**CONSTITUTION AND RULES**

**OF**

**ACTONIANS CRICKET CLUB**

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**1. NAME**

The club shall be called **Actonians Cricket Club** (the **Club**).

**2. OBJECTS**

The objects of the Club (the **Objects**) shall be to:

1. foster and promote the game of cricket;
2. to provide all the facilities necessary for members to play or otherwise participate in the game of cricket and associated social activities;
3. to promote youth and junior cricket through the Junior Section; and
4. to be an open and welcoming club to all members of the community.

**3. MEMBERSHIP**

Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.

The Club has different classes of membership and subscription on a non-discriminatory and fair basis. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.

The Club Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute, and otherwise in accordance with any applicable rule or policy adopted by the Club or the Committee in accordance with these Rules. Appeal against refusal or removal may be made to the Members.

**4. CLASSES OF MEMBERSHIP**

|  |  |  |
| --- | --- | --- |
| (a) | FULL MEMBERS: | Being playing members who have attained age of 21 on 1st May in each year. |
| (b) | YOUTH MEMBERS: | Being playing members aged less than 21 on the 1st May in each year.  |
| (c) | JUNIORMEMBERS: | Being playing members aged less than 18 years on the 1st May in each year.  |
| (d) | SOCIAL MEMBERS: | Being members, other than Full Members, Youth Members, Junior Members and/or Honorary/Life Members wishing to participate in the Club’s affairs.  |
| (e) | HONORARY / LIFE Members | Being former players and friends of the Club invited or elected by the committee to be an Honorary or Life Member |

**5. SUBSCRIPTIONS**

(a) The annual subscriptions shall be payable on election and thereafter on the 1st May in each year. If any Member does not pay their first annual subscription within two months of election or not pay any other subscription within two months of it becoming due, they shall cease to be a Member unless they can show sufficient cause for such delay to the satisfaction of the Committee.

(b) The Committee may prescribe the annual subscription payable by each class of membership and also where circumstances require such reduced subscriptions as they deem appropriate.

**6. RIGHTS OF MEMBERS**

(a) Subject to (b) below, all Members may attend in person and shall have one vote on a resolution proposed at an Annual General Meeting or an Extraordinary General Meeting.

(b) Junior Members may not vote at Annual General Meetings or Extraordinary General Meetings.

(c) Not less than 10 Members may, at any time, by notice in writing to the Secretary specifying resolutions to be moved thereat, requisition an Extraordinary General Meeting.

**7. The Committee**

**Role**

Subject to these Rules, the Committee shall have responsibility for the management of the Club, its funds, property and affairs.

**Property**

(i) The property and funds of the Club cannot be used for the direct or indirect private benefit of Members other than as reasonably allowed by these Rules and all surplus income or profits are reinvested in the Club.

(ii) The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away-match expenses, post-match refreshments and other ordinary benefits of Community Amateur Sports Clubs as provided for in the Finance Act 2002.

(iii) The Club may also in connection with its Objects (as defined in Rule 2) :

(a) sell and supply food, drink and related sports clothing and equipment;

(b) pay for reasonable hospitality for visiting teams and guests;

(c) indemnify the Committee and Members acting properly in the course of the running of the Club against any liability incurred in the proper running of the Club (but only to the extent of its assets).

(iv) The Committee will have due regard to the law on disability discrimination and child protection.

**Composition**

(i) The Committee shall consist of at least three (3) and not more than twelve (12) members (including Officers).

(ii) The Committee members may co-opt Club members (up to the maximum permitted number) to serve until the end of the next AGM.

(iii) Any Committee member may be re-elected or re-co-opted without limit.

(iv) A Committee member ceases to be such if he or she ceases to be a member of the Club, resigns by written notice, or is removed by the Committee for good cause after the Member concerned has been given the chance of putting his/her case to the Committee with an appeal to the Club members, or is removed by Club members at a general meeting. The Committee shall fairly decide time limits and formalities for these steps.

**Powers**

(v) The Committee has the power to:

(a) acquire and provide grounds, equipment, coaching, training and playing facilities, clubhouse, transport, medical and related facilities;

(b) provide coaching, training, medical treatment, and related social and other facilities;

(c) take out any insurance for the Club, its employees, contractors, players, guests and third parties;

(d) raise funds by appeals, subscriptions, loans and charges;

(e) borrow money and give security for the same, and open bank accounts;

(f) buy, lease or licence property and sell, let or otherwise dispose of the same;

(g) obtain grants and loans and give guarantees and provide other benefits;

(h) set aside funds for special purposes or as reserves;

(i) invest funds in any lawful manner;

(j) employ and engage staff and others and provide services;

(k) co-operate with or affiliate to firstly any bodies regulating or organising the Sport of cricket and secondly any club or body involved with it and thirdly with government and related agencies;

(l) to ensure that all present and future members receive fair and equal treatment in line with the ECB’ s equity policy;

(m) to adopt the ECB’s Safe Hands Policy adhering to its guidelines and sign up for the “One Game” and to lead on Safeguarding issues for the Club;

(n) do all other things reasonably necessary to advance the Objects (as defined in Rule 2);

(o) to adopt the ECB’s Club Inclusion and Diversity policy and adhere to its guidelines.

**8. Committee Meetings**

(i) Whenever a Committee member has a personal interest in a matter to be discussed they must declare it, withdraw from that part of the meeting (unless asked to stay), not be counted in the quorum for that agenda item and withdraw during the vote and have no vote on the matter concerned.

(ii) The Committee may decide its own way of operating, subject to the following rules apply:

(a) at least 3 members must be present for the meeting to be valid;

(b) Committee meetings may be held either in person or by telephone, televisual or other electronic or virtual means in which all participants may communicate simultaneously (as near as may be) with all other participants;

(c) the Chair or, if they cannot attend, they shall nominate a Chair for the meeting from those attending;

(d) decisions shall be by simple majority of those voting;

(e) a resolution in writing signed by every Committee member shall be valid without a meeting;

(f) the chair of the meeting shall not have a casting vote.

**Delegation**

The Committee may delegate any of their functions to sub-committees but must specify the scope of its activity and powers; the extent to which it can commit the funds of the Club; its membership; its duty to report back to the Committee. The Committee may wind up any sub-committee at any time or to change its mandate and operating terms.

**Disclosure**

Annual Club reports and statements of account must be made available for inspection by any member and all Club records may be inspected by any Committee member.

**9. OFFICERS OF COMMITTEE**

(a) The management of the affairs of the Club shall be the responsibility of the Committee who shall be:

1. The President
2. The Chair
3. The Secretary
4. The Treasurer
5. The Club Captain (if there is one appointed)
6. The Junior’s Manager
7. Woman’s Section Chair
8. Safeguarding Officer

**10. Annual General Meetings (AGM)**

(a) The Club will hold an AGM once in every calendar year and not more than 15 months after the last AGM. An AGM shall be held in person unless there are government restrictions in place on meetings in person, in which case an AGM may be held by telephone, televisual or other electronic or virtual means in which all participants may communicate simultaneously (as near as may be) with all other participants.

(b) Not less than 14 clear days’ written notice shall be given of each AGM.

(c) At every AGM:

(i)the Members will elect a Committee including a Chair, Treasurer and Secretary to serve until the next AGM;

(ii)the Treasurer will produce accounts of the Club for the latest financial year audited as the Committee shall decide;

(iii)the Committee will present a report on the Club's activities since the previous AGM;

(iv) the Members will appoint a suitable person to inspect the accounts; and

(v) the Members will discuss and vote on any resolution (whether about policy or to change the Rules) and deal with any other business put to the meeting.

(d) Except as otherwise provided in these Rules or in any rules or regulations adopted by the Club or the Committee in accordance with these Rules, every resolution proposed at an AGM or an EGM shall be decided by a simple majority of the votes cast by those present at the AGM or the EGM (as the case may be) on a show of hands.

**11. Extraordinary General Meetings (EGM)**

An EGM shall be called by the Secretary within 14 days of a request to that effect from the Committee or on the written request of not less than 20 Members, such request having been signed by each of them. Such EGM shall be held on not less than 14 nor more than 21 days’ notice at a place decided upon by the Committee.

**12. PROPERTY TRUSTEES**

(a) Any property or assets of the Club may be vested in between two and four trustees.  The trustees shall hold the same for and on behalf of the Full Members.

(b) The Committee shall have power by notice in writing to appoint such trustees from the membership of the Club, and may remove them at any time, by resolution of the Committee.

(c) The trustees shall deal with the Club’s property and assets as directed by the Committee from time to time.

(d) The trustees shall be entitled to be indemnified against any cost or expense properly incurred in dealing with the property or the assets out of the Club’s funds.

**13. AMENDMENT OF RULES**

(a) These Rules may be amended at a properly convened and held EGM or an AGM if not less than two-thirds of the Members present and voting so resolve, but not (if relevant) so as to jeopardise the Club’s status as a Community Amateur Sports Club as first provided for by the Finance Act 2002 and not in any event to alter its Objects (as defined in Rule 2) (unless the procedure set out in Rule 12(b) has been followed) or Rule 15 (Winding up the Club).

(b) The Objects (as defined in Rule 2) may be changed to include another eligible sport if:

 (i) the Committee (or those present at a properly convened and held meeting of the Committee) unanimously so agree (and provided that once so agreed, such agreement shall be irrevocable until an EGM or AGM has been held in accordance with Rule 13(b)(ii)); and

 (ii) (the Committee having so agreed) not less than three quarters of the Members present and voting so resolve at a properly convened and held AGM or EGM.

**14. DISCIPLINARY PROCEDURES and anti-DISCRIMINATION**

(a) The ECB Code of Conduct and Spirit of Cricket as amended from time to time is incorporated into and forms part of this constitution and, accordingly, a breach thereof may give rise to proceedings under the Disciplinary Code (which is at Appendix 1 to this constitution). A current copy of the ECB Code of Conduct and Spirit of Cricket is at Annex 1 to this constitution and it may be found at: <https://resources.ecb.co.uk/ecb/document/2020/03/16/49f82295-2d06-4066-8b05-6b260adf13dd/2020.-discipline-regulations-guidelines.pdf>.

(b) The ECB Anti-discrimination Code as amended from time to time is incorporated into and forms part of this constitution and, accordingly, a breach thereof may give rise to proceedings under the Disciplinary Code (which is at Appendix 1 to this constitution). A current copy of the ECB Anti-discrimination Code is at Annex 2 to this constitution and it may be found at: **https://resources.ecb.co.uk/ecb/document/2021/03/16/f0036503-deaa-4b81-874d-7e027d7d4617/24.ecb-anti-discrimination-code-2021-vf.pdf**

**15. Winding Up the Club**

(a) The Members may vote to wind up the Club if not less than three quarters of those present and voting support that proposal at a properly convened general meeting.

(b) The Committee will then be responsible for the orderly winding up of the Club’s affairs.

(c) After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:

(i) to another Club with similar sports purposes which is a registered charity and/or

(ii) to another Club with similar sports purposes which is a registered Community Amateur Sports Club and/or

(iii) to the Club’s governing body for use by them for related community sports.

**Appendix 1**

**ACTONIANS CRICKET CLUB**

 **DISCIPLINARY CODE**

**INTRODUCTION AND EXPECTED STANDARDS OF BEHAVIOUR**

Actonians Cricket Club is proud of its tradition of fair play and respect for opponents, officials, and supporters. We expect members to follow the laws and spirit of the game, plus relevant league and competition rules. We also expect members to be honest, and to support the Club in its aim of providing recreational cricket for members of all ages. An extract from the ECB spirit of cricket and code of conduct is attached is at Annex 1. The ECB Anti-Discrimination Code is attached at Annex 2. These documents underpin our expectations of members.

This Disciplinary Code sets out the way in which the Club will deal with reported breaches of the expected standards of behaviour. In some cases, breaches of rules or behaviour by Club members will be investigated by other organisations, such as the county or league authorities, under their own codes.

**DISCIPLINARY CODE**

This code applies to:

1. Any person playing for, supporting, or representing the Club at any level during, before and after matches.
2. Any person engaged in practice and/or coaching under the auspices of the Club.

**Reporting and Procedure**

The following people can lodge a report of a suspected breach of standards of behaviour:

* A match official
* A Club member
* A parent of a member of the Club
* An opposing club official

For cases involving juniors (matches/practice etc), the report should be made to the Junior Manager. For cases involving senior teams (matches/practice etc), the report should be made to the Secretary of the senior Club.

The Club will appoint a disciplinary panel, generally of three members of the Club or Junior committees. For cases involving the Junior teams, one member of the panel will be the J Junior Manager or, should the Junior Manager not be able to attend, a person nominated by the Junior Manager or should the Junior Manager be conflicted, such other member of the Junior committee as the Chair of the Club may nominate.

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The disciplinary panel will tell the person/people involved in the breach that they are undertaking an investigation. The panel will take evidence from relevant people – eg match officials, team managers, opponents, league officials, coaches, players, supporters. Evidence can be written or oral. The panel will generally hold a meeting to discuss the evidence and invite the person involved in the reported breach. The person will be allowed to bring someone with them to the meeting.

Having taken evidence and heard from the person/involved in the reported breach, the committee will come to a decision on next steps. If the panel is satisfied that no breach has taken place, then no further action will be taken. If the panel considers that a disciplinary breach has occurred, they will decide on further action. The Club does not have a prescribed list of penalties, but options include a verbal or written warning about behaviour; a suspension for a period of time or a number of matches; a suspension of membership of the Club. The person/people involved will be informed of the outcome of the investigation.

In some cases, the outcome of the disciplinary panel’s investigation will be reported to relevant authorities – eg the Middlesex County Cricket League or Middlesex Women’s Cricket League league secretary.

Any appeals against the decision of the panel should be referred in writing to the Chair of Actonians Cricket Club.

**ANNEX 1**

**England & Wales Cricket Board**

**ECB CODE OF CONDUCT AND SPIRIT OF CRICKET**

1.1 **Code of Conduct**

1.1.1 The ECB is committed to maintaining the highest standards of behaviour and conduct. This Code of Conduct incorporates the Spirit of Cricket, as set out below. It applies to all matches played under the auspices of the ECB and may be applied to cricket in general. The club adopts any subsequent amendments / modifcations to the ECB Code of Conduct

1.1.2 The captains are responsible at all times for ensuring that play is conducted within the Spirit of Cricket as well as within the Laws.

1.1.3 Players and team officials must at all times accept the umpire’s decision. Players must not show dissent at the umpire’s decision or react in a provocative or disapproving manner towards another player or a spectator.

1.1.4 Players and team officials shall not intimidate, assault or attempt to intimidate or assault an umpire, another player or a spectator.

1.1.5 Players and team officials shall not use crude and/or abusive language (known as “sledging”) nor make offensive gestures or hand signals nor deliberately distract an opponent.

1.1.6 Players and team officials shall not make racially abusive comments nor indulge in racially abusive actions against fellow players, officials, members and supporters. Clubs must operate an active open door membership policy whilst respecting player qualification regulations and welcome players/members irrespective of ethnic origin.

1.1.7 Players and team officials shall not use or in any way be concerned in the use or distribution of illegal drugs.

1.1.8 Clubs must take adequate steps to ensure the good behaviour of their members and supporters towards players and umpires.

1.2 **Spirit of Cricket**

Cricket is a game that owes much of its unique appeal to the fact that it should be played not only within its Laws, but also within the Spirit of the Game. Any action which is seen to abuse this spirit causes injury to the game itself. The major responsibility for ensuring the spirit of fair play rests with the captains.

1.2.1 There are two Laws which place the responsibility for the team’s conduct firmly on the captain:

**Responsibility of Captains**

The captains are responsible at all times for ensuring that play is conducted within the Spirit of the Game as well as within the Laws.

**Player’s Conduct**

In the event of any player failing to comply with the instructions of an umpire, criticising his decision by word or action, showing dissent, or generally behaving in a manner which might bring the game into disrepute, the umpire concerned shall in the first place report the matter to the other umpire and to the player’s captain, requesting the latter to take action.

1.2.2 **Fair and Unfair Play**

According to the Laws the umpires are the sole judges of fair and unfair play. The umpires may intervene at any time, applying Law 42 (Players Conduct) when deemed appropriate, and it is the responsibility of the captain to take action where required.

1.2.3 The umpires are authorised to intervene in cases of:

• Time wasting

• Damaging the pitch

• Dangerous or unfair bowling

• Tampering with the ball

• Any other action that they consider to be unfair.

1.2.4 The Spirit of the Game involves RESPECT for:

• Your opponents

• Your own captain and team

• The role of the umpires

• The game’s traditional values

1.2.5 It is against the Spirit of the Game:

• To dispute an umpire’s decision by word, action or gesture

• To direct abusive language towards an opponent or umpire

• To indulge in cheating or any sharp practice, for instance

a) appeal knowing the batsman is not out

b) advance towards an umpire in an aggressive manner when appealing

c) seek to distract an opponent either verbally or by harassment with persistent clapping or unnecessary noise under the guise of enthusiasm and motivation of one’s own side.

**1.2.6 Violence**

There is no place for any act of violence on the field of play.

**1.2.7 Players**

Captains and umpires together set the tone for the conduct of a cricket match. Every player is expected to make an important contribution to this.

1.3 Failure to comply with the provisions of Paragraph 1 may lead to disciplinary action, irrespective of an alleged breach being related to a match not under the jurisdiction of the Middlesex County Cricket League.

**ANNEX 2**

**ENGLAND AND WALES CRICKET BOARD ANTI-DISCRIMINATION CODE**

**Introduction**

The England and Wales Cricket Board (the **ECB**) is responsible for the governance of cricket in England and Wales. This ECB Anti-Discrimination Code (the **Code**) is part of the ECB’s continuing efforts to maintain the integrity, diversity and inclusivity of cricket, and the Club adopts this code and any subsequent amendments / modifications by the ECB.

The ECB aims to create an environment within cricket in England and Wales in which no individual, group or organisation experiences discrimination or acts in a discriminatory manner on the basis of a Protected Characteristic (as defined in the Equality Act 2010 from time to time – which at the time of writing are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

This Code therefore sets out discriminatory behaviour which, when carried out by a participant who is required to comply with it, will be a breach of the Code and may be sanctioned accordingly.

All Participants (as defined below) agree by virtue of their involvement in cricket in England and Wales to be bound by this Code and submit to the disciplinary jurisdiction of the relevant body which applies to them.

All County Cricket Boards, First Class Counties, Regional Hosts, the National Counties, leagues, clubs and other organisations under the jurisdiction of the ECB or its Members must adopt and enforce the Code.

Participants who are party to an ECB agreement and/or in receipt of ECB funding may be obliged, as a condition of those agreements or funding, to comply with or adopt the Code and/or enforce the provisions of the Code through their own processes.

The Code may be amended from time to time by the ECB in its sole discretion, with such amendments coming into effect on the date specified by the ECB.

**BREACHES UNDER THE ANTI-DISCRIMINATION CODE**

**Cricket Organisation** means

**(a)**County Cricket Boards, First Class Counties, Regional Hosts, National Counties, the Marylebone Cricket Club and other organisations under the jurisdiction of the ECB or its Members;

**(b)**clubs and leagues which are affiliated to or under the jurisdiction of either the ECB or any of its Members; and

**(c)**any other organisations which adopt this Code.

**Participant** means

**(a)**Cricket Organisations;

**(b)**employees, directors, officers, committee members, contractors and volunteers, in each case,

of the ECB or any Cricket Organisation;

**(c)**match officials including members of the Association of Cricket Officials;

**(d)**members of the ECB Coaches Association;

**(e)**an individual taking part in a cricket match or event under the jurisdiction of the ECB and/or any ECB Member; and

**(f)**any other individual who becomes bound by this Code.

**ANTI-DISCRIMINATION CODE 2022**

**Example**

Paragraph (f) above is intended to cover other individuals which a cricket organisation chooses to have bound by the Code. For example, a cricket venue may require spectators to abide by the Code by making it a provision of the ticket terms and conditions which a spectator agrees to.

1. It will be a breach of this Code for any Participant to:

1.1  discriminate against any person or persons based upon any relevant Protected Characteristic,

whether by act or omission, directly or indirectly, unless permitted by law; and/or

1.2  engage in conduct related to a relevant Protected Characteristic which has the purpose or effect of violating another’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person or persons.

1. In deciding whether the conduct has the effect referred to in paragraph 1.2 above, the following shall be taken into account, namely –

(a) the perception of the relevant person or persons,
(b) the circumstances of the case, and
(c) whether it is reasonable for the conduct to have that effect.

1. In instances where the Participant is an organisation, it will be a breach of this Code to fail to provide an effective, timely and proportionate response to an alleged breach under paragraph 1 above, carried out by any individual or organisation under the jurisdiction of the Participant.
2. The breaches referenced in paragraph 1 shall apply regardless of whether the Protected Characteristic(s) around which the breach is based applies to the person or people to whom the offending conduct is directed.

**Example**

If a player makes a homophobic comment directed at another player during a match, regardless of whether that other player belongs to the group referred to, this would amount to a breach of the Anti- Discrimination Code.

**5.** Any breach of this Code may also constitute an offence or breach of other applicable laws, rules and/or regulations. This Code is intended to supplement such other laws, rules and regulations and is not intended, and may not be interpreted, construed or applied, to prejudice or undermine in any way the application of such other laws, rules and/or regulations. Participants therefore acknowledge and agree that this Code does not limit their responsibilities or obligations under other laws, rules and/or regulations.