

Drafting a Club Constitution

A Constitution should be a very simple document which aims to ensure the smooth working of a Club. This is a very basic version of a Constitution and as the Club grows new issues will arise which need to be formalised. It should be emphasised that this Sample Constitution is not intended for a Club which owns significant assets or operates professionally.

What to include in a Constitution

The major aim of the Constitution is to state clearly how the Club's procedures should work.

It will not cover all contingencies and the power of discretion in cases of dispute will normally lie with the Executive Committee or with a General Meeting. It is always advisable to have a well-designed constitution covering all activities of the Club. This should include clear provisions showing what matters can be determined by the Executive Committee, what is left to the Club in General Meetings, and the majority of votes needed for each body to take an effective decision.

This sample Constitution is intended for outline guidance; therefore when you come to apply it to your own situation you might find it advisable to consult a lawyer to ensure that you have covered all the Club's specific areas of activity. Legal advice would be essential if the Club developed to the extent that it was employing staff, applying for a liquor licence, purchasing property, borrowing, or if at any time changing circumstances, financial or otherwise, raised doubts about the relevance of the Constitution.

Some Clubs where there are professionals employed or where there are risks emanating from large sponsorships, property transactions or risks with doping control matters have taken the step of incorporating themselves as a company limited by guarantee to minimise many of these risks. Never forget to provide appropriate insurance cover for all the activities of the Club and its office-bearers.

1. NAME

The Club shall be called

.....
(Hereinafter referred to as the Club) and it shall seek affiliation to and be bound by the rules of the Football Association of Ireland and theLeague(s).

2. OBJECTS

The Objects should be specified clearly and should define the Club's purpose.

E.g.

- i. The object of the Club shall be to arrange football matches and training for each of the playing members of the Club.
- ii. The Club is committed to encouraging the highest ethical standards. All individuals involved in the Club should conduct themselves with integrity, transparency, accountability and in a fair and equitable manner.

3. RULES AND REGULATIONS

E.g.

- i. The Club shall have the status of an Affiliated Member Club of The Football Association of Ireland.
- ii. The Club will abide by The Football Association of Ireland's Child Protection Policies and Procedures, Codes of Conduct and the Equal Opportunities and Anti-Discrimination Policy.

4. MEMBERSHIP

- i. The membership shall consist of the following categories:
Included here would be a definition of the various categories of membership, i.e., Player Member, Juvenile Player Member, Committee Member, Non-Player Member etc. Any application form for membership should contain a clause whereby the applicant consents for the purpose of the Data Protection Act, to the Club holding and processing the data on the form for the purposes of the Club.
- ii. Members in each category shall pay Membership fees as fixed at each Annual General Meeting. The Club in General Meeting may also require Members to contribute to the funds of the Club by way of a special levy.
- iii. All members joining the Club shall be deemed to accept the terms of this Constitution and any Bye-laws from time to time adopted by the Club. They will also be required to conduct themselves in accordance with the Club's ethical framework and the bye-laws as to discipline set out therein.
- iv. Any person seeking to join the Club shall submit an application in writing to the Executive Committee.
- v. Members shall be admitted by the Executive Committee. Membership is open to all and no application for membership will be refused on other than

reasonable grounds. There will be no discrimination on grounds of race, occupation or gender.

- vi. The Secretary shall keep a Membership Register. In the event of a member's resignation or expulsion, his or her name shall be removed from the Membership Register.

5. THE COMMITTEE

- i. The Club Committee shall consist of the following Club Officers: Chairperson, Vice Chairperson, Treasurer, Secretary and Minutes Secretary, plus up to 5 other members, elected at an Annual General Meeting. The Officers of the Club who shall be honorary (non-paid) shall be the Chairperson, Vice-Chairperson, Treasurer and Secretary. All Committee members must be members of the Club.
- ii. Committee Members shall hold office from the date of appointment until the next Annual General Meeting unless otherwise resolved at a Special General Meeting. One person may hold no more than two positions of Club Officer at any time.
- iii. The Club Committee shall be responsible for the management of all the affairs of the Club.
- iv. Decisions of the Club Committee shall be made by a simple majority of those attending the Club Committee meeting. The Chairperson of the Club Committee meeting shall have a casting vote in the event of a tie.
- v. Meetings of the Club Committee shall be chaired by the or in their absence the.....
- vi. The quorum for the transaction of business of the Club Committee shall be three.
- vii. Decisions of the Club Committee of meetings shall be entered into the Minute Book of the Club to be maintained by the Club Secretary.
- viii. Any member of the Club Committee may call a meeting of the Club Committee by giving not less than 7 days notice to all members of the Club Committee. The Club Committee shall hold not less than four meetings a year.
- ix. An outgoing member of the Club Committee may be re-elected. Any vacancy on the Club Committee which arises between Annual General Meetings shall be filled by a member proposed by one and seconded by another of the remaining Club Committee members and approved by a simple majority of the remaining Club Committee members.

- x. The Club Committee shall have the power to decide all questions and disputes arising in respect of any issue concerning the Club Rules.

6. GENERAL MEETINGS

The Annual General Meeting usually fulfils the basic purposes of electing officers and other members of the Executive Committee, of reviewing the Accounts and of considering other matters of importance to the Club membership. It also considers changes to the Constitution.

- i. The Club shall hold an Annual General Meeting in the month of to:
- Approve the minutes of the previous year's AGM.
 - Receive reports from the Chairperson and Secretary.
 - Receive a report from the Treasurer and approve the Annual Accounts.
 - Elect the Executive Committee.
 - Appoint someone responsible for certifying the Club's accounts.
 - Fix the subscription for the ensuing year.
 - Consider changes to the Constitution.
 - Review and consider any Bye-laws.
 - Deal with other relevant business.
- ii. Nominations for election of members as Club Officers shall be made in writing by the proposer and seconder, both of whom must be existing members of the Club, to the Club Secretary not less than 21 days before the AGM. Notice of any resolution to be proposed at the AGM shall be given in writing to the Club Secretary not less than 21 days before the Meeting.
- iii. A Special General Meeting (SGM) may be called at any time by the majority of the Committee. 10% of the Club Members may also call such a meeting. The meeting must take place within 21 days of the Secretary receiving notice of the request. Business at an SGM may be any business that may be transacted at an AGM.
- iv. The Secretary shall send to each member at their last known address written notice of the date of a General Meeting together with the resolutions to be proposed at least 14 days before the Meeting.
- v. The quorum for a General Meeting shall be
- vi. The, or in their absence a member selected by the Club Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes the Chairperson of the Meeting shall have a casting vote.
- vii. The Club Secretary, or in their absence a member of the Club Committee, shall enter Minutes of General Meetings into the Minute Book of the Club.

7. FINANCE AND ACCOUNTS

- i. The financial year shall run from to each year.
- ii. The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- iii. The Accounts shall be certified by an appropriate independent person elected annually at the Annual General Meeting. *(Ensure that the AGM date leaves sufficient time for certification of the Accounts An independent Auditor is essential to protect the interests of the Club's members. The Auditor should be a reasonably independent person and may be a Club member with a knowledge of accountancy and who is not a member of the Executive Committee.).*
- iv. All cheques drawn against the Club's funds shall be signed by the Treasurer and one of two other nominated office-bearers. *(The Club may decide that the signature of the Treasurer is sufficient for the issue of cheques up to, say, €25. A bank manager will be able to advise on the opening of bank accounts.).*
- v. All members of the Club shall be jointly responsible for the financial liabilities of the Club. *(This clause may require amendment if there is a category of member, e.g. juniors, who are to be excused liability).*

8. CLUB TEAMS

At its first meeting following each AGM, the Club Committee shall appoint a Club member to be responsible for each of the Club's football teams. The appointed members shall be responsible for managing the affairs of the team. The appointed members shall present to the Club Committee at its last meeting prior to an AGM a written report on the activities of the team.

9. DISSOLUTION

- i. The Club is a non-profit making organisation. All profits and surpluses will be used to maintain or improve or develop the Club's facilities or to carry out the objects of the Association to which it is affiliated. No profit or surplus will be distributed other than to another non-profit making body on a winding-up or dissolution of the Club.
- ii. If, upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be transferred to some other organisation or organisations having objects similar to the objects of the Club, such organisation or organisations to be determined by the members of the Club by Resolution passed at a General meeting or in the absence of such a resolution (or that the extent to which it cannot be given effect) to the Association to which the Club is affiliated.