

Bowls England: Model Constitution for Clubs

General Notes

- a. A constitution should be as simple and as flexible as possible to allow for developments or amendments without the need for constant alterations.
- b. One or two people should draw up the first draft for discussion/approval by the Committee or Members.

1. Title

1.1 The Club shall be called [full title], hereafter to be referred to as “the Club” and shall be affiliated to Bowls England and [county association].

2. Objects

2.1 To foster and promote the sport of flat green bowls at all levels, providing opportunities for recreation and competition.

3. Membership

3.1 Membership of the Club shall be open to any person, regardless of race, age, gender, sexual orientation, religious belief or ability, who completes a membership application form and pays the relevant subscription/joining fee as determined by the Club.

NB: There is no legal requirement for any Club to have an open policy towards membership applications. Please see details on ‘Membership’ at Appendix B. It is important that the constitution states how each application is dealt with. If a Club wishes to apply for grants or rate relief as a Community Amateur Sports Club, then this requires open membership.

3.2 Membership clauses need to be detailed in the constitution as per the following examples:-

Class of Membership	Tick if applicable
3.2.1 Full Member	<input type="checkbox"/>
3.2.2 Junior Member (under 16 years of age)	<input type="checkbox"/>
3.2.3 [Associate Member]	<input type="checkbox"/>
3.2.4 [Social Member]	<input type="checkbox"/>
3.2.5 [Honorary Member]	<input type="checkbox"/>
3.2.6 [Life Member]	<input type="checkbox"/>
(It is up to each Club to determine its own definition of membership categories)	

4. Officers

4.1 The officers of the Club will need to be detailed in the constitution, such as:-

President/Chairperson	Non-Executive Officer, usually an honorary position
Captain ^(if appropriate))
Secretary) Executive Officers
Treasurer)
Children and Vulnerable Adults Officer ^(if appropriate))

5. Election of officers

5.1 All Officers shall be elected at the Annual General Meeting of the Club, from, and by, the Members.

5.2 All Officers are elected for a period of one year, but may be re-elected to the same office or another office the following year.

6. General Committee

6.1 The affairs of the Club shall be controlled by a General Committee comprising the Executive Officers and [number] other Members elected from, and by, the Annual General Meeting. The General Committee shall meet at agreed intervals and not less than four times per year.

6.2 The duties of the General Committee shall be:-

6.2.1 To control the affairs of the Club on behalf of the Members.

6.2.2 To keep accurate accounts of the finances of the Club through the Treasurer. These should be available for reasonable inspection by Members and should be examined by the appointed accounts examiner before every Annual General Meeting. The club shall maintain a bank current account. Any cheques drawn against Club funds should be signed by the Treasurer and one other Officer.

6.2.3 To co-opt additional members of the Committee as the Committee feels necessary. Co-opted members shall not be entitled to vote on the Committee.

6.2.4 To make decisions on the basis of a simple majority vote. In the case of equal votes, the Chairperson shall be entitled to a second and casting vote.

6.2.5 To appoint Sub-Committees as necessary to fulfil the Club's business.

7. General meetings

7.1 The Annual General Meeting shall be held not later than the end of [name month] each year. [21] clear days' written notice shall be given to Member of the Annual General Meeting by either circulating a copy of the notice to every member at their home address or posting the notice on the Club Notice Board. Members must advise the Secretary in writing of any business to be considered at the Annual General Meeting at least [14] days before a meeting. The Secretary shall circulate or give notice of the agenda for the meeting to Members not less than [7/14] days before the meeting.

7.2 The business of the Annual General Meeting shall be to:-

7.2.1 Confirm the minutes of the previous Annual General Meeting and any General Meetings held since the last Annual General Meeting.

7.2.2 Receive the examined accounts for the year from the Treasurer.

7.2.3 Receive the annual report of the Committee from the Secretary.

7.2.4 Elect an accounts examiner.

7.2.5 Elect the Officers and Committee Members of the Club.

7.2.6 Transact such other business received in writing by the Secretary from Members [14] days prior to the meeting and included on the agenda.

NOTE: The agenda could provide for "Any Other Business", but Members should be encouraged to refer other items to the General Committee and give the required notice for important Annual General Meeting business.

7.3 Special General Meetings may be convened by the General Committee or on receipt by the Secretary of a request in writing from not less than [number] Members of the Club. At least 21 days' notice of the meeting shall be given.

7.4 Nomination of candidates for election of Officers shall be made in writing to the Secretary at least 14 days in advance of the Annual General Meeting date.

7.5 At all General Meetings, the Chair will be taken by the President/ Chairperson or, in their absence, by a deputy appointed by the Members attending the meeting.

7.6 Decisions made at a General Meeting shall be by a simple majority of votes from those Full Members attending the meeting. In the event of equal votes, the President/Chairperson shall be entitled to a second and additional casting vote.

7.7 A quorum for a General Meeting shall be [number usually 25% of the membership of the Club].

7.8 Each Member shall be entitled to one vote at General Meetings.

8. **Alterations to the Constitution**

8.1 Any proposed alterations to the Club's Constitution may only be considered at an Annual or Special General Meeting convened with the required written notice of the proposal. Any alteration or amendment must be duly proposed and seconded. Such alterations shall be passed if supported by not less than two-thirds of those Members present at the meeting, assuming that a quorum has been achieved.

9. **Indemnity Clause**

Clubs should consider whether indemnity clause below is required.

Each member of the Club shall (to the extent that such person is not entitled to recover under any policy of insurance) be entitled to be indemnified out of all funds available to the Club which may lawfully be so applied against all costs, expenses and liabilities whatsoever [reasonably] incurred by such person in the proper execution and discharge of duties undertaken on behalf of the Club arising there from, or incurred in good faith in the purported discharge of such duties[.],[,]

If included, Clubs should consider the inclusion of Rider 1 below. This makes it clear that the indemnity does not apply where the Member in question has been negligent, or committed any act of negligence, default, breach of duty or breach of trust.

[RIDER 1]

Save in any such case where any such costs, expenses and liabilities arise in connection with any negligence, default, breach of duty or breach of trust[.];]

Rider 2 should only be included if the Member in question should be specifically authorised by the General Committee. This ensures that a tight control is maintained with regard to the operation of the clause so that it only applies to those Members who have been specifically authorised by the General Committee – however, if a Member is to carry out work on behalf of

the Club then the Member will need to be careful to ensure that he or she is properly authorised by the General Committee.

[RIDER 2]

Provided that any such member so indemnified has been properly authorised in relation to the duties undertaken on behalf of the Club by the General Committee.

10. Dissolution

10.1 If, at any General Meeting of the Club, a resolution be passed calling for the dissolution of the Club, the Secretary shall immediately convene a Special General Meeting to be held not less than one month thereafter to discuss and vote on the resolution.

10.2 If, at that Special General Meeting, the resolution is carried by at least two-thirds of the Members present, the Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realise the assets of the Club and discharge all debts and liabilities of the Club.

10.3 After discharging all debts and liabilities of the Club, the remaining assets shall not be paid or distributed amongst the Members of the Club, but shall be given or transferred to some other voluntary organisation having similar objects.

Appendix A

Clubs need to include within their constitution reference to the following items of legislation. Further information is available on the Bowls England website – www.bowlsengland.com – and from the Bowls England Regulations.

- Anti doping
- Children and Vulnerable Adults
- Discrimination, Equal Opportunities and Human Rights
- Health and Safety
- Insurance and Indemnification
- Misconduct, Suspension and Exclusion of Members

Appendix B: Notes on Membership and the Sex Discrimination Act

Does 'open membership' mean clubs can never refuse membership?

As a rule sport and recreation organisations have 'open' membership policies, whereby anyone who wishes to participate in a given sport and recreation, and is willing to abide by necessary rules and codes of conduct, is able to do so. Clubs can refuse membership, where they have good reason to believe that the applicant would be a disruptive influence or prejudice the good conduct of the club. But there must be no discrimination in such a decision.

Sex Discrimination Act

The Sex Discrimination Act 1975 (SDA) prohibits direct and indirect sex discrimination. Direct sex discrimination is less favourable treatment of a woman than a man (or vice versa) because of her sex. For example, the local football club refuses to allow women to play in the team. Indirect sex discrimination occurs when a condition or requirement is applied equally to both women and men but, in fact, it affects more women than men (or vice versa) and is not justifiable on objective ground unrelated to sex. There are some exceptions allowing sporting organisations to discriminate between the sexes, and exceptions in the SDA that may be relevant to your situation include:

Voluntary bodies

A voluntary body may use this exception in order to restrict membership to one sex and provide its services to those members. The voluntary body must be non-profit making, single sex and not set up under any laws. For example, men-only or women-only leagues or teams, and single-sex sporting clubs are often set up as single sex voluntary bodies and are therefore allowed to restrict membership to one sex. [S.34 SDA]

Serious embarrassment

Services may be restricted to one sex if the users are likely to suffer 'serious embarrassment' at the presence of a member of the opposite sex or the users are likely to be in a state of undress. Where this is the reason for women only saunas and leisure facilities then this exception could apply. [S.35 (1) (c) SDA]

Physical contact

Facilities or services may be restricted to one sex if they involve physical contact between the participants where a member of one sex might reasonably object if the contact was with a person of the opposite sex. A self-defence class restricted to women only might rely on this exception. [S.35 (2) SDA]

General exception for sport

It is not unlawful in relation to any sport, game or other activity of a competitive nature where the physical strength, stamina or physique of the average woman puts her at a disadvantage to the average man, to confine competitors to one sex. For

example, it would not be unlawful for the Football Association to refuse to allow women to play in the men's football league. [S.44 SDA]

Private members' clubs

Currently genuinely private members' clubs are not covered by the SDA. A private members club is one, which operates genuine selection of members on personal grounds e.g. a new member must be proposed, seconded and accepted by the existing membership. Therefore they can be single sex or, if they admit both sexes, can have rules that disadvantage one sex.

Some clubs may think of themselves as 'private' but admit members freely - if so, they would not be considered a private members club and would be acting unlawfully if they treated men and women differently. Frequently, sporting clubs such as bowling clubs discriminate between the sexes by having different classes of membership for men and women - private members clubs are allowed to do this under the current law.

Disclaimer

This Model Constitution is prepared to enable Clubs to ensure the proper management of their organisation.

It is not a definitive document and is a guideline to assist Clubs to meet their duties and responsibilities under existing government legislation and Bowls England Rules and Regulations.

Similarly it does not cover all of the criteria required by the Inland Revenue to qualify as a Community Amateur Sports Club (CASC).

If your organisation wants to register with the Inland Revenue as a CASC please refer to the additional guidance provided by the Inland Revenue and the Central Council for Physical Recreation.

- www.inlandrevenue.gov.uk/casc/casc_guidance.htm#1
- www.ccpr.org.uk/dyncat.cfm?catid=5606