

ENNIS LAWN TENNIS AND BADMINTON CLUB

CONSTITUTION

1. As a result of the amalgamation of “*Ennis Lawn Tennis Pitch and Putt Club*” and that of “*Ennis Badminton Club*”, the aforementioned amalgamation shall be known and called from this date forward as “*Ennis Lawn Tennis and Badminton Club*”.

2. The objectives of the Club will be to provide facilities and opportunities to promote and foster the games of Tennis and Badminton. Insofar as it is possible, to provide other recreational facilities, having regard to the social character and fabric of the Club.

3. Income and Property

The income and property of the Club, shall be applied solely towards the promotion of its 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 the members of the Club. No Officer shall be appointed to any office of the Club paid by salary or fees, or receive any remuneration or other benefit in money or money's worth from the Club. However, nothing shall prevent any payment in good faith by the Club of:

- a) reasonable and proper remuneration to any member of the Club (not being an Officer) for any services rendered to the Club;
- b) interest at a rate not exceeding 5% per annum on money lent by Officers 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.

4. Winding-up

If upon the winding up or dissolution of the Club there remains, after the satisfaction of all its 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 its or their income and property among its or their

members to an extent at least as great as is imposed on the Club under or by virtue of Clause 4 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.

5. Additions, alterations or amendments

No addition, alteration or amendment shall be made to or in the provisions of this Constitution for the time being in force unless the same shall have been previously notified in writing to the Revenue Commissioners.

6. Keeping of Accounts

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

7. Application for membership shall be open to all persons, irrespective of class or creed, but subject to the approval of a simple majority of the Management Committee.

8. A member of the Club shall be described as a paid up member for the current year. The word "member" will include honorary member. Applicants for any membership category must be proposed and seconded by two existing members of the Club and elected by a simple majority of the management committee. An Individual Adult shall be defined as a person aged eighteen years or older at the time when his or her membership falls due. A Student Adult shall be defined as a person who is greater than eighteen years of age but less than twenty-five years of age and is engaged in fulltime study with a recognised educational institution. A Family shall be defined as a father and/or mother and/or their junior. A Junior shall be defined as a person less than eighteen years of age at the time when his or her membership falls due.

Junior members may use the Club facilities during hours and times fixed by the Management Committee. Junior members shall not be eligible as Officers or Management Committee members of the Club and have no right to vote at Annual or Extraordinary meetings.

9. Subscription rates shall be determined in respect of visitors and members by the majority of members present and voting at an annual general meeting. Only adult members may vote at an annual general meeting. The majority of members present and voting at an annual general meeting may authorise and strike subscription rates for the following categories of membership: Individual Adult Tennis and Badminton; Individual Adult Badminton Only; Student Adult Tennis and Badminton; Student Adult Badminton Only; Family Tennis and Badminton; Family Badminton Only; Junior Tennis and Badminton; Junior Badminton Only. Memberships shall fall due for payment on the first day of June each year. It is the responsibility of each member to ensure that he or she pays by this date."

10. The property of the Club shall be vested in no less than five Trustees. Each Trustee shall be a paid-up member of the Club. To be appointed a Trustee, it will be necessary that each such person shall have a Proposer and Secunder and be finally accepted by a majority of the Management Committee.

The Trustees shall deal with the property of the Club as directed by resolution of the Management Committee, of which such entry in the minute book signed by the Chairperson shall be conclusive evidence.

The Trustees shall hold office until death or resignation unless removed from office by two-thirds majority of members of the Management Committee present.

11. AGM shall mean Annual General Meeting. The AGM shall be held each year on or before the first day of October, to receive and hear the Hon. Secretary's report, the Hon. Treasurer's report, to elect Officers and Management Committee Members and to transact any other business. The Members shall receive a minimum of fourteen days notice in writing of the meeting which notice may be sent electronically to members where they have supplied an email address. Notification shall be counted from the date of sending of the notice and not from the date of receipt. The Officers and Management Committee shall hold office for one year until the next AGM.

The quorum for all Annual General Meetings shall be twenty adult members. Should there not be a quorum present within half an hour of the time of the meeting, it shall stand adjourned to the same day in the next week at the same time and place, and if, at such adjourned meeting, a quorum is not present within fifteen minutes from the time appointed for holding the meeting, the voting members present shall be a quorum for that meeting. The quorum for all Management Committee meetings shall be one third of the membership of the Management Committee plus one. Should there not be a quorum present within half an hour of the time of the meeting, it shall stand adjourned to the same day in the next week at the same time and place, and if, at such adjourned meeting, a quorum is not present within fifteen minutes from the time appointed for holding the meeting, the voting members present shall be a quorum for that meeting.

12. An extraordinary A G M may be convened at any time under requisition in writing of one half plus one of Management Committee, or one fifth of Club Members, at two weeks notice.
13. An Individual Adult member shall have one vote upon every motion. A Student Adult member shall have one vote upon every motion. Each adult who is party to a Family membership shall have one vote upon every motion. A Junior member shall not be entitled to vote. In the case of equality of votes, the Chairperson shall have a second or casting vote. Voting at all times shall be by a show of hands unless a secret ballot is demanded by one third of the members present and voting. Each member shall have one vote and the presiding Chairperson shall have the casting vote in the event of a tie.
14. The Officers and Management Committee shall consist of the following: -

The President
Chairperson
Honorary Secretary

Honorary Treasurer
Public Relations Officer
Tennis Captain
Badminton Captain
House and Grounds Officer
Social Captain
Development Officer

- All the aforementioned shall be members of the Club. The Management Committee shall include four ordinary Members. All Officers and Management Committee Members shall have a proposer and a seconder. In the event of an alternative candidate being put forward, the candidate receiving the majority votes of those present, will be deemed to be elected. All Officers and Management Committee shall be eligible for re-election.
15. The Management Committee shall meet monthly or when called by the Hon. Secretary and in consultation with the Chairperson. The Management Committee may appoint sub-Management Committee(s) as it sees fit and may delegate to them certain powers and duties.
 16. Procedures for Complaints, Investigations, Grievances and Sanctions shall be described in the Club Rules and shall be implemented by the Management Committee.
 17. This article deals exclusively with the procedures to be used in the case of a resolution calling for the dissolution of the club. A resolution for the dissolution of the Club shall only be called if the club becomes insolvent and shall only be voted upon at an Extraordinary General Meeting called solely for the purpose of discussing and voting upon that resolution. Notice of such an Extraordinary General Meeting shall be sent to all club members and trustees not less than six weeks in advance of the date of the meeting and such notice shall specify the date, time and place of the meeting and shall include the wording of the proposed resolution with the names of the persons proposing the resolution. The quorum shall be two-thirds plus one of the total number of adult members of the club. It will require two-thirds plus one of the number of those present and voting for a resolution to dissolve the club to be successful and this must occur also at a second EGM called for the same purpose not less than six weeks after the initial EGM. Should the resolution be successful then the Management Committee shall thereupon, or at such future date as shall be specified, deal with the property of the club as specified in article 4 of this constitution.”
 18. The Management Committee shall have the power to fill casual vacancies which may arise on the Management Committee during the course of the year, by co-option.
 19. The Chairperson shall preside at meetings or in his/her absence the Hon. Secretary. However, in the absence of the two aforementioned, a Management Committee Member may be elected to Chair for that particular meeting.

20. The Hon. Secretary shall be responsible for arranging meetings and shall record minutes of all meetings including the A G M, and shall conduct all correspondence on behalf of the Club.
21. All subscriptions to the Club, both annual and otherwise shall be payable to the Club. Accounts shall be kept by the Treasurer showing the financial affairs and receipts and payments of the Club. The Treasurer shall give particulars of the financial state of the Club at each meeting and any other time when called upon to do so. The Treasurer shall make all payments subject to the approval of the Management Committee. Cheques must be endorsed by the Treasurer and at least one other member of the Management Committee.
22. The following procedure shall be adopted for Club functions:
- Accurate records of the numbers of all tickets sold at Club functions must be kept by a person authorised by the Management Committee. The person authorised shall furnish the above information after each function to the Treasurer. These records shall be included in a detailed financial report of every function at the next Management Committee Meeting. The word “authorised person” above does not necessarily mean Management Committee Member, but must include members of the Club.
23. It will be necessary for the incoming Management Committee each year to decide as a priority the maximum number of members the Club can cater for. If the number of applicants for Membership together with the existing members exceeds the number, the vacancies for new applications shall be made on a come first basis. The remaining applicants will be put on a waiting list, again on a come first basis.
24. The above Constitution dated 27 September 2007 supersedes the existing Constitution of both the Ennis Lawn Tennis and Pitch and Putt Club and that of the Ennis Badminton Club. Any Article therein may not be amended or adjusted, except by the majority of the members present at an Extraordinary General Meeting of the Club.
25. This Article, adopted by majority of the members present at a General Meeting of the Club on the 30th day of April, 1997, in accordance with Article 24 of the Constitution above, amends the Constitution by the Addition of the Rules enumerated hereunder.

This Article is added to the Constitution for the purposes of complying with the provisions of the Registration of Clubs Act, 1904 to 1995, and where there is a conflict between any other Article of the Constitution and the Rules enumerated hereunder, the Rules enumerated hereunder shall prevail.

(a) **Management Committee**

The business and affairs of the Club shall be under the management of the governing body constitution of the Officers and Management Committee Members specified in Article 14 of this Constitution. As specified in Article 11, the Officers and Management

Committee shall be elected at each A G M for a period of one year. In accordance with Article 14, all Officers and Management Committee shall be eligible for re-election.

(b) Interest in the sale of liquor

No member of the Management Committee or governing body, and no manager or servant employed in the Club may have any personal interest in the sale of excisable liquor in the Club or in the profits arising from such sale.

(c) Periodical Meetings

The Officers and Management Committee Members shall meet monthly or when called by the Hon. Secretary in accordance with Article 15 and in any event, the Officers and Management Committee Members shall meet periodically in the course of the year in which they hold office on the governing body.

(d) Notice of proposed Members

The names and addresses of persons proposed as members of the Club must be displayed on the Club Notice Board in a conspicuous place in the Club premises for at least a week before their election and an interval of not less than two weeks to elapse between the nomination and election of members.

Subject to the provision of this Rule, members shall be proposed, seconded and elected in accordance with Article 8 of this Constitution.

(e) Members Election

New members of the Club shall be elected by the Officers and Management Committee at a meeting held in accordance with Article 8 of this Constitution. The election of new members shall not be delegated to a sub-committee.

(f) Defined Subscriptions

Subscriptions shall be payable in advance or in a manner determined by the Management Committee and shall fall due on the 1st day of June each year in accordance with Article 9 of this Constitution. The subscription for the year commencing the 1st day of June 2007 shall be:-

Membership Type	Fee
Adult Tennis & Badminton	€220
Family Tennis & Badminton	€450
Junior Tennis & Badminton	€85
Student Tennis & Badminton	€100
Adult Badminton Only	€110
Family Badminton Only	€190
Junior Badminton Only	€50
Student Badminton Only	€60

Subscriptions may be increased from year to year in accordance with Article 9 of this Constitution.

(g) Accounts

Correct accounts and books must be kept showing the financial affairs and receipts of the Club and the same shall be kept in accordance with Article 21 of this Constitution.

(g) Visitors and the Visitor's Book

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

(h) Liquor Outside Club Premises

No excisable liquor may be sold or supplied for consumption outside the premises of the Club except to members of the Club between the hours of 8:00 am to 10:00 pm. Under the Rule, visitors cannot be supplied with excisable liquor outside the Clubhouse premises and service to members outside is confined to the above times.

(i) Honorary Members

No person may become Honorary Members of the Club, or be relieved of the payment of the regular entrance fee or subscription, except those possessing the qualifications defined in these Rules and subject to the Conditions and Regulations prescribed herein.

A person may only become an Honorary Member of the Club after election as Honorary Member by the whole body of members at an Annual General Meeting, after the prior nomination of such person by the Officers and Management Committee.

(k) Prohibition on Sale of Liquor to Young Persons

No excisable liquor may be sold or supplied on the Club premises or outside the Clubhouse premises to any person under the age of 18 years.

(l) Membership of Young Persons

The Club is primarily devoted to the athletic purposes set forth in Article 2 of this Constitution and persons under the age of 18 shall be admitted to the Club as Junior Members in accordance with the provisions of Article 8 of this Constitution.

(m) Prohibited Hours

No excisable liquor may be supplied or consumed on the Club premises by any person during the prohibited hours which apply by law in respect of registered Clubs.

Section 56 of the Intoxicating Liquor Act, 1927, as amended by Section 26 of the Intoxicating Liquor Act, 1988 and Section 5 of the Intoxicating Liquor Act 1995, shall be observed as long as the same remains in force.

26. This Article adopted by a majority of the members present at an Extraordinary General Meeting of the Club on the 19th day of September 2000, in accordance with Article No. 24 of the Constitution above, amends the Constitution by the addition of the Rules enumerated hereunder.

This Article is added to the Constitution for the purposes of complying with the provisions of the Intoxicating Liquor Act, 2000 and where there is a conflict between any other Article of the Constitution and the Rules enumerated hereunder, the Rules enumerated hereunder shall prevail.

Subject to the exception specified in Subsections (A) and (B) of this Section, no excisable liquor shall be supplied for consumption on the Club's premises to any person (other than a member of the Club, lodging in the Club's premises) or be consumed on those premises by any person (other than such a member): -

- i. At any time on Christmas Day or Good Friday or
- ii. On any other day outside the hours specified in respect of that day in Section 2 (1) (b) (as substituted by Section 3 of the Intoxicating Liquor Act, 2000) of the Intoxicating Liquor Act, 2000.

(A) Nothing in the Registration of Clubs Acts, 1904 to 1999, or contained, by virtue only of the operation of Sub section (1) of Section 56 of the Intoxicating Liquor Act, 1927 (as amended), in the Rules of the Club registered under those Acts shall operate to prohibit the supplying for consumption on the Club premises of excisable liquor to any person or the consumption of excisable liquor on those premises by any person: -

- i. On Christmas Day between 12:00 midday and 10:00 pm or
- ii. On any other day, for one hour after the expiration of any period in respect of that day during which it is lawful for the Club, by virtue of Section 56 (1) (b) of the Intoxicating Liquor Act, 1927 (as amended) to supply any excisable liquor for consumption on the Club premises;

if in each case the excisable liquor is –

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

(B)

(a) For the purposes of the Registration of Clubs Acts, 1904 to 1999, the Rules of the Club which at the commencement of Section 7 of the Intoxicating Liquor Act, 2000, is registered under those Acts, shall during the transitional period, be deemed to be in a conformity with this section.

(b) In this Section “transitional period” means the period beginning at such commencement and ending –

- i. When the Certificate of Registration of the Club which is in force two months after that date expires, or
- ii. When the Rules of the Club are brought into conformity with this Section,

whichever first occurs.

27. A Copy of the Constitution shall be given to each paid up member of the Club, on a once off basis.