

## **BROUGHTON & DISTRICT CLUB**

*\*\* In these Rules where the context so admits the singular number shall include the plural number and vice versa and the masculine gender shall include any gender and vice versa \*\**

### **CONSTITUTION AND RULES**

#### **NAME OF CLUB**

1. The name of the Club is The Broughton & District Club.

#### **SCOPE AND AIMS**

2. The Club shall be non-sectarian, non-political and non-profit making and shall exist in accordance with and not in violation of a Trust Deed executed on 1<sup>st</sup> January 1923 by Henry Wilson, for the purpose of providing opportunities for sport recreation and refreshment for the benefit of its members and such other purposes as the General Committee may from time to time consider proper provided such other purposes do not prevent the Club being registered with the Inland Revenue as a Community Amateur Sports Club.

#### **PURPOSE**

3. The purpose of the Club is to promote the amateur sports of badminton, bowls, lawn tennis, padel, petanque, pool, snooker, table tennis and such other sports permitted from time to time by the General Committee in accordance with Rule 2 in Broughton near Preston Lancashire and community participation in the same. In addition, the Club promotes the playing of bridge and the performance of amateur dramatics.

#### **MEMBERSHIP**

4. (a) Membership of the Club shall be open to anyone interested in the sports or any of them on application regardless of sex, age, disability, ethnicity, nationality, occupation, political persuasion, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.  
  
(b) 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.  
  
(c) The General Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute. Appeal against refusal or removal may be made by applicants/members.

#### **PROPERTY AND FUNDS**

5. (a) The property and funds of the Club cannot be used for the direct or indirect private benefit of its members other than reasonably allowed by this Rule.  
  
(b) The Club may provide sporting and related social facilities, club sporting equipment, coaching, courses, insurance cover, medical treatment, reasonable away-match expenses, post-match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.

(c) The Club may also in connection with the sports purposes of the Club:

- (i) sell and supply food, drink (including alcohol), and related sports clothing and equipment
- (ii) employ members (though not for playing) and remunerate them for providing goods and services, on fair terms set by the General Committee without the person concerned being present
- (iii) pay for reasonable hospitality for visiting teams and guests
- (iv) indemnify the General Committee and each Section Committee and members acting properly in the course of running the Club against any liability in the proper running of the Club ( but only to the extent of its assets).

### **WINDING UP**

6. (a) The members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.
- (b) The General Committee will then be responsible for the orderly winding up of the Club's affairs.
- (c) After settling all liabilities of the Club, the General Committee shall dispose of the net assets remaining to one or more of the following:
- (i) to another Club with similar sports purposes which is a charity and/or
  - (ii) to another Club with similar sports purposes which is a registered CASC and/or
  - (iii) to the national governing bodies of the sports specified in Rule 3 (in equal shares) for use by them for related community sports.

### **PRIORITY**

7. Where there is any conflict between any of the Rules 3 to 6 ("key Rules") and other rule or rules the key rule(s) will take priority. Interpretation of all these Rules must be consistent with the statutory requirements for CASCs (which means Community Amateur Sports Clubs as first provided for by the Finance Act 2002).

### **MEMBERSHIP QUALIFICATION**

8. (a) All persons of not less than 18 years of age shall be eligible for membership but preference shall be given to applications from persons residing within the boundaries of the Ecclesiastical Parish of Broughton.

His title, name, location and other mandatory information shall be communicated in writing on an Application Form, prescribed from time to time by the General Committee, to the Honorary General Secretary who shall cause the name and location to be exhibited prominently in the Clubhouse, in a part frequented by the members, for a period of at least seven days before his election as a member. The candidate shall deposit an amount equal to the entrance fee (if any) and appropriate subscription fee ("the deposit") with the Application Form. The deposit shall be returned without interest to the candidate should he

not be elected as a member. For a period commencing after the expiration of two days after the Application Form and deposit have been delivered to the Honorary General Secretary until the Application has been either accepted or rejected the candidate shall be a temporary member of the Club and (where applicable, Section) but Rule 11(b) shall not apply to such a temporary member. Such a temporary member shall not be entitled to be elected to the General Committee or any Section Committee and shall not be entitled to attend any Annual or other General Meeting of the Club or any Section.

(b) Persons under the age of eighteen years are eligible for membership of the Club, as non-voting members, in order to play one or more of the sports specified in Rule 2. Such a member shall be designated as a Junior Member. A Junior Member is not allowed to purchase from or consume on the Club premises any alcoholic beverage. Rules for the conduct of Junior Members may be set (and from time to time amended) by each Section of the Club.

### **ELECTION**

9. Candidates for membership shall be elected by General Committee at its absolute discretion. The General Committee may by resolution delegate the election of members to a sub-committee consisting of the President, the Honorary General Secretary and the Honorary General Treasurer. After the election of a member the Honorary General Secretary shall forthwith notify him of his election and refer him to the Constitution and Rules of the Club held in the Members Area of the Club website.

### **LIMITATION OF NUMBER OF MEMBERS**

10. (a) The maximum number of members of the Club or of any Section shall not exceed a number determined from time to time by the General Committee.  
  
(b) Subject to any limit which may be placed on the membership of the Club by General Committee an applicant for membership of the Club and a Section shall, subject to Rule 8, have preference over an applicant for Social Membership.  
  
(c) In the event of there being no vacancy in the Section for which an applicant makes an application the applicant for social membership and membership of a Section may be placed on a waiting list for the Section maintained by the Honorary General Secretary who shall bring names on such a waiting list forward for consideration for election to the Section as a vacancy occurs.

### **LIFE, HONORARY AND TEMPORARY MEMBERSHIP**

11. (a) A person may be elected an Honorary member of the Club or the Club and any Section at any meeting of the General Committee. An Honorary member may be elected for life or for such period as the General Committee may deem to be expedient. He shall be entitled to all the privileges of membership without paying the annual Club or Section subscription or any special payment for such honorary membership. The President, Honorary General Secretary and Honorary General Treasurer shall each be an Honorary member of the Club and all Sections during his year of office.  
  
(b) The General Committee or the sub-committee constituted under Rule 9 shall have power to elect temporary members of the Club on such terms and at such subscriptions as it by resolution shall decide but no such member shall be elected or re-elected for a period that shall exceed in all 1 month and Rule 8 hereof shall apply to the election of such members.

The numbers of temporary members shall at no time exceed one tenth of the membership of the Club (excluding such temporary members) and no person shall be elected to temporary membership unless he is precluded by distance or other circumstances from making full use of the privileges of membership.

#### **TERMINATION OF MEMBERSHIP**

12. Any member who wishes to terminate his membership must notify the Honorary General Secretary in writing of his intention at any time before the last day of December in any year. Any member using the Club facilities after this date shall be liable to pay his subscription (either for social membership only or membership of a Section as the case may be) for the year. Any person shall on ceasing to be a member of the Club forfeit all rights to and claims upon the Club and its property and funds.

#### **EXPULSION**

13. (a) The General Committee shall have power to invite any member who shall offend against the rules of the Club or whose conduct in the opinion of the General Committee render him unfit for membership of the Club to resign from the Club by a letter from the Honorary General Secretary specifying the date by which the resignation should be made. To be clear being unfit for membership would include the taking or trading in illegal substances on Club premises.
- (b) If the member concerned does not resign the question of his expulsion must be considered at a Meeting of the General Committee to be held within 4 weeks after the date of the letter referred to in Rule 13(a).
- (c) Not less than 10 days' notice of such meeting of the General Committee must be given.
- (d) The Honorary General Secretary will inform the Member in question of the date time and place of such meeting of the General Committee and the nature of the complaints against him in sufficient time to afford him a proper opportunity of offering a rebuttal of such complaints or an explanation of his conduct.
- (e) At the Meeting of the General Committee the Member must be allowed to offer a rebuttal of the complaints made against him or an explanation of his conduct either verbally or in writing (by letter to the Honorary General Secretary) and if after considering the matter two-thirds of the members of the General Committee present vote for expulsion of the Member he will immediately cease to be a Member of the Club.
- (f) The Honorary General Secretary, after consultation with the President or (if he is not available) with the Vice-President or the President-Elect may exclude from the Club any member against whom a written complaint that such member has offended against the Rules of the Club or whose conduct renders him unfit for membership of the Club has been received by the Honorary General Secretary until the meeting of the General Committee referred to in Rule 13(b).
- (g) An expelled Member (or any member who resigns following an invitation to resign) forfeits all the privileges of membership and all rights against the Club and is not entitled to any refund of his subscriptions but remains liable for his subscriptions for the year during which he resigns or is expelled.

(h) No member who has resigned following an invitation to resign or who has been expelled from the Club may be introduced by any member as a guest or visitor under Rule 31(a) or visit the Club pursuant to Rule 31(b) nor shall he enter any part of the Club premises to attend any function held there whether or not such function is organised or arranged by a Member of the Club except the Concert Hall for the purpose of voting at any Parliamentary, Local or other Election or Referendum when the Concert Hall is being used as a Polling Station for such Election or Referendum.

### **SECTIONS OF THE CLUB**

14. (a) The Sections of the Club shall be badminton, bowls, bridge, lawn tennis, padel, pétanque and snooker. The General Committee shall have power from time to time to permit the formation of any other Section (subject to Rule 10) upon receiving written application from not less than 20 members. Upon such Section being formed Rules 20 and 24 shall be construed as if reference to such Section was included therein and the number of members of the General Committee shall be increased by 2 in respect of each new Section.
- (b) A member shall be recognised as a member of a Section if his name is entered in the Register of members of the Section which shall be maintained up to date by the Honorary General Secretary.
- (c) A member not also being a member of a Section shall be referred to as a Social Member and his membership referred to as Social Membership.

### **SECTION COMMITTEES**

15. (a) Each Section of the Club shall hold an Annual General Meeting (and not more than 15 months shall elapse without an Annual General Meeting) at which there shall be elected a Section Committee consisting of a Chairman, a Secretary, a Treasurer, and other members (the number of which shall be determined from time to time by the General Committee) to conduct the affairs of the Section. It shall be the duty of the Secretary of a Section to provide the Honorary General Secretary with minutes of all General and Committee Meetings of the Section and to provide the Honorary General Treasurer with a copy of the Section's annual accounts for the year ending 31<sup>st</sup> December.
- (b) The provision of Rule 22 shall apply to an Extraordinary General Meeting of a Section with the substitution of the words "the Secretary of the Section", "the Section Committee", "the Section", and "10 members", for "the Honorary General Secretary", "the General Committee", "the Club", and "40 members" respectively.
- (c) The provisions of paragraphs c) to e) (both inclusive) of Rule 20 shall apply to a Section Committee with a substitution of the words "the Section Committee", and "5 or less" for "the General Committee", and "7 or less" respectively. A Section Committee shall meet at such times as it shall determine or is directed by the General Committee.

### **SUBSCRIPTIONS**

16. The entrance fee (if any) and the annual club and section subscription rates shall be determined by the General Committee not later than 30th September in any year. The subscription rates shall take effect from and become due on the 1<sup>st</sup> January of the ensuing year. The Honorary General Secretary shall notify members of any changes in the entrance fee or subscription rates forthwith. Such entrance fee and subscriptions shall be deemed to be debts due to the Honorary General Treasurer of the Club for the time being.

No member of the Club who is in arrear in payment of any entrance fee or any subscription shall be eligible to play in any team or to participate in any competition or handicap held annually, or otherwise for which a prize is offered.

Any person joining in any year may be admitted (subject to Rules 8 & 10) upon payment of the entrance fee (if any) and a fraction of the current year's Club and where appropriate Section subscriptions. The fraction to be determined by the General Committee from time to time. This does not apply to any applicant who has previously been a fully paid-up member within 2 years of the date of application. The entrance fee (if any) and full subscription will then be payable.

The General Committee may determine an annual subscription ("the intermediate subscription") for any member who is aged 18 years but under 25 years on 1st January of each year or date of election to membership (both for Club and, where applicable, Section membership) of such amount or amounts as it sees fit. The General Committee may also determine payment rates for non-section activities and for Sections for periods of less than one year.

#### **SUBSCRIPTION IN ARREAR**

17. If any member shall fail to pay his subscription within two months after it has become due the Honorary General Secretary, or the Honorary General Treasurer shall send him a notice in writing or by email as recorded in the books of the Club calling upon him to pay the same within 14 days. If he shall fail to pay his subscription the General Committee shall be entitled to terminate his membership without further notice.

#### **HOURS OF OPENING**

18. (a) The Club premises shall be open to members daily during the following hours:

Sunday 9.30 a.m. to 10.30 p.m.

Monday to Saturday 9.30 a.m. to 11.00 p.m.

The General Committee shall have power from time to time to vary the opening hours of the whole or any part of the Club premises.

(b) Subject to the provisions of the Licensing Act 2003 or any Act amending, or replacing the same, the General Committee shall have power to fix permitted hours for the supply of intoxicating liquor by the Club and from time to time to vary the hours so fixed. No person under 18 years of age and no guest or associate member as defined in the Licensing Act 2003 (unless either his name has been entered in the Visitor's Book by a member or he is visiting the Club as mentioned in Rule 31(b) ) may be supplied with intoxicating liquor.

#### **OFFICERS OF THE CLUB**

19. The Officers of the Club shall be The President, the President-Elect, the Vice President, the Honorary General Secretary and the Honorary General Treasurer. The Honorary General Secretary and Honorary General Treasurer shall be elected annually at the Annual General Meeting. The President and President-Elect shall be appointed by the General Committee. At the end of his year of office the President shall automatically become the Vice-President.

#### **THE GENERAL COMMITTEE**

20. (a) The management of the Club shall be entrusted to a General Committee consisting of the Officers of the Club and other members appointed in accordance with the procedure laid down in Rule 24, with powers to co-opt. The Trustees of the Club for the time being and any two (variable) of Chairperson, Secretary or Treasurer of each Section, Bar and Entertainments Sub-committees, when appointed, shall be additional Ex-Officio Members of the General Committee with full voting rights.
- (b) The President or failing him the Vice-President or failing them the President-Elect or failing them a member elected by the members of the General Committee present at the time fixed for the commencement of the meeting shall be the Chairman of each meeting of the General Committee.
- (c) Any member of the General Committee may at the commencement of or at any time during any meeting call for a count of those present. If the number of those present shall be 7 or less, the Chairman of the meeting shall forthwith close the meeting but without prejudice to the validity of any resolution passed prior thereto.
- (d) A resolution shall be declared carried by a simple majority of those voting. In the event of there being a tie on any vote, the Chairman shall have a second or casting vote.
- (e) The General Committee shall have power at any time and from time to time to fill any casual vacancy among the Officers and General Committee. Any Officers or member of the Committee so appointed shall hold office only until the next following Annual General Meeting but shall then be eligible for re-election.
- (f) The General Committee shall have power at any time to appoint an assistant or assistants to the Honorary General Secretary and/or the Honorary General Treasurer to assist such officer in the performance of his duties, and to remove any person so appointed. Such person need not already be a member of the General Committee. The General Committee when making such an appointment, shall determine the voting rights and the right of attendance of such persons at meetings of the General Committee, and may from time to time vary such rights or any of them. Any person so appointed shall not be an officer of the Club for the purpose of Rule 25 (C). Such person shall automatically relinquish his appointment at the Annual General Meeting next following his appointment and shall be eligible to be re-appointed. Any act or thing done by such assistant in the course of his duties shall be deemed to be done by the Honorary General Secretary or the Honorary General Treasurer for the purposes of these Rules.
- (g) The General Committee shall meet at least once a month, and at such other times as the General Committee shall determine.

#### **ANNUAL GENERAL MEETING**

21. (a) The Honorary General Secretary shall by letter, e-mail or notice on the noticeboard giving seven clear days' notice call an Annual General Meeting to be held in March each year on a date fixed by the General Committee. Fifteen months shall not elapse without an Annual General Meeting.
- (b) At the Annual General Meeting the following business shall be conducted.
- (i) The presentation and (if accepted) passing of the accounts for the previous financial year ended on the 31st day of December prior to the Meeting which accounts shall first have been reviewed by the Independent Examiner.

- (ii) The election of the Honorary General Secretary and Honorary General Treasurer.
- (iii) The election of an Independent Examiner.
- (iv) Such business as shall have been the subject of a Notice of Motion communicated to the Honorary General Secretary in accordance with paragraph (c) of this Rule and included in the notice of the meeting sent by him to the members.
- (v) Such other business as the General Committee shall instruct the Honorary General Secretary to insert in the Notice of the meeting sent by him to the members.

(c) A notice of Motion shall be in the hands of the Honorary General Secretary not later than the 14th February. The Honorary General Secretary shall cause details of all such Notices of Motion so received by him to appear in the Notice of the meeting sent by him to the members.

(d) The Chairman of the Annual General Meeting shall be the President and in his absence the Vice-President and in his absence any member elected by the members present at the time fixed for the commencement of the meeting.

#### **EXTRAORDINARY GENERAL MEETINGS**

22. The Honorary General Secretary (on the instructions of the General Committee) may by notice to each member giving 7 clear days' notice call an Extraordinary General Meeting of the Club at any time (and shall do so upon the written requisition of 40 members). Such Notice shall specify the business proposed to be transacted at such Extraordinary General Meeting and no business other than that specified shall be dealt with at such Extraordinary General Meeting.

#### **VOTING**

23. At any General Meeting each member shall be entitled to one vote, and the Chairman of the meeting shall have a second or casting vote in the event of equality.

#### **NOMINATIONS FOR ELECTION OF HONORARY GENERAL SECRETARY & HONORARY GENERAL TREASURER AND NOMINATIONS FOR ENTERTAINMENTS SUB-COMMITTEE**

24. (a) Nominations for election of the Honorary General Secretary and Honorary General Treasurer shall be entered on the list provided for that purpose by the Honorary General Secretary by 1st February which list shall be exhibited prominently in the Clubhouse in a part frequented by the members until the following 14th February.

(b) A member may nominate himself for the Entertainments Sub-Committee, or may be nominated by another member, but a member proposing to nominate another member shall obtain the consent of his nominee before making such nomination. Nominations will be considered for appointments by the General Committee.

(c) On or after the 15th February the Honorary General Secretary shall have Ballot Sheets printed setting out the nominations for the Honorary General Secretary and Honorary General Treasurer which shall be distributed with the Notice of the Annual General Meeting sent by him to the members.



(d) A member attending the Annual General Meeting shall be permitted to place his Ballot paper in a closed box provided for that purpose which shall be opened by two scrutineers appointed at the Annual General Meeting. Any Ballot Paper not completed in accordance with paragraph (e) of the Rule shall be declared a spoilt paper.

(e) A member not attending the Annual General Meeting may vote by delivering his Ballot Paper in a sealed envelope marked by him or on his behalf "Ballot Paper to be opened by the scrutineers at the Annual General Meeting on (date of meeting)" to the Honorary General Secretary not later than 24 hours before the time fixed for the commencement of the Annual General Meeting.

### **SUB-COMMITTEES**

25. (a) A Bar Sub-Committee, which is subservient, and reports, to the General Committee, shall comprise the five officers and up to six members appointed by the General Committee elected to serve for one year. This Committee shall be responsible for the purchase and supply of alcohol by the Club and for any other matters referred to it by the General Committee and shall report on its work to each meeting of the General Committee.

(b) An Entertainments Sub-Committee, which is subservient, and reports, to the General Committee, shall comprise the five officers and members appointed by the General Committee.

(c) Finance Sub-Committee comprising President, Honorary General Treasurer, Honorary General Secretary and up to 6 members appointed by the General Committee.

(d) The General Committee may from time to time appoint such other sub-committees from amongst its members as it may consider necessary to carry out the functions of the Club. A duly constituted sub-committee shall have power to co-opt additional members up to a number to be specified by the General Committee.

(e) The appointment of the Chairman, Secretary and Treasurer of a sub-committee shall be approved by the General Committee.

(f) A sub-committee shall report to the General Committee as and when required by the General Committee.

### **COMMISSION**

26. No person shall at any time be entitled to receive at the expense of the Club any commission percentage or similar payment on or with reference to purchases of intoxicating liquor by the Club nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests apart from any benefit accruing to the Club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to the general gain from the carrying on of the Club.

### **LICENSING ACT 2003**

27. A person who is not a member of the Club may by prior written agreement with the Honorary General Secretary hire the Concert Hall (part of the Club premises) for either a private function or a function to which the person making the hiring permits other non-members of the Club to be present for a period not exceeding twenty-four hours in duration.

During the period of such hire, those attending the function (who are not themselves Members of the Club) shall be entitled to the privileges of temporary social membership of the Club.

#### **APPLICATION OF PROFIT**

28. No money or property of the Club or any gain arising from the carrying on of the Club shall be applied otherwise than for the benefit of the Club as a whole or for some charitable or benevolent purpose or purposes chosen by the General Committee and not in violation of the Trust Deed mentioned in Rule 2.

#### **PAID EMPLOYEES OF THE CLUB**

29. (a) The General Committee shall have power to appoint, pay and dismiss any Steward and such other employee as they may deem necessary.

(b) Any complaint about the conduct of the Steward or other employee shall be made by letter to the Honorary General Secretary who shall submit every such letter for consideration at the next meeting of the General Committee.

(c) The conduct of the Steward or other employee shall in no instance be made a matter of personal reprimand by any member.

#### **PLAY ON OUTSIDE FACILITIES**

30. Play on the Tennis Courts, Padel Courts, Petanque Piste or the Bowling Green shall be allowed if the weather and the state of the facilities so permits. A member of the appropriate Section Committee (or in his absence the Stewards) shall have power to forbid play.

#### **GUESTS AND VISITORS**

31. (a) A member may introduce up to 10 guests on any occasion at the Club, and there shall be kept at the Club premises a Visitors Book into which the Member shall enter the name and address of each guest, and the name of the Member introducing the guest(s).

The Visitor's Fee for bowls, tennis, badminton, snooker, petanque and bridge shall be fixed from time to time by the General Committee, and payment of such fee shall be made to the Steward, Caretaker or any Officer of the Club by the Member introducing the guest(s).

No person residing within 20 miles of the Club premises may be introduced as a guest on more than 6 occasions in any year.

No person who has been expelled from membership of the Club or whose membership has been terminated by the General Committee or who has been refused membership of the Club may be admitted as a guest within two years following such expulsion termination or refusal.

The Members introducing a guest(s) shall be responsible for the guest(s) strictly observing the Rules of the Club and shall not leave the Club premises before his guest(s).

(b) A Member or Members may by prior written agreement with the Honorary General Secretary hire all or a part or parts of the Club premises for private functions not exceeding

24 hours in duration. During the period of such hire, those attending the function as bona fide guests of the Member(s) making the hiring (and if not already a Member or Members of the Club) shall be entitled to the privileges of temporary social membership of the Club and a membership fee of 1p for each bona fide guest of the Member(s) making the hiring shall be included in the hiring fee payable by such Member(s).

(c) Notwithstanding that Rule 31(a) prevents a member introducing more than ten guests on any occasion at the Club, the Secretary of any Section Committee or Captain of any team representing the Club may introduce persons visiting the Club for the purpose of playing badminton, bowls, bridge, lawn tennis, padel, petanque, pool or snooker in any match or competition (including officials of visiting clubs or teams or competition organisers) not exceeding 20 on any occasion as guests.

#### **LIMITATIONS AS TO THE USE OF THE CLUB PREMISES**

32. No member, visitor or other person shall cause any part of the Club premises (other than the Concert Hall) to be used for the purpose of promoting the interest of any political party.

#### **ACCOUNTS**

33. Full accounts of the financial affairs of the Club duly reviewed by the Independent Examiner shall be delivered to every member with the Notice convening the Annual General Meeting.

#### **ADDRESSES OF MEMBERS**

34. The postal and email address of each member shall be recorded in the Club's books and it shall be the responsibility of the member to notify the Honorary General Secretary of any change of addresses. Any notice sent by post to such address shall be considered as having been given on the day following the date of posting if sent by first class post or the third following the date of posting if sent by second class post. Any notice sent by email shall be considered as having been given on the same day as sent.

#### **MODIFICATION OF RULES**

35. No alteration or addition to these Rules shall be made except by a Resolution carried by a majority of the members present at the Annual General Meeting or at an Extraordinary General Meeting called in accordance with Rule 22 the notice of which shall have contained particulars of the proposed alteration or addition. The Honorary General Secretary shall as soon as possible and in any case within 28 days of the making of such alteration or addition send notification of such alteration or addition to the Chief Officer of Police and to the Clerk of the Local Authority of the district in which the Club is situate.

#### **CLUB TRUSTEES**

36. The Trustees of the Club shall be nominated by the General Committee and they shall respectively hold office until death or resignation unless removed by a resolution passed at a meeting of the General Committee where two-thirds of the members of the General Committee present shall vote for his removal. The number of Trustees shall not be more than 4 nor less than 3 and the property of the Club (other than cash which shall be under the control of the Honorary General Treasurer) shall be vested in them. They shall deal with the property of the Club as directed by the General Committee (of which an entry in the Minute Book shall be conclusive evidence) and they shall be indemnified against risk and expense out of the property and funds of the Club. Whereby reason of death, resignation or removal

it shall appear necessary to the General Committee that a new trustee or trustees shall be appointed or if the General Committee shall deem it expedient to appoint an additional trustee or additional trustees the General Committee shall by resolution nominate the person or persons to be appointed the new trustee or trustees. For the purpose of giving effect to such nomination the person stated to be the person to appoint new trustees of the Club by the Trust Deed referred to in Rule 2 hereof or if such person shall decline or fail on written request to exercise his rights the President of the Club (who is hereby nominated as the person to appoint new trustees of the Club within the meaning of the Trustee Act 1925 Section 38) shall by deed appoint the person or persons so nominated by the General Committee as a new trustee or trustees of the Club and provisions of the Trustee Act 1925 shall apply to any such appointment. Any statement of fact in any such Deed of Appointment shall in favour of a person dealing Bona Fide and for value with the Club or the General Committee be conclusive evidence of the facts so stated.

### **BORROWING POWERS**

37. The Trustees of the Club for the time being shall have power to borrow for the benefit of the Club, as directed by the General Committee, and for that purpose shall have power to Mortgage or Charge the property of the Club.

### **INTERPRETATION OF RULES AND MISCELLANEOUS**

38. In these Rules where the context so admits the singular number shall include the plural number and vice versa and the masculine gender shall include the feminine gender and vice versa.
39. The General Committee's interpretation of all or any of these Rules shall be final and binding on all members.
40. For the purpose of promoting the amateur sport of lawn tennis and padel and so as to bind only members of the Tennis Section and Padel Section the following rules will apply:

#### **1. Defined Terms**

1. In the rules, unless the context requires otherwise:

"Disciplinary code" means the disciplinary code of [the LTA] in force from time to time;

"[LTA]" means [LTA CLG] and its subsidiaries or such successor entity or entities as become(s) the governing body of the game of lawn tennis and padel from time to time;

"[member]" means a member of the [club/registered place to play];

"Rules" means the rules of [the LTA] as in force from time to time;

#### **2. Conditions of [membership]**

- 1.2 Each member agrees as a condition of membership

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

(B) to be bound by and subject to the Rules and the Disciplinary Code 2 .

1.3 Rule [2(1)] confers a benefit on [the LTA] and, subject to the remaining provisions of this rule, 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 these rules, apart from rule [2(1), should be enforceable, by virtue of the contracts (Rights of Third Parties) Act 1999, by any person who is not a party to this agreement.

1.4 The [Management 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.

### **3. The [Management Committee]**

The [club/registered place to play] agrees that each member the Management Committee will be required, as a condition of election or appointment, agree to be bound by and subject to these rules, the Rules and the Disciplinary Code, such agreement contain an express acknowledgement that the Contracts [Rights of Third Parties] Act 1999 applies and that [the LTA] and [the club/registered place to play] can enforce any breach at its option and in its sole discretion <sup>3</sup>.

### **4. Coaches and Players**

[The club/registered place to play] agrees that all unlicensed and unregistered coaches and, so far as reasonably practicable, players and other persons using the facilities of [the club/registered place to play] will be required, as a condition of such use, to agree to be bound by and subject to these rules, 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/registered place to play] can enforce any breach at its option and in its sole discretion <sup>4</sup> .

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].

2 This means that each member of the [club/registered place to play] agrees to be bound by the LTA's Rules and Disciplinary Code.

3 This means that the members of the club's/registered place to play's Management Committee need to agree to comply with the LTA's Rules and Disciplinary Code.

4 This means that each club/registered place to play is expected to get their unlicensed and unregistered coaches; and, as far as is reasonably practicable, players who use their facilities to sign up to the LTA's Rules and Disciplinary Code.

<sup>1</sup> 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).

<sup>2</sup> This means that each member of the (club/registered place to play) agrees to be bound by the LTA's Rules and Disciplinary Code.

<sup>3</sup> This means that the members of the club's/registered place to play's Management Committee need to agree to comply with the LTA's Rules and Disciplinary Code

<sup>4</sup> This means that each club/registered place to play is expected to get their unlicensed and unregistered coaches, and as far as reasonably practicable, players who use their facilities to sign up to the LTA's Rules and Disciplinary Code.