



# **MONKSTOWN GOLF CLUB**

## **CONSTITUTION**

**December 2019**

**Gavin O'Neill – Chairman**

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# Document Revision History

## Base Document: MGC Club Constitution (dated September 2014 & December 2018)

<i>REVISION DATE</i>	<i>REF.</i>	<i>AMENDMENT DESCRIPTION</i>
AGM 28.11.19	1.3	Membership re defined
AGM 28.11.19	1.4	Membership re defined
AGM 28.11.19	2.1	Membership re defined
AGM 28.11.19	3.2	Paragraph re written to remove out of date wording
AGM 28.11.19	3.3	30 days changed to 28 days
AGM 28.11.19	4.1.1(v)	Communications portfolio changed to Sales & Marketing
AGM 28.11.19	4.1.1	Indemnity paragraph added for management committee
AGM 28.11.19	4.1.1	General Manager attendance at meetings re defined
AGM 28.11.19	4.1.2(vi)	New clause
AGM 28.11.19	4.1.2(vii)	New clause
AGM 28.11.19	4.1.2(viii)	Clause re written
AGM 28.11.19	4.1.2	Final sentence re written to include or relevant committee
AGM 28.11.19	4.1.3	New Clause
AGM 28.11.19	4.2.1	Treasurer required for both Men's and Ladies' Clubs and a Handicap Committee required also for both Men's and Ladies' Clubs
AGM 28.11.19	4.2.2(iii)	New clause
AGM 28.11.19	5.2	Ladies' Club – Twenty Ordinary Members
AGM 28.11.19	5.3.2	Quorum to be 50 Ordinary Members for all clubs
AGM 28.11.19	5.4.1	Clause re written
AGM 28.11.19	5.4.3	Clause omitted
AGM 28.11.19	5.4.5	Clause re written
AGM 28.11.19	5.5.5	Clause re written
AGM 28.11.19	6.1	Clause re written
AGM 28.11.19	6.2.3	Clause re written
AGM 28.11.19	6.3.1	Bullet point 6 re written
AGM 28.11.19	6.3.3	Bullet point 5 re written
AGM 28.11.19	11.3	New clause
AGM 28.11.19	13.4	Meaningless sentence removed
AGM 06.12.18	Contents	“COMPLIANCE”, correction of typo
AGM 06.12.18	1.4	President can attend all General Meetings

AGM 06.12.18	2.2.4	Minor correction “Management” for “Membership and Marketing”
AGM 06.12.18	4.1.1	“Hon Secretary” for “House”
AGM 06.12.18	4.2.1	Minor Correction, “Captain of the Ladies Club” for “Lady Captain”
AGM 06.12.18	4.2.2	Minor corrections to grammar only
AGM 06.12.18	10.1 & 10.2	Minor correction, “Management Committee” for “Committee of Management”
AGM 30.11.17	2.2.1	Re. Election of new members, nominees to be circulated to MC rather than Membership and Marketing Committee
AGM 30.11.17	2.2.2	Re. Nominating new members rights of ordinary members now embedded in 2.2.1
AGM 30.11.17	4.1.1	Re. MC structure, two changes in Portfolio Titles; ‘House and Social’ to ‘House’ and ‘Membership and Marketing’ to ‘Communications’
AGM 30.11.17	4.1.2 (vii)	Re. MC responsibilities, the elimination of the following phrase ‘The Management Committee shall appoint a Membership and Marketing Committee to recommend candidates for election to the Club’.
AGM 30.11.17	5.3.3	Re. AGM arrangements, no change, merely clarifying wording when two thirds majority required.
AGM 30.11.17	6.2.4	Re. Nomination and election of officers, no change, merely clarifying wording
AGM 30.11.17	6.3.1	Re. President, no change, merely eliminating unnecessary wording.
AGM 30.11.17	11.4	Re. Appeals procedure, requiring member of Select Committee to be a member for at least ten years
10 JAN 2017	1.3.2	Revised wording requested by Revenue Commissioners
10 JAN 2017	12	Income and Property: Revised wording requested by Revenue Commissioners.
10 JAN 2017	13.6	Additional clause to comply with statutory requirements.
AGM 02.12.16	4.1.1	Re. Management Committee (MC) Structure, change from 7 to 8 members and adding President of the Club as member
AGM 02.12.16	4.2.1	Limiting Men’s and Ladies’ Club Committees to a maximum of 9 members
AGM 02.12.16	6.3.1	Giving President full voting rights at MC

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## **1. NAME, AFFILIATION, GOVERNING RULES, OBJECTS, COLOURS, EMBLEM**

### **1.1 Name, Affiliation, Colours & Objects**

- 1.1.1 The name of the club shall be MONKSTOWN GOLF CLUB (the Club) located at Parkgarriff, Monkstown, Co. Cork and this name shall be the common name by which the Men's (GUI) Club, the Ladies (ILGU) Club and the Joint Club shall be individually and collectively known.
- 1.1.2 The Club shall affiliate to the Golfing Union of Ireland (GUI) and The Irish Ladies Golf Union (ILGU) as appropriate.
- 1.1.3 The Club colours for Interclub Golf shall be yellow and the Club Emblem shall be Monkstown Castle.
- 1.1.4 The objects of The Club shall be to conduct its business through the operation of a Men's Club, a Ladies Club and a Joint Club, and to generally promote the game of golf and its associated social activities for the members of the club.

### **1.2 Control of the Club**

- 1.2.1 Control of the Club shall derive from the Ordinary Members and shall be exercised in accordance with the provisions of this Constitution.
- 1.2.2 The ownership of Club property shall be vested in Trustees, as detailed hereunder, for the time being on behalf of the Members.

### **1.3 Joint Club**

The membership of the Joint Club shall comprise all members of the Club. Attendance and voting at Annual and Extraordinary General Meetings of the Joint Club shall be confined to Ordinary, Life, Intermediate and Honorary Life Members.

The Joint Club shall:

- 1.3.1 Be administered by a Management Committee hereinafter appointed.
- 1.3.2 Have as its main object the promotion of the amateur game of golf and the provision of facilities for the playing and promotion of the amateur game of golf.

- 1.3.3 Manage matters of common interest of both the Men's Club and the Ladies' Club which shall include:
- Provision of and responsibility for the maintenance and upkeep of the course and clubhouse and their environs to the standard required by members.
  - Provision of bar and catering facilities and all these entail.
  - Collection of annual subscriptions and other club levies payable by members.
- 1.3.4 Adhere to the maximum number of members of the different categories of members, which can be elected to each of the Men's and Ladies' Clubs. Any alteration in the number permitted in each category shall be decided at an annual or general or a special general meeting of the Joint Club.
- 1.3.5 Act as administrator of the affairs (other than golf competitions) of both Men's and Ladies Clubs.
- 1.3.6 Generally to act in the promotion and advancement of the facilities available to members.
- 1.3.7 Ensure proper accounts and books of account are kept showing the financial affairs, receipts and disbursements of the Club. The books of account shall be kept at the Clubhouse and shall always be open to inspection by members of the Management Committee.

#### **1.4 Men's Club / Ladies Club**

The membership of the Men's and Ladies' clubs shall comprise all male and female golfing members of the respective Clubs. Attendance and voting at Annual and Extraordinary General Meetings shall be confined to Ordinary, Life, Intermediate and Honorary Life Members of the respective clubs. The President shall be entitled to attend all General Meetings of both clubs but with voting rights only for the club in which he/she is a member.

The Men's / Ladies Clubs shall:

- 1.4.1 Promote the amateur game of golf amongst its members.
- 1.4.2 Accept and abide by the Constitution and Bye-Laws of the Golfing Union of Ireland / Irish Ladies Golf Union to which the Club is affiliated and the Bye-Laws of the District / Branch in which the Club is situated.
- 1.4.3 Accept and apply the Handicapping System as prescribed by the Golfing Union of Ireland (GUI) / Irish Ladies Golfing Union (ILGU) and such rules thereunder as may require to be implemented from time to time by such union.

- 1.4.4 Accept and recognise the Royal and Ancient Golf Club of St. Andrews as the sole authority for prescribing and implementing the Rules of Golf and the Rules of Amateur Status.
- 1.4.5 Authorise the Joint Club to manage matters of common interest (other than the game of golf and its related activities) which the Men's GUI Club has with the Ladies ILGU Club subject to and as provided in these rules.

## **2. MEMBERSHIP**

### **2.1 Membership Categories**

The Club may have the following membership categories (Detailed definition in bye laws)

- 2.1.1 Ordinary Members
- 2.1.2 Senior Ordinary Members
- 2.1.3 Five Day Ordinary Members
- 2.1.4 Life Members
- 2.1.5 Intermediate Members
- 2.1.6 Junior Members
- 2.1.7 Juvenile Members
- 2.1.8 Country Members
- 2.1.9 Overseas Members
- 2.1.10 Honorary Life Members
- 2.1.11 Honorary Members
- 2.1.12 Temporary Members
- 2.1.13 Third Level College Members
- 2.1.14 Senior Honorary Members
- 2.1.15 Pavilion Members
- 2.1.16 Such other categories that are designated from time to time by the Management Committee and confirmed at the next General Meeting of the Joint Club.

The membership year shall be from 1 December to 30 November.

### **2.2 Election of Members**

- 2.2.1 The election of members shall be in the hands of the Management Committee. All candidates for membership must be duly proposed and seconded by two Ordinary members of the Club, and their names and addresses given in writing to the General Manager who shall forthwith circulate them to the Management Committee to consider proposals for admission. The Management Committee shall have power to accept or reject such proposals and may interview applicants at their discretion. The mode of election shall be by ballot, if demanded, and a candidate shall be excluded if two thirds of those present do not vote in his or her favour.
- 2.2.2 The names and addresses of persons proposed as members of the Club, together with the names of their proposers and seconders shall be displayed



in a conspicuous place on the Club premises for at least one week before their election and an interval of not less than two weeks shall elapse between nomination and election of ordinary members.

- 2.2.3 The President and Captains of the Men's / Ladies Clubs in their year of office, may each nominate one new member. Where no vacancies occur in their year of office the membership limits may be temporarily increased to accommodate these nominations. The first available opportunity shall be taken to restore the upper membership limit to the prescribed number.
- 2.2.4 After accommodating the President's and Captains' nominations the Management Committee shall decide on the order of priorities as between different categories of applicant.

### **3. TRUSTEES**

- 3.1. The Trustees shall be nominated by the Management Committee of the Joint Club and may be elected at the next General Meeting of the Joint Club. The number of Trustees shall be three, all of whom shall be Ordinary Members of at least ten years standing.
- 3.2. A Trustee shall be appointed for a five year term and shall not serve more than two consecutive terms. Such Trustee shall cease to be a Trustee if he/she resigns as a Trustee or ceases to be an Ordinary Member of the Club, or an Honorary Member of the Club who was previously an Ordinary Member. Should a Trustee vacancy arise during a year the management committee may co opt a qualified member to fill the vacancy.
- 3.3. The property of the Club shall be vested in the Trustees, who shall deal with the property as directed by resolution of the Management Committee (of which an entry in the minute book shall be sufficient evidence), except that any disposal or leasing of Land or Buildings in the possession of Monkstown Golf Club shall be notified to the Members by way of Notice posted in the Clubhouse by the Management Committee not less than twenty eight days prior to entering into any agreement / contract in relation to any such disposal or leasing of Land and Buildings.
- 3.4. If the Trustees, when directed by resolution of the Management Committee to perform a certain act, consider that the performance of such an act is one of such importance that they consider that the members of the Club should be consulted, then the Trustees may refuse to perform such act until the members have been consulted at an Annual or Extraordinary General Meeting and a resolution is passed at such Meeting authorising or refusing to authorise the Trustees to perform such act as was originally directed by the Management Committee.
- 3.5. The Trustees shall be indemnified against all liability and expense incurred by them by reason of their position as Trustees in so far as the assets of the Club may be deficient, by the members for the time being of the Club.
- 3.6. If not otherwise represented, the Trustees shall have the right to nominate one of their number to attend meetings of the Management Committee without voting rights.

## **4. COMMITTEES AND MANAGEMENT**

### **4.1 Management Committee (Joint Club)**

#### **4.1.1 Structure**

The Management Committee shall comprise eight members and shall hold meetings at periodic intervals of not more than two months. The President, Captains of the Men's and Ladies' Clubs shall be members during their term of office. The General Manager shall be a permanent member and the remaining four positions shall be filled by Ordinary Members who shall each be elected at the Annual General Meeting, for a term of three years, to manage specific portfolios. The specific portfolios are:

- (i) Chairman
- (ii) Honorary Secretary
- (iii) Finance Officer
- (iv) Course Officer
- (v) Sales & Marketing Officer.

The members of the management committee shall be entitled to be indemnified out of the assets of the Club for all acts done or approved by them in good faith on behalf of the club, in the exercise of the powers and functions conferred on them hereunder and shall not by virtue of their holding such office incur any personal liability.

The quorum for meetings of the Management Committee shall be four and in the event of a tie the Chairman shall have a casting vote.

One nominated Trustee may attend without any voting rights. When available the General Manager shall attend all meetings without any voting rights.

#### **4.1.2 Responsibilities**

The Management Committee shall have the following responsibilities:

- (i) The control and maintenance of the Golf Course, Property, House and Land, including the submission to Members for their approval at General Meetings of any proposals to acquire or dispose of land.
- (ii) The control and management of the Club's finances. This will involve:
  - The generation and application of cash resources.
  - The control of income and expenditure in accordance with a Budget approved at the Annual General Meeting.
  - Recommendation of auditors who shall be appointed by the members at the AGM and their duties regulated in accordance with the Companies Acts 1963 to 2013, or any statutory modification thereof for the time being in force.

- Audited Financial Statements of the Club for the financial year ending on 30 September, or such other date as the Management Committee may from time to time determine, and these shall be submitted by the Management Committee to each Annual General Meeting ensuing.
  - The control of Bar and Catering activities.
  - All Club employee matters.
- (iii) The Management Committee through its Chairman shall report to the Members at the Annual General Meeting, via the Annual Report and Accounts, on all activities for which the Management Committee has responsibility. It shall report on Actual Income versus Budget for the year completed. It shall also determine a Projected Income and Expenditure Budget for the forthcoming year, including annual subscriptions, and submit it for ratification or otherwise by the members in General Meeting.
- (iv) The Management Committee shall prepare for each Annual General Meeting a rolling three year projection on Capital Expenditure for approval by the membership.
- (v) The implementation of membership limits and categories of membership as set down by Members at General Meeting.
- (vi) The Management Committee shall appoint:
- a Finance Committee.
  - a Sales and Marketing Committee.
  - a Course Committee
- (vii) The Management Committee may co opt a member to any committee should a vacancy occur.
- (viii) The Management Committee shall have the power to appoint additional Committees if required, to define the scope of their authority and to confer on them respectively the powers, but not greater than the powers given to the Management Committee, necessary for the discharge of their functions. The term of their office and quorum for meetings shall be defined by the Management Committee.
- (ix) The appointment and terms of employment of the General Manager and other Club employees and Club Professional.
- (x) The submission to the membership for their approval at General Meetings of any proposed alterations to the Club Constitution and Bye-Laws.

- (xi) The submission to the membership for their approval at General Meetings of any proposed major alterations to the Club's Golf Course or Property.

The discharge of any or all of the above responsibilities may be delegated by the Management Committee to the General Manager or relevant committee.

#### **4.1.3 Finance Committee**

The Management Committee shall appoint a Finance committee to:

- Be responsible for all aspects of the club's finances
- Prepare a three year strategic plan
- Prepare the annual budget and the finance aspects of the three year plan.
- Monitor progress vis a vis the budget
- Manage the accounts of the club including issuing and collecting membership fees, green fees, society fees, managing bank and cash balances and paying creditors.
- Ensure the IT, software and internal controls and appropriate for the club's requirements.

The members of this sub committee shall consist of

- The general manager
- The Finance officer
- Two / three members of the club selected for their relevant experience and appropriate skillset
  - Members may be recommended by the general manager and finance officer and approved by the management committee.

The finance committee shall meet at periodic intervals of not more than two months.

## **4.2 Men's Club and Ladies' Club Committees**

### **4.2.1 Composition**

The Men's & Ladies' Club Committees shall each comprise 9 members, the Captain, Vice Captain, together with maximum 7 further members elected at the Annual General Meetings of their clubs from whom the positions of Secretary, Treasurer, Competitions Secretary, Handicap Secretary, Juvenile Convenor shall be filled.

A Handicap Committee of at least three persons shall be appointed by the Men's Club and Ladies' Club Committees.

*(One Lady Senior Member of not less than fifteen years standing should be nominated annually by the Captain of the Ladies Club)*

#### 4.2.2 Responsibilities

The Committee of each Club (hereinafter called "The Committee" shall have the following responsibilities:

- (i) Administration of the Golf activities of the Club.
- (ii) Administration of Golf Handicaps.
- (iii) Administration of golf competitions, competition fees, competition prizes, preparation of annual accounts for submission to the finance sub committee.
- (iv) The promotion of underage Golf.
- (v) The social life of the Club.
- (vi) The maintenance of proper standards on the Course and in the Clubhouse.
- (vii) Liaison with the other Club Committee with regard to mutual golfing matters.
- (viii) Each Committee shall where appropriate:
  - Fill any vacancies which may occur during the year.
  - Appoint Sub-Committees, define the scope of their authority, and confer on them respectively, the powers necessary for the discharge of their functions. Their terms of office and quorum shall be defined by the Committee.
  - Co-opt a member onto the committee in an advisory capacity without any voting rights.

## **5. GENERAL MEETINGS AND ELECTIONS**

### **5.1 Annual General Meetings**

5.1.1 The Annual General Meeting of the Joint Club shall be held before the eighth day of December each year but after the Annual General Meetings of both the Men's and Ladies Clubs, to receive the Annual Report of the Management Committee, to elect members to the Management Committee, where applicable, and to transact such other business as may be on the Agenda. The Annual General Meeting shall be held at such place and time as the Management Committee may appoint. The Chair shall be taken by the Chairman or in his/her absence by the President.

5.1.2 The Annual General Meeting of the Men's / Ladies' Clubs shall be held prior to the Annual General Meeting of the Joint Club and shall be held before the eighth day of December each year to receive the Club Committee's Annual Report for the year, to elect members of the Committee and to transact such other business of the Club as may be on the Agenda. The Annual General Meeting shall be held at such place and time as the Committee may appoint. The meeting shall be chaired by the Captain or in his/her absence by the Vice Captain.

### **5.2 Extraordinary General Meetings**

The relevant Committee may call an Extraordinary General Meeting of any of the three Clubs at any time. An Extraordinary General Meeting of any one of the clubs may also be called on submission of a requisition in writing to the General Manager of a notice of motion stating the object of the proposed meeting and signed by the required number of members of that Club. The members and requisite number of signatures for each of the three Clubs is laid down as follows:

- Joint Club - Thirty Ordinary Members
- Men's Club - Thirty Ordinary Members
- Ladies Club - Twenty Ordinary Members.

### **5.3 Arrangements for General Meetings**

- 5.3.1 The Management Committee and the Men's and Ladies' Committees shall summon Annual or Extraordinary General Meetings of their respective clubs by placing a notice, stating the business of the meeting, on the main notice board of the Club at least 28 days prior to the date of the meeting and such notice shall be deemed to have been served on each member. The notice shall also advise members on the requirements and timescales for submitting notices of motion and amendments to notices of motion. Where elections to committees are to be held the notice shall outline any vacancies to be filled and advise members on how to make a proposal for election. Members shall also be advised by e-mail where possible or by post where requested.
- 5.3.2 Fifty Ordinary Members shall form a quorum at an Annual or Extraordinary General Meeting of the Joint Club, Men's and Ladies' clubs.
- 5.3.3 All proposals submitted at an Annual or Extraordinary General Meeting shall be decided by a majority of those present and entitled to vote. In the event of a tie on any proposal the Chairman shall have the casting vote. When voting on matters under Clauses 4.1.2(i); 7.1; 8 and 11.3 a two thirds majority of those present and entitled to vote will be required.
- 5.3.4 Notices of motions must be received by the General Manager at least 21 days before the date of such meeting and all motions received shall be displayed on the Club Notice Board as soon as possible thereafter but not less than 14 days before the date of the meeting. Members may make an amendment to a proposed motion provided that such amendment is received in writing by the General Manager at least 10 days before the date of the General Meeting. Any such amendments shall be displayed on the Club Notice board at least 7 days in advance of the General Meeting.
- 5.3.5 Any member present and entitled to vote may request that the matter under discussion is put to a vote by secret ballot. The Chairman shall arrange for such a ballot.
- 5.3.6 Any election of candidates for membership of any of the Club Committees shall be by secret ballot. Should two or more candidates receive the same number of votes, the matter shall be resolved by lot.

### **5.4 Tenure/Election**

- 5.4.1 Only Ordinary Members or former Lady Associate Members of six years standing shall be eligible for election to the Management Committee. Other than the President and Captains of the Men's and Ladies' Clubs a member of the Management Committee may not, at the same time, be a member of the Men's Club or Ladies' Club Committees.
- 5.4.2 The tenure of the office shall be three years and a retiring member may offer himself/herself for one further period of three years.



#### 5.4.3 Void

5.4.4 No member shall be eligible for election to the Committees of the Men's and Ladies' Clubs, unless he/she has completed 3 years membership or is proposed and seconded by either the Captain or Vice-Captain.

5.4.5 No member shall remain more than three consecutive years on the Committees of the Men's and Ladies Clubs unless he / she goes forward as Captain, Vice-Captain, Hon. Secretary, Treasurer, Handicap Secretary or Competition's Secretary. The Hon. Secretary, Treasurer, Handicap Secretary and Competition's Secretary shall not remain in office for more than 3 consecutive years.

5.4.6 Any casual vacancy occurring in the elected membership of any Committee shall be filled by a nominee of the Committee. The person so chosen, whose ratification shall be approved at the next General Meeting, shall be subject to retirement at the same time as if he/she had become a member of the Committee on the day on which the person in whose place he/she is appointed was last elected to the Committee.

### **5.5 Nomination and Election Procedure**

5.5.1 The Management Committee may nominate candidates for election to the Management Committee by placing nomination papers, duly proposed and seconded by two members of the Committee, on the Club notice board 21 days before the appointed date for the Annual General Meeting.

5.5.2 Nominations for election, other than by the Management Committee, shall be made in writing to the General Manager at least 15 days prior to the appointed date of the Annual General Meeting. The nomination, duly proposed and seconded should be accompanied by a formal acceptance of the nomination, and supported in writing by four other ordinary members. The General Manager shall place the nomination paper on the Club notice board 14 days prior to the appointed date of the Annual General Meeting.

5.5.3 Should there be more nominations than positions to be filled on Management Committee then in each such case, election shall be by ballot among those present and entitled to vote at the General Meeting. Otherwise the election of the person nominated shall be unopposed.

5.5.4 Should any position on the Committee remain vacant (after the unopposed election of the Members nominated in the prescribed manner) then the

Chairman shall have the right to nominate Members to fill the vacancy or vacancies, subject, however, to the approval of the Management Committee.

5.5.5 Nominations (with the consent of the nominee) for election to the Committees of the Men's and Ladies Clubs, other than for the position of Captain and Vice Captain, shall be given to the General Manager of the Club at least 21 days prior to the date of the Annual General Meeting. All nominees must be properly proposed and seconded by two Ordinary members of their respective Clubs. A complete list of nominees together with their proposers and seconders shall be posted on the Club notice board at least 14 days prior to the date of the annual general meeting.

## **6. OFFICERS**

### **6.1 Officers of the Club**

The Officers of the Club shall consist of the President and Vice President of the Club, Captains and Vice- Captains of the Men's & Ladies Clubs and the Chairman of the Management Committee. Officers of the Club shall be Ordinary Members or former Lady Associates Members of at least six years standing prior to taking up office. It is not permissible for any Member to hold more than one office at a time.

The Officers of the Club shall be entitled to be indemnified out of the assets of the Club for all acts done or approved by them in good faith on behalf of the club, in the exercise of the powers and functions conferred on them hereunder and shall not by virtue of their holding such office incur any personal liability.

### **6.2 Nomination and Election**

6.2.1 The President of the Club shall normally be the nominee of the outgoing President and will normally have served as Vice President in the preceding year. As incoming President he or she has the right to nominate a Vice President.

The Captains of the Men's Club and Ladies Club shall normally be the nominees of the outgoing Captains and will normally have served as Vice Captain in the preceding year. As incoming Captains they have the right to nominate a Vice Captain for the Men's Club and Ladies' Club respectively.

The Management Committee shall nominate a candidate for the office of Chairman.

All nominations must be appropriately seconded.

6.2.2 These nominations shall be confirmed in writing to the General Manager 21 days before the proposed date for the Annual General Meeting and the

General Manager shall also post such nominations on the notice board in the Clubhouse for at least 14 days prior to the date of the meeting and inform members by Email where possible.

6.2.3 Notwithstanding the nomination procedures described above, 10 or more Ordinary Members of the Men's Club or 10 Ordinary Members of the Ladies' Club or 10 Ordinary Members of the Joint Club may, as appropriate, nominate an opposing candidate for any of the offices described above. Any such nomination shall be submitted to the General Manager at least 10 days in advance of the relevant Annual General Meeting. Such nomination shall be accompanied by a letter from each individual candidate formally accepting the nomination and agreeing to let his/her name go forward for election to a specific office. The General Manager forthwith upon receipt of any such nomination shall post a notice on the Notice Board in the Clubhouse, setting forth the names of the persons so nominated together with their nominees for at least 7 days prior to the date of the meeting. Members shall also be advised by Email where possible or by post where requested.

6.2.4. Election to office shall be by the vote of the Members at the Annual General Meeting of their respective Clubs. The President, Vice President and Chairman of the Management Committee shall be elected by the Joint Club. The Captains and Vice Captains of both the Men's Club and Ladies' Club shall be elected by the Men's and Ladies' Clubs respectively. Where a candidate for office is unopposed he or she will be deemed elected.

### **6.3 Duties and Responsibilities**

#### **6.3.1 President of the Club**

The President shall:

- Be the President of the Joint Club and be regarded as the senior officer in relation to Club representation.
- Represent the Club on all major official occasions.
- Be a member of the Management Committee.
- He or She will be entitled to attend the committee meetings of the Men's & Ladies' Clubs as appropriate in a non-executive and non-voting role.
- Remain in office for 12 months and be an Honorary Member of the Club for that period.
- Be an Ordinary Member or former Lady Associate Member of at least 6 years standing.
- Nominate a Vice President.

### **6.3.2 Vice President of the Club**

The Vice President shall perform the duties of the President when requested to do so by the President.

### **6.3.3 Captains of the Men's /Ladies Clubs**

Each Captain shall:

- Be responsible for the golfing activities of the Club and represent their Club on all golfing occasions.
- Chair Committee and General Meetings of the Club and submit a report of his/her stewardship to the members at the Annual General Meeting of the Club.
- Be a member of the Management Committee.
- Remain in office for 12 months and be an Honorary Member of the Club for that period.
- Be an Ordinary Member or former Lady Associate member of at least 6 years standing.
- Nominate a Vice Captain.

### **6.3.4 Vice- Captains of the Men's and Ladies Clubs**

The Vice Captains shall be members of the committees and perform the duties of the Captains when requested to do so by their respective Captains.

### **6.3.5 Chairman of the Management Committee**

The Chairman shall:

- Be responsible for the efficient operation of the Management Committee in pursuit of the good order and welfare of the Club.
- Remain in office for three years and may offer himself or herself for re-election for one further term.
- Nominate a deputy from the members of the Management Committee to act in his or her absence.
- Be an Honorary Member of the Club for his / her term of office.

## **7. EXPENDITURE**

### **7.1 Threshold for Members' Approval**

Club expenditure in excess of threshold amounts, decided from time to time at General Meetings, on projects of whatever kind, must first be approved by the Members of the Joint Club at a General Meeting of the Joint Club. A two-thirds majority of those attending and entitled to vote shall be required for this purpose.

### **7.2 Borrowing**

The Management Committee shall have the sole power to borrow for the purpose of the Club by way of overdraft, term loan, loan account or otherwise from the Committee's bankers with interest in the category of the accommodation granted, such amount of money either at one time or from time to time as it may deem proper and to give security for such borrowing and the interest thereon by the issue of Bills of Exchange, Promissory Notes, or other obligations or securities of the Club or by mortgage or charge upon all or any part of the property of the Club and thereupon, the Trustees shall at the direction of the Committee of Management make all such dispositions of the property of the Club or any part thereof and enter into such agreements in relation thereto as the Committee of Management may deem proper for giving such security.

## **8. ALTERATION TO CONSTITUTION**

No alteration (except as may be rendered necessary to comply with any statute) shall be made to the Constitution of the Club, except with the sanction of two-thirds of the members present and voting at a General Meeting called for the purpose of considering any proposed alteration. Any alteration which may be required to comply with any statute can be made by the Management Committee.

## **9. BYE-LAWS AND RULES**

9.1 The Management Committee is empowered to make and alter Bye-Laws for the regulation of the Club, either to meet temporary emergencies, or as it may consider necessary in the interests of the Club. Such Bye-Laws shall have effect until set aside by a General Meeting.

9.2 Each of the Men's and Ladies Club Committees shall have power to make Rules as they may consider necessary for matters under their respective jurisdiction, but such Rules shall be subject to ratification or otherwise by the Management Committee.

## **10. PLAYING FACILITIES**

10.1 The Management Committee, in consultation with the Men's and Ladies Club Committees, shall prescribe the days and times when the members of the Men's Club and the Ladies Club shall have the use of the course for competitions.

10.2 The Club shall make available the facilities of the Course and part of the Clubhouse to the GUI, the Munster branch, the ILGU and the Southern District at reasonable intervals as may be agreed between the parties

10.3 The Management Committee shall also decide on the facilities to be afforded to Societies.

## **11. COMPLAINTS, DISCIPLINE AND SANCTIONS**

11.1 Complaints in writing received by the General Manager shall, if necessary, be referred by him or her to the appropriate Committee for resolution. In the event of a complaint not being resolved satisfactorily elsewhere, it shall be submitted to the Management Committee.

11.2 The Management Committee shall investigate any such complaint and shall have discretion as to the conduct and scope of the investigation and as to the manner in which its decision shall be communicated to the party or parties to the complaint or to the members generally.

11.3 Any member who

- is the subject of a complaint
- complains about a member
- witnesses any breach of the Constitution, Bye Laws or Code of Conduct

will be obliged to co-operate in any subsequent inquiry. Failure to co-operate will be deemed a breach of this Constitution.

11.4 The Management Committee shall be empowered to investigate the conduct of members and written complaints made by and against members. Following any such investigation the Management Committee shall have power to impose such penalty, up to and including suspension, as in its absolute discretion it may think fit. The Management Committee may also recommend expulsion to a General Meeting of the Joint Club. In the event of it being voted at the meeting by two thirds of the members present that the name of any member shall be removed from membership of the Club, such an individual shall immediately cease to be a member. The voting shall be by secret ballot.

11.5 A member may appeal a decision of the Management Committee within one calendar month of that decision. The appeal shall be heard by a Select Committee of three members of the Club, each of at least ten years standing, nominated by the Management Committee, none of whom have been involved in the complaint or its investigation or in the decision of the Management Committee. The procedures for the hearing of an appeal shall be decided by the Select Committee and the decision of the Select Committee in the matter shall be final and binding.

11.6 All hearings under this section shall be in accordance with fair procedures and natural justice.

## **12. INCOME AND PROPERTY**

### **12.1 Income and Property of the Club**

The income and property of the Club shall be applied solely towards the promotion of the main object(s) as set forth in 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 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. However, nothing shall prevent any payment in good faith by the Club of:

- a) reasonable and proper remuneration to any member or servant of the Club (not being an officer) for any services rendered to the Club;
- b) interest at a rate not exceeding 1% above the Euro Interbank Offered Rate (Euribor) per annum on money lent by an officer or other members of the Club to the Club;
- c) reasonable and proper rent for premises demised and let by any member of the Club (including any officer) 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 hundredth part of the issued capital of such Company;

### **12.2 Winding Up**

If upon the winding up or dissolution of the Club there remains, after satisfaction of all 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 or institutions to which the property is to be given or transferred shall prohibit the distribution of their income and property among their members to an extent at least as great as is imposed on the Club under or by virtue of the Income and Property clause hereof. Members of the Club shall select the relevant institution or 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. Final accounts will be prepared and submitted that will include a section that identifies and values any assets transferred along with the details of the recipients and the terms of the transfer.

### **12.3 Additions, alterations or amendments**

No addition, alteration or amendment shall be made to the provisions of the main object clause, the income and property clause, the winding up clause, the keeping

of accounts clause or this clause of the Constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

#### **12.4 Keeping of Accounts**

Annual audited accounts shall be kept and made available to the Revenue Commissioners on request.

### **13. COMPLIANCE WITH INTOXICATING LIQUOR ACTS (1927 – 2003)**

13.1 No member of the Management Committee, Men’s Club Committee or Ladies Club Committee, and no manager or servant employed by the Club shall have any personal interest in the sale of Excisable Liquors therein, or in the profits arising from such a sale.

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

13.2 No excisable liquor shall be sold or supplied for consumption outside the premises of the Club except to members of the Club between the hours of 8 o’clock in the morning and 10 o’clock at night.

13.3 No excisable liquor shall be sold or supplied in the Club premises to any person under the age of 18 years.

13.4 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 by any person (other than such “a member”).

13.4.1 At any time on Christmas Day or Good Friday; or

13.4.2 On any day as specified hereunder outside the times specified in respect of it as follows:

- (i) Mondays, Tuesdays, Wednesdays and Thursdays – 10.30a.m. to 11.30p.m.
- (ii) Fridays and Saturdays – 10.30a.m. to 12.30a.m. (on the following day)
- (iii) Sundays – 12.30p.m. to 11.00p.m.
- (iv) St. Patrick’s Day 12.30p.m. to 12.30a.m. (on the following day).
- (v) 23rd of December (if it falls on Sunday) 10.30a.m. to 11.30p.m.
- (vi) Christmas Eve – 10.30a.m. to 11.30p.m.
- (vii) Eve of Good Friday – 10.30a.m. to 11.30p.m.



- (viii) Eve of any Public Holiday (other than Christmas Eve) if the Eve falls on a weekday – 10.30a.m. to 12.30a.m. – (on the following morning)
- (ix) If the eve falls on a Sunday – 12.30p.m. to 12.30a.m. (on the following morning).

13.5 Nothing contained in the registration of Clubs Act 1904/2008 or contained by virtue of Clause 13.4 hereof shall operate to prohibit the supply for consumption on the Club premises of excisable liquor to any person or the consumption of excisable liquor on those premises by any person on Christmas Day between 12 mid-day and 10.00p.m. or on any other day for one hour after the expiration of the period in respect of that day during which it is lawful for the Club, by virtue of Clause 13.4.2 hereof to supply excisable liquor for the consumption on the Club premises, if in each case the excisable liquor is:-

- (i) Ordered or by on behalf of that person at the same time as a substantial meal is so ordered and
- (ii) Consumed by that person during the meal or after the meal has ended.

13.6 The Club shall at all times conform with all the statutory requirements pertaining to Clubs as contained in the Registration of Clubs Act 1904-1908, and to the intoxication Liquor Act 2000 and as further amended by Section 10 of the Intoxication Liquor Act 2003. The Club shall conform to the intoxicating Liquor Acts and all amendments hereto.