



Club Constitution

WEF 30 August 2019

Contents:

1.	Name of the Club	3
2.	Club Colours	3
3.	Objectives	3
4.	Club Responsibilities	3
4.1.	Financial	3
4.2.	Legal	3
4.3.	Members	3
4.4.	Players	4
4.5.	Other	4
5.	Management of the Club	4
5.1.	General	4
5.2.	Club Officers	4
5.3.	Committee Meetings	5
5.4.	Rights and Duties of the Committee	5
5.4.1.	Bye-Laws	5
5.4.2.	Sub-Committees	5
5.4.3.	Contracts	6
5.4.4.	Indemnity	6
5.4.5.	Information	6
5.5.	Financial Management	6
5.6.	Discipline Committee	6
6.	Membership	7
6.6.	General Membership	7
6.7.	Full Membership	7
6.8.	Honorary Life Membership	8
6.9.	Warrior of Distinction	8
6.10.	Subscriptions	8
6.11.	Cessation of Membership	9
6.12.	Membership Register	9
7.	Annual General Meeting (AGM)	9
7.19.	Election of Committee	10
7.20.	Election of the Discipline Committee	11
8.	Special General Meeting (EGM)	11
9.	Trustees	11
10.	Interpretation of Rules	12
11.	Dissolution	13
12.	General	13
13.	Data Protection	13

1. Name of the Club

- 1.1. The name of the Club is The Emerald Warriors Rugby Football Club (hereinafter referred to as “the Club”).
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2. Club colours

- 2.1. The Club colours are green, blue and white.
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3. Objectives

- 3.1. To play, promote, foster and develop the game of Rugby Union Football in an inclusive manner.
 - 3.2. To provide opportunities for recreation for the members of the Club.
 - 3.3. To afford to members of the Club, and their friends, all the usual privileges, advantages, and accommodation of a Club.
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4. Club Responsibilities

4.1. Financial

- 4.1.1. The Club is a non-profit making and non-profit distributing. All profits and surpluses from its playing activities must be used to maintain or improve the related facilities or for the purposes of a non-profit making body.
- 4.1.2. No dividends should be paid to members. Surpluses/profits will be directed to the above aims of the club.
- 4.1.3. To borrow, raise, or give security for money in any way howsoever (including by mortgage or charge upon all or any part of the property of the Club) for the objects of the club, or any of them; this does not restrict the committee from raising funds from social events.
- 4.1.4. The Club’s financial year ends on the 31st March in each year.

4.2. Legal

- 4.2.1. To do all such other lawful things as are incidental or conducive to the attainment of the foregoing objects or any of them.
- 4.2.2. Waiver of Legal Rights: Pursuant to the provisions of section 34 (1) (b) of the Civil Liability Act 1961 members waive their legal entitlement to claim against a fellow member, Officers, Committee Members, Trustees any compensation for personal injury, loss or damage, howsoever caused.
- 4.2.3. No member shall have free admittance to the ground at any club match, except upon production of their membership card.

4.3. Members

- 4.3.1. It shall be the duty of every member to acquaint themselves with the Rules and Bye-Laws of the Club and the Member Code of Conduct (*Appendix 1*) and to abide by them, and every candidate for membership and every member is deemed to have acquainted themselves with the Rules and Bye-Laws of the Club and to have agreed to abide and be bound by them whether reading same or not.

4.4. Players

- 4.4.1. Players shall play in the uniform of the Club, which shall be approved by the Committee.
- 4.4.2. It shall be the duty of every member to obey the Captain on the field.

4.5. Other

- 4.5.1. To provide and maintain and manage a Clubhouse (The term "Clubhouse" shall hereafter refer to any premises and/or grounds, rented by or on behalf of the Club or premises and/or grounds purchased by or on behalf of the Club) and premises for the accommodation of members of the Club and their friends and guests.
- 4.5.2. The Club may associate or affiliate with such sporting organisations as may appear to be necessary or desirable by the Committee.
- 4.5.3. The Club may only associate or affiliate to non-sporting organisations with the approval of an AGM or EGM, with the exception of Club sponsors whom the Committee sanction. Members shall be informed in writing of any association or affiliation to external organisations.

5. Management of the Club

5.1. General

- 5.1.1. The business and affairs of the Club shall be under the management of a Committee (herein referred to as the "Committee") elected for not less than a year by an Annual General Meeting (herein referred to as an "AGM") or a Special General Meeting (herein referred to as an "EGM") of members and subject to annual re-election.
- 5.1.2. The Committee has the rights and duties set out in these rules. The affairs of the Club in all matters not in these rules, reserved to the Club at an AGM, shall be managed by the Committee.
- 5.1.3. All decisions taken at an AGM or EGM are binding on the Committee unless changed by a subsequent AGM or EGM.

5.2. Club officers

- 5.2.1. The Club shall have the following officers:

- *President*
- *Vice President*
- *Hon. Secretary*
- *Hon. Treasurer*
- *Captain(s)*
- *Welfare Officer*
- *Fundraising Officer*
- *Team Manager(s)*
- *Public Relations Officer*
- *Disciplinary Officer*
- *Complaints Officer*
- *Metro League Officer*

- 5.2.2. This list is not exhaustive and other positions may be allocated in the future to fulfil the needs of the Club
- 5.2.3. The above officers, with the exception of team manager(s), welfare officer, public relations officer, and disciplinary officer, shall be members of the committee.

5.3. Committee Meetings

- 5.3.1. The Committee shall meet at least six times a year.
- 5.3.2. A minimum of 7 days notice of Committee meetings shall be given to Committee members, unless at least three quarters of Committee members agree otherwise.
- 5.3.3. The Committee shall be deemed to be quorate with the presence of '50% plus 1' of the Committee's members.
- 5.3.4. The President shall be the Chairperson of each Committee meeting. In the President's absence the Committee will appoint a Chairperson.
- 5.3.5. All decisions of the Committee shall be by majority of those present.
- 5.3.6. The Chairperson of the meeting shall have the casting vote in addition to their own vote and their decision on a point of order shall be final.
- 5.3.7. A member of the Committee who shall miss three consecutive meetings of Committee, without genuine cause, may be removed from office by resolution of the Committee, and the vacancy so created shall be filled by the Committee exercising its power to co-opt a new member, without prejudice to clause 7.19.13.
- 5.3.8. The Hon. Secretary shall conduct the correspondence of the Club. The Hon. Secretary shall keep full and correct minutes of the proceedings of the Committee and of all General Meetings. Minutes signed by the Chairperson shall be sufficient evidence of the facts stated therein.

5.4. Rights and Duties of the Committee

Without prejudice to the generality of Section 5 the Committee shall have the following powers:

5.4.1. Bye-Laws

- 5.4.1.1. The Committee shall have power to make and adopt regulations from time to time touching all matters affecting the Club and its property, and such regulations shall have the same force and effect as these rules.
- 5.4.1.2. Every member of the Club shall be bound by these rules and all regulations made thereunder.

5.4.2. Sub-committees

- 5.4.2.1. The Committee shall have power to create sub-committees as and when required. Such sub-committees shall be given terms of reference by the Committee.
- 5.4.2.2. The chairperson of any such sub-committee shall be an elected member of the Committee.
- 5.4.2.3. All sub-committees shall keep records of their meetings which shall be available to the Committee if required.

5.4.3. Contracts

- 5.4.3.1. The Committee shall have no power to enter into any contract whereby the members are personally responsible for the performance thereof except under the following conditions:
 - 5.4.3.1.1. Two thirds of the Committee agree

5.4.3.1.2. Two competitive quotes have been sought and value for money is clear

5.4.3.2. If the Club assets are insufficient to honour the terms of the contract with the supplier or provider of services, the members shall have no personal liability in respect thereof.

5.4.4. Indemnity

5.4.4.1. The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.

5.4.5. Information

5.4.5.1. The Committee is obliged to impart any documented information on the Club's affairs requested by the membership, with the exception of information of a personal nature or what may be deemed to be sensitive.

5.4.5.2. Requests for information to be submitted in writing to the Committee whose decision are final.

5.5. Financial Management

5.5.1. The financial affairs of the Club shall be the responsibility of the Committee in general and the Hon Treasurer in particular

5.5.2. Correct account and books shall be kept showing the financial affairs, receipts and disbursements of the Club by the Club Hon. Treasurer solely.

5.5.3. Annual accounts need to be presented and signed off by the membership at an AGM.

5.5.4. The Committee, requiring two-thirds majority, shall have the power to open bank accounts in the name of the Club (without prejudice to clause 5.3.3)

5.5.5. All transactions on those accounts shall be authorised by the Committee. Cheques require 2 signatures from a pool of 4 not including the Hon. Treasurer.

5.5.6. The Hon. Treasurer shall have the responsibility for the finances of the Club and shall monitor the actual receipts and payments against the approved budgets

5.5.7. The Hon. Treasurer shall receive all money paid to the Club and shall ensure that all such sums are lodged to the Club's bank account as soon as practical.

5.5.8. No member of the Club, or Manager or Servant employed in the Club, shall have any personal interest or profits arising from the general running of the club.

5.5.9. The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums borrowed

5.5.10. The Committee shall ensure that the Club has adequate insurance and shall nominate one its members to deal with same on annual basis.

5.6. Discipline Committee

5.6.1. A Discipline Committee consisting of the Club Vice-President and three Club members, one of whom must not be a Committee member, will be appointed at the AGM

5.6.2. The Discipline Committee will be bound by the Club Discipline Code of Practice.

5.6.3. The Discipline Committee is responsible for investigating complaints against members' behaviour. It has the full power to discipline members in line with the Discipline Code of Practice.

- 5.6.4. Members can be referred to the Discipline Committee by the main committee, by an EGM or AGM, by a team captain or upon the direction of an official rugby body to which the Club has directly or indirectly affiliated.
 - 5.6.5. Appeals can be made to the Club President. Further appeals can be made to the general membership.
 - 5.6.6. The Discipline Code of Practice can only be amended by a majority of the votes cast, including proxy votes, by full members at an AGM or EGM.
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6. Membership

- 6.1. Membership shall be open to any person who wishes to further the interests of the Club.
- 6.2. The following will constitute the three levels of membership within the club:
 - 6.2.1. General Membership
 - 6.2.2. Full Membership
 - 6.2.3. Honorary Life Membership
- 6.3. All members of the club must be over the age of 18 years.
- 6.4. Full and Honorary members shall have the right to attend and vote at general meetings of the Club.
- 6.5. Full and Honorary members shall be entitled to use the Clubhouse and facilities in accordance with the Rules and the regulations of the Club

6.6. General Membership

- 6.6.1. Any person playing and/or training for or with any Club team shall be considered de facto member of the Club for that season. Such membership can, however, be cancelled by a decision of the Committee.
- 6.6.2. Players and officials of a team playing at The Emerald Warriors RFC (or at a premises rented by The Emerald Warriors RFC) against Emerald Warriors team, or of teams using the Club grounds with the permission of the Committee, and all Referees and Touch Judges at such matches are (if not otherwise members of the Club) hereby constituted members of the club on the day on which a match is played.

6.7. Full Membership

- 6.7.1. Only persons who have fully paid up their membership will be deemed to be full members of the club unless such membership has been refused by final decision of the Committee. If full membership is refused any membership fees shall be refunded in full to the applicant.
- 6.7.2. Full membership shall be granted at the absolute discretion of the Committee.
- 6.7.3. All applications for full membership must be accompanied by a completed Membership Application Form and appropriate membership fee
- 6.7.4. All applications for full membership must be proposed and seconded by two members of the Club, one of whom must a member of the Committee
- 6.7.5. Full membership consists of the following three categories:
 - 6.7.5.1. Player
 - 6.7.5.2. Player – Student / Unemployed / Senior
 - 6.7.5.3. Pavilion (non-playing)

- 6.7.6. A student shall be deemed as being in full time education; an unemployed person shall be deemed as not in employment for a period of six weeks or more and a Senior shall be deemed as a person over 50 years of age.

6.8. Honorary Life Members

- 6.8.1. An ordinary member, who in the opinion of the Committee has rendered exceptional service to the Club, may be proposed by the Committee at an AGM for election as an Honorary Life Member
- 6.8.2. If a majority of the members present vote in favour of the proposal the ordinary member proposed will be deemed to be elected an Honorary Life Member of the Club.
- 6.8.3. An Honorary Life Member will have all the rights, privileges and benefits of a Full Member for life.
- 6.8.4. The Hon. Secretary of the Club shall cause a register of the names and addresses of all Honorary Life Members to be maintained.

6.9. Warriors of Distinction

- 6.9.1. A Warrior of Distinction can be either:
- 6.9.1.4. A person, who is not a member of the Club, and in the opinion of the Committee, has rendered exceptional service to the Club.
 - 6.9.1.5. Any person who is distinguished in their field of practise or influential in public life and whose association with the Club would be considered an asset to the Club.
- 6.9.2. Such an individual may be proposed by the Committee at an AGM for election as Warrior of Distinction.
- 6.9.3. If a majority of the members present vote in favour of the proposal the individual proposed will be deemed to be a Warrior of Distinction.
- 6.9.4. A Warrior of Distinction shall have the equivalent rights, privileges and benefits associated with membership of the Club, but shall not be considered a Full Member.
- 6.9.5. A Warrior of Distinction shall not be bound by this Constitution and shall be indemnified by the members of the Club against all liabilities.
- 6.9.6. The Hon. Secretary of the Club shall cause a register of the names and addresses of all Warriors of Distinction to be maintained.

6.10. Subscriptions

- 6.10.1. The annual membership fee shall be, at the recommendation of the Committee, determined at the AGM of the Club
- 6.10.2. The annual subscription fee is due by 1st August each year
- 6.10.3. Any paying member whose membership fee is 4 months overdue shall forthwith cease to be a member of the Club
- 6.10.4. Additional charges (levies) may be determined from time to time by the AGM or EGM and shall become due as determined by the AGM or EGM.

6.11. Cessation of Membership

- 6.11.1. Any member shall cease to be a member:
- 6.11.1.1. If they give written notice of their resignation to the Hon. Secretary
 - 6.11.1.2. If their subscription is not paid within 4 months of the due date

6.11.1.3. If they are expelled

6.11.2. The Committee shall have the power to refer any member who shall offend against the rules of the Club, or whose conduct shall in the opinion of the Committee render them unfit for membership of the Club, to the Disciplinary Committee.

6.12. Membership register

6.12.1. The Membership Secretary shall maintain an up to date register of members of the Club.

7. Annual General Meetings (AGM)

7.1. An Annual General Meeting of the Club shall be held no later than the last day of May in each year, upon a date, and at a time to be fixed by the Committee.

7.2. The following business shall be conducted at an AGM:

- *Minutes from previous Annual General Meeting*
- *President's Report*
- *Hon. Secretary's Report*
- *1st XV Captain's Report*
- *Presentation of the Club's annual set of financial accounts by the Hon. Treasurer*
- *Motions before the Annual General Meeting*
- *Election of the Officers*
- *Election of the Discipline Committee*
- *Determination of Annual Membership Fees*
- *Consideration of Any Other Business*

7.3. Notice of the AGM, containing venue, date and time, must be sent or given to members, by the Hon. Secretary, at least 21 days prior to the meeting.

7.4. Notice of any motions proposed to be moved at an AGM shall be given in writing, signed by a proposer and a seconder, to the Hon. Secretary not less than 14 days in advance of the meeting.

7.5. Notice of the agenda, resolutions received and Committee Nominations shall be sent or given, by the Hon. Secretary, to members 7 days prior to the meeting.

7.6. Members who are entitled to vote, and have made their apologies of non-attendance of the meeting to the Hon. Secretary, will be sent proxy forms by the Hon. Secretary 7 days prior to the meeting.

7.7. Proxy forms will consist of:

7.7.1. A ballot forms if there is to be a vote or election.

7.7.2. A proxy form to allow each member who cannot attend to nominate any other member to vote on their behalf.

7.8. Proxy forms must be registered with the Chairperson at the start of the meeting.

7.9. The quorum of the AGM shall be '50% plus 1' of the registered membership of the Club.

7.10. The President shall be the Chairperson of each Committee meeting. In the President's absence the Committee will appoint a Chairperson.

7.11. Only Full Members and Honorary Members, as listed in the Membership Register, will be allowed to attend and vote at AGMs.

7.12. Each member shall have one vote.

7.13. The Chairperson of the meeting shall have the casting vote in addition to their own vote and their decision on a point of order shall be final.

- 7.14. Election of Officers shall be by acclamation or show of hands. If there is more than one candidate for a position then by secret ballot.
- 7.15. Election of the Discipline Committee shall be by acclamation or show of hands. If there is more than one candidate for a position then by secret ballot.
- 7.16. If the majority of members present wish any question under discussion to be put to the vote by ballot, that mode of voting shall be adopted, otherwise decisions shall be taken by a show of hands.
- 7.17. Except as these rules provide otherwise, resolutions shall be passed by a simple majority.
- 7.18. The Hon. Secretary shall record the minutes of the AGM.

7.19. Election of Committee

- 7.19.1. The Committee shall consist of a minimum of 10 members
- 7.19.2. The President, Vice President, Hon. Secretary and Hon. Treasurer shall be elected at the AGM of the Club.
- 7.19.3. Six other members shall be elected to the Committee. The specific roles for these six members will be allocated by the Committee at its first meeting after the AGM.
- 7.19.4. The Club Captain is selected by the Coaching Staff in conjunction with the President of the Club
- 7.19.5. Eligibility for members seeking election as Officers shall be restricted to voting members.
- 7.19.6. Nominations for officers and members of the Committee accompanied by a declaration of the nominee's consent must reach the Honorary Secretary 10 days before the AGM.
- 7.19.7. All candidates seeking election as an Officer shall be proposed and seconded by a Member with voting rights.
- 7.19.8. In the event that there is more than one candidate for any office a secret ballot shall be held at the AGM.
- 7.19.9. If insufficient nominations are received, the Committee elected, shall at its first meeting, co-opt members to fill the vacancies.
 - 7.19.10. No officer shall hold more than two roles within the Committee.
 - 7.19.11. Officers must retire annually but shall be eligible for re-election.
 - 7.19.12. Any officer may vacate their office by resigning or by ceasing to be a member of the Club or by the action of the AGM or an EGM of the Club.
 - 7.19.13. Any vacancy on the Committee should be filled as soon as possible by co-opting a member of the Club on to the Committee except that in any one year not more than two such members may be co-opted to serve on the Committee. The person appointed shall hold office until the next AGM.
 - 7.19.14. If vacancies cannot be filled the Committee may operate notwithstanding that there is such a vacancy or vacancies.

7.20. Election of Discipline Committee

- 7.20.1. The Discipline Committee shall be appointed at the AGM and shall consist of the Club Vice-President and three Club members, one of whom must not be a Committee member.
- 7.20.2. Eligibility for members seeking election as members of the Discipline Committee shall be restricted to voting members.
- 7.20.3. All candidates seeking election as a member of the Discipline Committee shall be proposed and seconded by a Member with voting rights.
- 7.20.4. In the event that there is more than three candidates a secret ballot shall be held at the AGM.

- 7.20.5. Members of the Discipline Committee must retire annually but shall be eligible for re-election.
- 7.20.6. Any member of the Discipline Committee may vacate their position by resigning or by ceasing to be a member of the Club or by the action of the AGM or an EGM of the Club.
- 7.20.7. Any vacancy on the Discipline Committee should be filled as soon as possible by co-opting a member of the Club on to the Committee except that in any one year not more than two such members may be co-opted to serve on the Committee. The person appointed shall remain on the Disciplinary Committee until the next AGM.
- 7.20.8. If vacancies cannot be filled the Disciplinary Committee may operate notwithstanding that there is such a vacancy or vacancies.

8. Special General Meetings (EGM)

- 8.1. The Committee may at any time, for any special purpose, convene an EGM or shall do so within 14 days upon requisition signed by not fewer than 10 Club members with voting rights stating the purpose for which such meeting is required.
- 8.2. No business shall be transacted at such a meeting except that specified in the requisition for such meeting or contained in the agenda issued by the Hon. Secretary.
- 8.3. Notice of the EGM, containing venue, date and time and the business to be conducted, must be sent or given to members by the Hon. Secretary at least 7 days prior to the meeting.
- 8.4. The quorum of the EGM shall be '50% plus 1' of the registered membership of the Club.
- 8.5. Voting shall be as provided under these Rules in relation to AGM.
- 8.6. Except where these rules provide otherwise, motions at an EGM shall be passed by a simple majority.
- 8.7. In the case of an emergency a majority of the members of the Committee shall be entitled to abridge the notice period for an EGM from 7 days to 3 days.

9. Trustees

- 9.1. All property of the club shall be vested in 3 Trustees appointed by the Committee of the Club.
- 9.2. The Trustees shall be known as "The Trustees of the Emerald Warriors Rugby Football Club".
- 9.3. A Trustee must be a Club member and have at least three years membership prior to appointment.
- 9.4. The present Trustees of the club shall be retained on adoption of any revised constitution.
- 9.5. The Trustees with the sanction of a resolution of the Committee duly passed act on behalf of and binds the Club and any deed, document, matter, act or thing signed, executed or done by the Trustees on behalf of the Club shall be binding on the Club and authorised or confirmed by a resolution of the Committee duly passed, provided always that the Trustees may only do all or any of the following acts of things, that is to say invest the funds of the Club and vary or transpose investments, or acquire by purchase or otherwise lands for the Club, or sell exchange, partition, lease, let, mortgage, charge, or otherwise dispose of or deal in any property of the Club.
- 9.6. The funds of the Club, over and above current year's requirements shall be vested in the Trustees and held in deposit/investment accounts in the name of the "Emerald Warriors Rugby Football Club". Such accounts to be used as the Club may from time to time direct and shall require the signatures of any 2 Trustees and in addition, the signature of the Hon. Treasurer.
- 9.7. The Club shall not incur any single expenditure exceeding €10,000 without the consent, in writing, of the Trustees of the Club.

- 9.8. A resolution signed by the President, or deputy, and Hon. Secretary, or deputy, of a meeting at which any resolution, referred to in the Rule, has been passed shall be conclusive evidence of the passing of such resolution in manner provided by this rule and of the terms of such resolution.
- 9.9. A Trustee shall remain in office until death or resignation or until the Committee shall, resolution duly passed, remove them from office.
- 9.10. In case of a vacancy in the Office of Trustees the Committee shall by resolution appoint a new Trustee to fill such vacancy. The surviving or continuing Trustee or Trustees shall not have power to act notwithstanding any casual vacancy in the number of Trustees.
- 9.11. No personal liability shall attach to any Trustee except to the extent of Club property or Club assets received by them.
- 9.12. The Trustees shall be indemnified by the members of the Club against all liabilities properly incurred by them in the performance of their duties as Trustees of the Club.
- 9.13. Any notice or document relating to dealings with the Club's property shall be sufficiently addressed if sent to the Club's Hon. Secretary.
- 9.14. The Trustees shall act with majority agreement.
- 9.15. The Trustees may meet as and when necessary but in any event shall meet once per year, with the Club's Hon. Treasurer to review the Club assets and Trust funds.

10. Interpretation of Rules

- 10.1. The foregoing Rules, in this Constitution, shall be the fundamental Laws of the Club
- 10.2. No alteration or addition shall be made in these Rules except at the AGM or at an EGM called for that purpose.
- 10.3. Notice of proposed alteration or addition shall be sent or given, by the Hon. Secretary, to members 7 days prior to the meeting (or 3 days as per clause 8.7).
- 10.4. This Constitution can only be amended by a two-thirds majority of the votes cast, including proxy votes, by full members at an AGM or EGM.
- 10.5. All questions as to the interpretation of the Rules shall be referred to the Committee whose decision shall be final.

11. Dissolution

- 11.1. In the event of disbandment the Club may be dissolved.
- 11.2. Dissolution must be by
 - 11.2.1. A resolution passed at an EGM specifically called for that purpose and carried by three quarters of the members of the Club with voting rights and who shall at that time have been members for not less than 3 years at the date of such meeting.
 - 11.2.2. A resolution of the Committee if the number of Club members is less than 10 for a period of not less than 6 months.
- 11.3. If any property/assets remain after the discharge of all debts and liabilities of the Club such property/assets shall be given or transferred to some other charitable institution or organisation having main objects similar to the main objects of this Club.
- 11.4. Before the time of dissolution, the members of the Club shall select the relevant institution or association to which the surplus property/assets will be given, and in as so far as effect cannot be given to such provision, then the property shall be given or transferred to some similar charitable object.

11.5. The Committee shall be responsible to the winding up of the property/assets and liabilities of the Club.

12. General

12.1. Notifications to members by electronic means shall be deemed to be sufficient.

12.2. Each member shall receive a copy of the Constitution.

12.3. The Committee shall review the Club Constitution prior to each AGM. Any amendments will be proposed at the AGM (or an EGM called for that specific purpose) and voted on by the membership.

13. Data Protection

13.1. Pursuant to the provision of the Data Protection Act 1988-2003 members consent to the Club obtaining, recording, holding and retaining their personal data (including sensitive personal data) solely for Club purposes, either on its computer or its manual filing system, and consent to the use of all such data, including disclosure to third parties, for the proper and effective management of the Club
