, at a general meeting 10 members entitled to vote shall form a quorum

25. FINANCIAL YEAR

The financial year of the club ends on the last day of September in each year, to which day the accounts of the club must be balanced.

26. INDEPENDENT EXAMINERS OF ACCOUNTS

26.1 At every annual general meeting a person who is not a trustee or member of the committee, must be appointed to serve as an independent examiner for the ensuing year.

26.2 A vacancy occurring in the office of independent examiner during the year must be filled by a person appointed for that purpose by the committee.

27. PROFITS OR EMOLUMENTS FOR MEMBERS AND CONFLICTS OF INTEREST

27.1 No member may receive any profit or emoluments from the funds or transactions of the club except for professional services rendered at the request of the committee.

27.2 If the club in general meeting and/or the committee is to discuss and/or vote upon an issue in which a member of the club and/or the committee has an interest other than as such member then that member shall not have the right to participate in such discussion and/or vote unless those present decide otherwise.

28. VISITORS

28.1 Every member may introduce visitors subject to the regulations or byelaws made from time to time by the committee.

28.2 Every visitor must be the guest of, and be accompanied by, the member introducing him, and both must sign the visitors' book immediately on entering the club premises.

28.3 Visitors must pay the prescribed visitors' fee(s) and may only play on a maximum of 6 occasions unless the committee in its absolute discretion decides otherwise.

29. AMENDMENT AND INTERPRETATION OF RULES

- 29.1 These rules may be added to, repealed or amended by resolution at any general meeting.
- 29.2 A resolution to alter the rules must be passed by a majority of at least two-thirds of the members voting on it.
- 29.3 Any reference in these rules to "these rules" or "the rules of the club" includes a reference to the rules of the club as altered from time to time in accordance with this rule.
- 29.4 Any question concerning the interpretation of these rules must be resolved by the committee.

30. BYELAWS AND REGULATIONS

- 30.1 The committee may from time to time make, repeal and amend byelaws and regulations it thinks expedient for the internal management and well-being of the club and the use of the courts.
- 30.2 Byelaws and regulations may not be inconsistent with these rules.
- 30.3 All byelaws and regulations are binding on the members until repealed by the committee or set aside by a resolution of a general meeting of the club.

31. COURTS, COMPETITIONS ETC

- 31.1 The committee may make whatever arrangements for hiring of courts are required on any occasion and may impose a charge for;
- 31.1.1 admission of, or use of courts by, non-members, and
- 31.1.2 reservation of courts
- if in its absolute discretions it thinks proper.
- 31.2 The committee may also make arrangements for holding matches, tournaments or other like competitions and provide cups and other prizes for such competitions.

32. BORROWING

- 32.1 If at any time the club in general meeting passes a resolution authorising the committee to borrow money, the committee may then borrow for the purposes of the club the amount of money, either at one time or from time to time, at the rate of interest, in the form and manner and upon the security specified in the resolution.
- 32.2 The trustees must at the discretion of the committee make all dispositions of the club property or any part of it and enter into any agreements in relation to it

as the committee deem proper for giving security for any loans and interest.

- 32.3 Every member of the club, whether voting on the resolution or not, and any one becoming a member of the club after the passing of the resolution, is deemed to have assented to the resolution as if he or she had voted in favour of it.

33. DISSOLUTION

If at any general meeting a resolution for the dissolution of the club is passed by a majority of the members present and entitled to vote, and if that resolution is confirmed by a resolution passed by a majority of two-thirds of the members present and entitled to vote at a special general meeting held not less than one month after that meeting at which not less than one-half of the members entitled to vote are present, the committee must immediately or at such future date as is specified in the resolution proceed to realise the property of the club, and after the discharge of all liabilities must apply the remainder to the purposes of:-

- 33.1 the then national governing body of the sport of tennis for use in the community; and/or
- 33.2 another Community Amateur Sports Club; and/or
- 33.3 a Charity

as the general meeting shall have specified.

34. INTERPRETATION

Where the context permits references to the masculine gender in these rules includes the feminine and vice versa

35. LAWN TENNIS ASSOCIATION

The provisions of the Schedule apply to the Club and in the event of a conflict with the other provisions then the Schedule shall prevail.

SCHEDULE

1. Defined terms

- 1.1 In this Schedule, unless the context requires otherwise:

“Disciplinary Code” means the disciplinary code of the LTA in force from time to time;

“LTA” means The Lawn Tennis Association and its subsidiaries or such successor entity or entities as become(s) the governing body of the game of lawn tennis from time to time

“member” means a member of the club;

“Rules” means the rules of the LTA as in force from time to time;

2. Conditions of membership

2.1 Each member agrees as a condition of membership:

(A) to be bound by and subject to this Constitution (as in force from time to time)¹;

(B) to be bound by and subject to the Rules and the Disciplinary Code.

2.2 Rule 2(1) of this Schedule confers a benefit on the LTA and, subject to the remaining provisions of this rule 2, is intended to be enforceable by the LTA by virtue of the Contracts (Rights of Third Parties) Act 1999. For the avoidance of doubt, the members do not intend that any term of this Constitution, apart from rule 2(1) above, should be enforceable, by virtue of the Contracts (Rights of Third Parties) Act 1999, by any other person who is not a member.

2.3 The committee may terminate the membership of any person, or impose any other sanction they determine to be appropriate, in connection with the breach of any condition of membership set out in this rule 2

3. The committee

The club agrees that each member of the committee will be required, as a condition of election or appointment, to agree to be bound by and subject to this Constitution, the Rules and the Disciplinary Code, such agreement to contain an express acknowledgement that the Contracts (Rights of Third Parties) Act 1999 applies and that the LTA and the club can enforce any breach at its option and in its sole discretion.

4. Coaches and players

The club agrees that all unlicensed and unregistered coaches and, so far as reasonably practicable, players and other persons using the facilities of the club will be required, as a condition of such use, to agree to be bound by and subject to this Constitution, the Rules and the Disciplinary Code, such agreement to contain an express acknowledgement that the Contracts (Rights of Third Parties) Act 1999 applies and that the LTA and/or the club can enforce any breach at its option and in its sole discretion.

¹ This means that each member of the [club/registered place to play] agrees to be bound by the rules of the [club/registered place to play].