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# Killarney Golf and Fishing Club

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Constitution Adopted at Annual  
General Meeting November 9<sup>th</sup>  
2017

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# **KILLARNEY GOLF AND FISHING CLUB**

## **CONSTITUTION ADOPTED AT CLUB ANNUAL GENERAL MEETING HELD ON 31<sup>ST</sup> OCTOBER 2013**

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## **1. TITLE, OBJECTS**

1.1 The name of the Club shall be Killarney Golf & Fishing Club and this name shall be the common name by which the Joint Club, the Men's Club and the Ladies' Club shall be individually and collectively known.

1.1.1 The Main Object of Killarney Golf & Fishing Club is to promote the amateur game of golf and the amateur sport of fishing

1.2 The Killarney Golf & Fishing Club is a voluntary sporting organisation.

1.2.1 In this Constitution, the masculine shall include the feminine and the singular shall include the plural save where the context otherwise requires.

1.3 Control of the Club shall derive from the Ordinary Members and shall be exercised in accordance with the provisions of this Constitution.

1.4 The objects of the Club are as detailed hereunder.

1.4.1 The Joint Club shall:

1.4.1.1 Be administered by the Management Council hereinafter appointed;

1.4.1.2 Provide facilities for the playing and promotion of the amateur game of golf by members and visitors and generally promote amateur games within the club;

1.4.1.3 Provide facilities for, and promote, the sport of fishing;

1.4.1.4 Provide for and promote social activities ancillary to golf and fishing;

1.4.1.5 Manage matters of common interest of both Ladies' and Men's Clubs which shall include:

1.4.1.5.1 Provision of and responsibility for the maintenance and upkeep of the course and clubhouse and their environs to the standard required by members;

1.4.1.5.2 any bar and catering facilities to be provided and all that these entail;

1.4.1.5.3 Collection of annual and other subscriptions and club levies payable by members;

1.4.1.6 Have full responsibility for all matters relating to staff;

1.4.1.7 Proactively engage in the promotion and advancement of facilities available to members;

1.4.1.8 Killarney Golf & Fishing Club is fully committed to safeguarding the well-being of its members. Every individual in the Club should at all times show respect and understanding for the rights, safety and welfare of all.

1.4.2 The Men's Club shall:

1.4.2.1 Actively promote the amateur game of golf and generally amateur games amongst its members;

1.4.2.2 Accept and abide by the Constitution and Bye-Laws of the Golfing Union of Ireland to which the Club is affiliated and the Bye-Laws of the Munster Branch;

1.4.2.3 Accept and apply the Unified Handicapping Systems prescribed by the Council of National Golf Unions and such rules thereunder as may require to be implemented from time to time by the Golfing Union of Ireland;

1.4.2.4 Appoint a Handicapping Committee of at least three persons, all of whom shall be male members of the club, which shall have specific responsibility for the allotment and maintenance of handicaps as delegated to affiliated clubs, subject to the overall jurisdiction of the union.

1.4.2.5 Retain Handicap Records in respect of all present and past members for not less than the current year and previous two calendar years and retain all score cards until the end of the current handicap year. Handicap records for all Playing Members must be returned to the Munster Branch should the Club cease to be affiliated.

1.4.2.6 Accept and recognise the Royal and Ancient Golf Club of St. Andrews as the sole authority for prescribing and implementing the Rules of Golf and Rules of Amateur Status;

1.4.2.7 Accept and recognise the responsibility of the Joint Club to manage matters of common interest (other than the game of golf and its related activities) which the Men's Club has with the Ladies' Club subject to and as provided in these rules.

1.4.3 The Ladies' Club shall:

1.4.3.1 Actively promote the amateur game of golf and generally amateur games amongst its members;

1.4.3.2 Accept and abide by the Constitution and Bye-Laws of the Irish Ladies' Golf Union to which the Club is affiliated and the Bye-Laws of the Munster Branch, the District in which the Club is situated;

1.4.3.3 Accept and apply the Unified Handicapping System as prescribed by the Council of National Golf Unions and such rules thereunder

as may require to be implemented from time to time by the Irish Ladies' Golf Union;

1.4.3.4 Accept and recognise the Royal and Ancient Golf Club of St. Andrews as the sole authority in prescribing and implementing the Rules of Golf and the Rules of Amateur Status;

1.4.3.5 Accept and recognise the responsibility of the Joint Club to manage matters of common interest (other than the game of golf and its related activities) which the Ladies' Club has with the Men's Club subject to and as provided in these rules.

## **2. MEMBERSHIP**

### **2.1 CATEGORIES**

Following the adoption of this Constitution, admission to membership may be considered only in respect of the following categories of Member:

- Ordinary
- Country
- Corporate
- Fishing
- Pavilion
- Overseas Country
- Honorary
- Juvenile
- Junior
- Temporary
- Over 66s and over 80s

Admission to all other previously existing categories shall cease on the adoption of this Constitution.

#### **2.1.1 Ordinary Members**

Ordinary Members shall comprise men and women over 18 years of age who have paid an Entrance Fee, Annual Subscription and Capital Levy (if any) applicable to this membership category. Ordinary Members, Honorary Members who were previously Ordinary Members, Senior Male Members and Senior Lady (Ordinary) Members shall be entitled to attend and vote at all Annual and Special

General Meetings of either the Men's Club or the Ladies' Club of which each such member has been elected a voting member and at all Annual and Special General Meetings of the Joint Club. Ordinary Members are automatically entitled to be Fishing Members by virtue of their being Ordinary Members.

#### 2.1.2 Country Members

Country Members must be Full or Ordinary Members of a duly recognised golf club. They will have the same playing rights as Ordinary Members with the exception of playing in Club competitions. They will only be allowed play in competitions as designated by the appropriate Men's Club or Ladies' Club. They will not be able to attend or vote at any General Meeting of the Club.

#### 2.1.3 Corporate Members

A Corporate Member is a Company or such legal entity which, or an Individual who, has been accepted by the Management Council for Corporate membership. Each Corporate Member shall be entitled to nominate one person for each membership it holds, subject to that person having the prior approval of the Management Council. Each Corporate Membership shall be for a period and subject to such terms and conditions and subscription to be decided in advance by a General Meeting of the Joint Club following a recommendation of the Management Council.

#### 2.1.4 Fishing Members

A Fishing Member shall be entitled to keep one boat at the Lagoon, subject to availability of berths but shall not let, or cause to be let, such boat for hire or reward. Such letting or hiring for reward shall render him liable to expulsion from the Club and his subscription shall be wholly forfeited. A Fishing Member shall be entitled to lend his boat to any Member, subject to such conditions as the Management Council shall stipulate from time to time. Fishing Members shall not be entitled to play golf on the Golf Courses by virtue of such membership. Fishing Members shall at all times maintain their boats in such condition so that they will not cause damage to or be an obstruction to other Members' boats. Members shall ensure that their boats are maintained to a proper standard of decoration and repair. Members shall ensure that their boats are insured.

#### 2.1.5 Pavilion Members

Pavilion Members shall comprise persons who wish to enjoy the facilities of the Clubhouse at the discretion of the Management Council

and on payment of an annual subscription. They may play on the Courses only on payment of the required green fee.

#### 2.1.6 Overseas Country Members

Overseas Country Members must have their permanent place of residence outside of the island of Ireland and be full or ordinary members of a duly recognised golf club in their country of residence. Overseas Country Members have the same playing rights as Ordinary Members with the exception of playing in competitions. They will only be permitted to compete in competitions as designated by the appropriate Men's or Ladies' Club. They will not be able to attend or vote at any General Meeting of the Club.

#### 2.1.7 Honorary Members

Those who have rendered exceptional service to the Club or to the game of Golf or whose distinguished or influential position or public service would render their membership of special advantage to the Club may be elected Honorary Members. They may be elected in an appropriate category either for life or for a defined period but, unless it is otherwise stated in the minute made on the occasion of their election, their honorary membership will terminate at the close of the then current year. The recommendations of the Men's Club Committee in the case of proposed male Honorary Members and of the Ladies' Club Committee in the case of proposed female Honorary Members shall be made to the Management Council which will have the sole discretion to elect Honorary Members. The President and the Captains of the Men's and Ladies' Clubs shall be elected Honorary Members for their periods of office.

#### 2.1.8 Juvenile Members

Juvenile Members include children and grandchildren of members who are over 8 and under 18 years of age. They may remain in this category until 31 December following their reaching the age of 18 and may then apply for admission to the Junior category of membership in accordance with the procedures for election of members.

The Management Council, in consultation with the Committee of the Men's or Ladies' Club as appropriate, may at its discretion admit applicants who are not children of members and who are within the above age limits to this category provided the overall number of such members at any time shall not exceed a number decided from time to time by the Management Council

The Management Council, in consultation with the Committee of the Men's or Ladies' Club as appropriate, may at its discretion in exceptional circumstances admit children under 8 years of age to this category provided the overall number of such members at any one time shall not exceed a number decided from time to time by the Management Council. Such admission is to be subject to a levy as decided by the Members at the Annual General Meeting.

#### 2.1.9 Junior Members

Junior Members include those who are children of members and who are over 18 years and under 25 years of age and are engaged in full-time education. They may remain in this category until 31 December following their reaching the age of 25 and may then apply for admission to the Ordinary category of membership in accordance with the procedures for election of members.

The Management Council, in consultation with the Committee of the Men's or Ladies' Club as appropriate, may at its discretion admit applicants who are not children of members into this category provided that the overall number of such members at any one time shall not exceed a number decided from time to time by the Management Council.

#### 2.1.10 Temporary Members

A Temporary Member is:

- A visitor in respect of whom a green fee is paid or waived with the approval of the Management Council or
- A member of a Registered Golf Club who holds an official handicap and is competing in or participating in an official practice for a Club or Interclub competition.

#### 2.1.11 Over 66s and over 80s Members

All present members who have been members for thirty years or more and have reached the age of 66 are entitled to pay their annual subscription at a €400 discount from the full individual subscription. All Members who have been members for thirty years or more and have reached the age of 80 are entitled to pay their annual subscription at the rate of €10 plus any levies due.

### 3. **ADMISSION OF MEMBERS**

3.1 The election of all Ordinary Members, Honorary Members, Pavilion Members, Juvenile Members and Overseas Members shall be decided by the Management Council in consultation with the Men's Committee in the case



of a male candidate and the Ladies' Committee in the case of a female candidate at a combined meeting. Election shall be by secret ballot and one dissident in five shall exclude.

3.2 Each candidate for election must be proposed and seconded by an Ordinary Member of the Club of not less than five years' standing. Details of each candidate for election shall be posted on the Joint Club's, Men's Club and Ladies' Club noticeboards by the Secretary at least two weeks prior to the meeting at which such applications are to be considered together with the names of the Proposer and the Secunder in each case. Each Ordinary Member shall be restricted to one proposal in each category whether by way of Proposer or Secunder, in any one year.

3.3 No person shall be considered for Membership until his first subscription and entrance fee has been received by the Secretary and, on receipt of same, he submits himself to the Club Rules and Bye-Laws. After election of a candidate for admission to the Club, the Secretary shall send the candidate a note of election together with a copy of the Club Rules. If the subscription and entrance fee is not paid within one month of receiving this notification, it will be taken that the offer of membership is declined and the election shall be void. It shall be the duty of every elected member to acquaint himself with the Rules and Bye-Laws of the Club and to abide by them.

3.4 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, Officer or Council/Committee member, compensation for personal injury, loss or damage, howsoever caused.

#### **4. DISCIPLINE & REMOVAL OF MEMBER**

4.1 Disciplinary issues should be divided into three categories:

4.1.1 A complaint regarding the application of the rules of golf which do not include an element of cheating or dishonesty.

4.1.2 An issue whether or not there has been cheating or dishonesty relating to the playing of golf (including but not limited to failure to comply in any material respect with the universal handicapping system for the time in being enforced, or the failure to report to the club in a timely and proper manner, any matter which would impact on a golf handicap.

4.1.3 Misconduct, which includes but is not limited to:

- 4.1.3.1 Deliberately bringing the club into disrepute;
- 4.1.3.2 Causing a disturbance or committing an act of violence against any other member or employee of the club, or any person whilst on club property or while representing the club elsewhere, either in a playing or representative capacity;
- 4.1.3.3 Seriously abusing or being grossly disrespectful towards any officer for the time being of the club, or the office which he holds.
- 4.1.3.4 Any complaint under 4.1.3.1 or 4.1.3.2, above, by or against a member shall be in writing and addressed to the Men's Captain or the Ladies' Captain as the case may require;
- 4.1.4 The Men's Captain or the Ladies' Captain shall in the first instance attempt to resolve the matter informally. If the matter cannot be resolved informally to the satisfaction of the complainant, and the member being complained against, the matter shall be referred to a sub-committee of the Men's Club or the Ladies' Club as the case may be, appointed by the relevant Captain. The said sub-committee shall investigate the matter, and shall submit a written report to the committee of the Men's Club or the Ladies' Club as the case may require, whose decision on the matter shall be final.
- 4.1.5 Any allegation of misconduct by or against a member shall be in writing and shall be submitted in the first instance to the Club Chairman. The Chairman shall thereupon appoint three persons to investigate the complaint, one of whom shall be a member of the Management Council. The said investigating committee shall investigate the allegations of misconduct, and shall within one month present a report in writing to the Chairman of the Management Council. If the Chairman considers a prima facie case of misconduct has been made out, he shall then appoint a disciplinary sub-committee to determine whether or not there has been misconduct, and to determine the appropriate remedy if misconduct is established. The disciplinary sub-committee shall conduct a hearing without delay at which the member against whom the allegation of misconduct has been made shall be entitled to be heard, and to be represented. The disciplinary sub-committee may set out procedures for the holding of such hearing, including the submission of statements in writing of any evidence intended to be adduced at such hearing. The disciplinary process shall be completed within two months of the appointment of the disciplinary sub-committee, and its decision issued within that period. The findings of the disciplinary sub-committee as to whether or not misconduct has occurred shall be relayed to the Management Council who shall decide on the appropriate penalty. The decision of the Management Council shall be final, but so that any member who has received a punishment for misconduct shall be entitled to appeal in writing, any penalty imposed, to the next Annual General

Meeting of the Club, such appeal to be lodged within fourteen days of the notification of the decision of the Management Council as to penalty. The penalty that may be imposed by the Management Council on a finding of misconduct shall be proportionate to the misconduct so found. The sanction that may be imposed by the Management Council may consist of any of the following:

4.1.5.1 Reprimand;

4.1.5.2 Fine, not exceeding 50% of the annual subscription of the member in question;

4.1.5.3 Temporary suspension from membership;

4.1.5.4 Expulsion from the club.

## **5. OWNERSHIP**

5.1 The ownership of the Club Property shall be vested in the Trustees for the time being of the Club on behalf of the Ordinary Members.

## **6. TRUSTEES**

6.1 The Trustees (having first signified willingness to act) shall be four Ordinary Members of the Club as defined in Section 2. Such Trustees shall be appointed by the Management Council of the Joint Club, and ratified by resolution at the next Annual General Meeting of the Joint Club.

6.2 A Trustee appointed prior to the adoption of this Constitution shall remain as such until he/she resigns as a Trustee or ceases to be an Ordinary Member of the Club or an Honorary Member of the club who was previously an Ordinary Member.

6.3 A Trustee appointed following the adoption of this Constitution shall be appointed for a five year term, and shall not serve more than two consecutive terms. Such Trustee shall cease to be a Trustee if he/she resigns as a Trustee or ceases to be an Ordinary Member of the Club, or an Honorary Member of the club who was previously an Ordinary Member or an elected member of the Men's or Ladies' Committees.

6.4 The Club Lands and Premises and all other Property of the Club as the Management Council shall determine, shall be vested in and under the legal control of the Trustees. Such Trustees shall deal with the Property of the Club as directed by resolution of the Management Council of which an entry in the Minute Book shall be sufficient evidence. Any dealings relating to the title of the Club Lands or Club Premises shall require to be authorised by members of the Joint Club at a General Meeting.

6.5 If the Trustees when directed by resolution of the Management Council to perform a certain act, consider that the performance of such an act is one of such importance that they consider that the members of the Club should be consulted, then the Trustees may refuse to perform such act until the members have been consulted at an Annual or Special General Meeting and a resolution is passed at such Meeting authorising or refusing to authorise the Trustees to perform such act as was originally directed by the Management Council.

6.6 All proceedings in the name of the Club shall be taken by and against the Trustees.

6.7 The Trustees shall be indemnified out of the Club property and assets in respect of all transactions directed by a resolution of the Management Council against all liabilities and expenses incurred as a result of their Trusteeship and in the event of the club property and assets being deficient such deficiency shall be made good by the Ordinary Members on whose behalf the property and assets of the club are held.

6.8 Any two of the Trustees may call a meeting of the Trustees.

## **7. THE PRESIDENT**

7.1 The Club shall have a President, nominated by the outgoing President, and elected at a General Meeting of the Joint Club. The President shall remain in office for one year. The nominee must be an Ordinary Member who has served in the office of Captain or Lady Captain and served the Club. The office of President will be held by the ladies' Club once in every three years. The nominee selected by the Ladies Club shall be nominated by the outgoing President.

7.2 The President will, from time to time at his discretion, attend and participate in meetings of the Management Council in each case and of the Committees of the Men's and Ladies' Clubs for information and reporting purposes in a non-voting capacity.

## **8. COMMITTEES**

### **8.1 THE MANAGEMENT COUNCIL**

8.1.1 The business and affairs of the Club shall be managed by the Management Council.

8.1.2 The Management Council shall consist of seven members. The Captain of the Men's Club and the Captain of the Ladies' Club shall

be members during their year of office. All Members shall have voting powers. In the event that either the Captain of the Men's Club or the Captain of the Ladies' Club cannot attend a given meeting, then he or she is entitled to have the relevant Vice-Captain or a nominee attend in his or her stead. In such circumstances, such Vice-Captain or nominee shall not be entitled to vote at the meeting.

- 8.1.3 The remaining five positions ("elected Members") will be filled by Ordinary Members who will each be elected at an Annual General Meeting, or if the occasion arises at a Special General Meeting, who will hold office as hereinafter set out.
- 8.1.4 Only Ordinary Members of five years standing shall be eligible for election to the Management Council.
- 8.1.5 Nominations for election shall be made in writing to the Secretary at least seven days prior to the appointed date of the Annual General Meeting. The nomination, duly proposed and seconded should be accompanied by a formal acceptance of the nomination, and supported in writing by four other ordinary members. The nomination paper shall be placed on the Club notice board four days prior to the appointed date of the Annual General Meeting.
- 8.1.6 If the number of candidates nominated equals or is less than the number of positions to be filled, the Chairman shall declare the nominated candidates to be elected.
- 8.1.7 If the number of nominated candidates exceeds the number of positions to be filled, then a ballot shall be held. Voting shall be by secret ballot. The ballot paper shall contain the names of the nominated candidates in alphabetical order. Any ballot paper which does not contain the number of votes equal to the positions to be filled shall be rejected as invalid. The candidates shall be declared to be elected in accordance with the number of votes received from those present and qualified to vote.
- 8.1.8 As soon as may be and in any event not later than seven days after an Annual General Meeting, the Management Council shall convene a meeting and shall conduct the following business:
  - 8.1.8.1 Where a vacancy remains for an elected Member on the Management Council to co-opt a member of not less than five years standing whom they consider suitable to serve on the Management Council.
  - 8.1.8.2 To select an elected member to be Finance Officer. The Finance Officer is responsible for the supervision, maintenance and monitoring of all the necessary financial controls that exist within the Club together with the development of new controls, as may be necessary, to ensure that the financial systems of the Club run

efficiently. The Finance Officer shall work closely with the General Manager in the carrying out of his responsibilities.

8.1.8.3 To select an elected Member to be Secretary who shall be primarily responsible for keeping the minutes of meetings of the Management Council and also for convening meetings, circularising the minutes of such meetings and dealing with necessary correspondence and communications with third parties.

8.1.8.4 A person co-opted under 8.1.8.1 shall hold office until the next Annual General Meeting.

8.1.8.5 A person selected under 8.1.8.2 or 8.1.8.3 shall continue as such so long as he remains an elected Member of the Management Council.

8.1.9 The first Management Council was elected at a Special General Meeting on the 17th of September 2013. Two of the Members elected at that meeting shall hold office until the Annual General Meeting held in the year 2016. Two of the members elected at that meeting shall hold office until the Annual General Meeting held in the year 2017. The remaining Member elected at that meeting shall hold office until the Annual General Meeting held in the year 2018. The issue as to which of the elected Members shall retire in 2016 and in 2017 shall be determined by lot unless the Management Council unanimously decide otherwise.

8.1.10 As and from the Annual General Meeting held in the year 2016, Members elected to the Management Council shall hold office for a period of three years.

8.1.11 A Member elected at an Annual General Meeting may at the end of a three year term be elected subsequently for a second period of three years following which the Member may not offer himself for election until a further period of at least six years has elapsed.

8.1.12 Should any elected position on the Management Council become vacant then the six remaining members shall have the right to co-opt a Member to fill the vacancy and that person shall hold office until the next Annual General Meeting.

8.1.13 Other than the Captain of the Men's Club and the Captain of the Ladies' Club a member of the Management Council may not, at the same time, be a member of the Men's Club or Ladies' Club Committees.

8.1.14 Whenever a vacancy arises in the office of Chairman, the seven Committee Members shall elect one of the five elected Members to be Chairman of the Management Council. The Chairman shall hold office until the Annual General Meeting in the third year after his

election subject to remaining a Member of the Management Council.

8.1.15 The Trustees shall nominate one of their Members who may attend and participate in Management Council meetings in a non-voting capacity.

8.1.16 The quorum for meetings of the Management Council shall be four and in the event of a tie the Chairman shall have a casting vote.

8.1.17 The Council shall meet not less than nine times a year at intervals of not more than two months. Minutes of the Meetings shall be kept and following approval by the Council, signed by the Chairman. The Chair shall be taken by the Chairman or in his absence by one of the five elected members nominated by the Council.

8.1.18 RESPONSIBILITIES:

- (a) The control and management of the Golf Courses, clubhouses, lands and assets;
- (b) The ultimate control of golf including Society and Green Fee Golf and marketing of same and the allocation of playing times;
- (c) The control and management of the Club's finances;
- (d) Bar and catering facilities;
- (e) To oversee the affairs (other than golf matters) of both Ladies' and Men's Clubs;
- (f) If a disagreement between the Committees of the Men's and Ladies' Clubs with regard to a mutual golfing matter is not resolved by them, the matter in question shall be decided by the Management Council;
- (g) Decisions as to whether a matter is or is not solely or only within the jurisdiction of the Men's Club Committee or the Ladies' Club Committee and such decisions shall be final and binding.
- (h) All Club employment issues;
- (i) The appointment of Sub-Committees including definition of their scope, authority and terms of office;
- (j) The submission to members for their approval at General Meetings of proposed alterations to the Club Constitution;

- (k) The submission to members for their approval at General Meetings of any proposals to acquire or dispose of land or to engage in expenditure or borrowing above threshold amounts decided from time to time at General Meetings;
- (l) To take all reasonable care to safeguard the assets of Killarney Golf & Fishing Club;
- (m) To deal with disciplinary matters arising under paragraph 4 of this Constitution;
- (n) To make the facilities of the golf course and part of the clubhouse available to the Golfing Union of Ireland and its Munster Branch and to the Ladies' Golf Union and its Southern District at reasonable intervals as may be agreed;
- (o) The allocation of fishing berths and the appointment of a fishing sub-committee.
- (p) Decisions as to whether, if the payment of subscriptions would result in severe financial hardship for a Member or if exceptional circumstances prevail, a waiver may be granted.

The discharge of any or all of the above responsibilities may be delegated by the Management Council to the General Manager.

## 8.2 COMMITTEES OF THE MEN'S AND LADIES' CLUBS

8.2.1 Each Committee shall comprise twelve members, elected annually: Captain, Vice-Captain, Ex-Officio Captain, Secretary, Treasurer, Handicap Secretary, Competitions Secretary and five other members. The Committee can by co-option fill any vacancies during a particular year and can appoint Sub-Committees.

Members of the Men's Club Committee who have served for five consecutive years may not stand for re- election until a further period of at least three years has elapsed.

Members of the Ladies' Club Committee who have served for five consecutive years may not stand for re- election until a further period of at least three years has elapsed.

The above time limits shall exclude periods as Captain, Lady Captain, Vice-Captain and Lady Vice-Captain.

The above time limits shall exclude the part year served by a member co-opted as a member or office holder of a Committee.



8.2.2 Each Committee shall have the following responsibilities and powers:

- Governing the golf activities of the Men's or Ladies' Club as appropriate;
- Managing and controlling the finances of the Men's or Ladies' Club as appropriate;
- Liaising with the Committee of the Men's or Ladies' Club as appropriate with regard to mutual golfing matters;
- Working inclusively with the Committee of the Men's or Ladies' Club as appropriate and the Management Council of the Joint Club to promote and preserve the good name of the Club which has been achieved by the efforts of the members and staff since 1893.

8.2.3 Each Committee under the chairmanship of the Captain, or in his/her absence the Vice-Captain, shall meet not less than once every two months; in the absence of the Captain and Vice-Captain the chair shall be taken by a member of the Committee nominated by the Committee. Five members must be present to form a quorum and the Chairman of the meeting shall have a casting vote as well as a committee member's vote. Minutes of meetings must be kept and, following approval by the Committee, signed by the Secretary and Captain.

8.2.4 The Captain shall have the privilege of proposing the Vice-Captain for election at the relevant Annual General Meeting to succeed him/her as Captain at the end of his/her term of office subject to ratification by the members at the Annual General Meeting of the Men's or Ladies' Club as appropriate. The Vice-Captain of the Men's Club must have been an Ordinary Member and the Vice-Captain of the Ladies' Club must have been an Ordinary or Lady Associate Member in each case for not less than five years.

## **9. MEETINGS**

### **9.1 ANNUAL GENERAL MEETINGS**

9.1.1 The Management Council shall organise an Annual General Meeting of the Joint Club to be held not later than the 15<sup>th</sup> of November in any given year, the first of which shall be held in 2014. The Chair shall be taken by the Chairman of the Management Council or in his/her absence by one of the five elected Ordinary Members nominated by that Council.

9.1.2 The business of the Annual General Meeting shall include:

9.1.2.1 Consideration of the Annual Reports of the Management Council;

- 9.1.2.2 Consideration of the Audited Accounts of the Club;
- 9.1.2.3 The election of the President;
- 9.1.2.4 The election of members of the Management Council;
- 9.1.2.5 The consideration of motions (with or without amendments), properly notified;
- 9.1.2.6 The setting of annual subscriptions, levies and fees;
- 9.1.2.7 The appointment of auditors.

9.1.3 The Committees of the Men's and Ladies' Clubs shall each organise an Annual General Meeting once a year prior to the Annual General Meeting of the Joint Club. The Chair shall be taken by the Captain of the Club or in his/her absence by the Vice-Captain. In the absence of the Captain and the Vice-Captain the chair shall be taken by a member of the Club Committee nominated by that Committee.

## 9.2 SPECIAL GERERAL MEETINGS

- 9.2.1 Special General Meetings of each of the Clubs may be called by the Management Council or by the Committees of the Men's or Ladies' Clubs as appropriate.
- 9.2.2 Arrangements for the holding of a Special General Meeting shall be made by the relevant Council/Committee upon the receipt in writing of a notice of motion stating the object of the proposed meeting, signed by at least fifty (in the case of the Joint Club) and twenty five (in the case of the Men's and Ladies' Clubs) members entitled to attend and vote at the meeting. All such notices of motion must be addressed to the Secretary of the Management Council in the case of the Joint Club and to the Secretary of the relevant Committee in the case of the Men's or Ladies' Club. Such Special General Meetings shall be called by the relevant Council/Committee not later than twenty one days after the next scheduled meeting of that Council/Committee following the receipt of any such notice of motion.

## 9.3 MEETINGS – GENERAL

- 9.3.1 Notice of General Meetings shall be displayed on the Club notice board in the Clubhouse not less than twenty one days prior to the meeting in the case of an Annual General Meeting and not later than fourteen days prior to the meeting in the case of a Special General Meeting.
- 9.3.2 Advice in writing of a Notice of Motion for an Annual General Meeting must be received by the General Manager in the case of the Joint Club or by the Secretary in the case of the Men's or Ladies' Club not less than fourteen days prior to the meeting.
- 9.3.3 Notice of each Annual General Meeting and of each Special General Meeting shall be sent not less than seven days prior to the

meeting to members entitled to attend and vote at the meeting. Such notice shall be sent by electronic means or by post to members who have opted in writing not to receive such notice by electronic means. The onus is entirely on Members to keep the General Manager fully advised as to their addresses (postal and electronic) and telephone numbers.

9.3.4 A minimum of fifty members in the case of the Joint Club or twenty five members in the case of the Men's or Ladies' Club entitled to attend and vote at the meeting shall be required to form a quorum at an Annual or Special General Meeting.

9.3.5 Any decision at a General Meeting to approve a proposal submitted as provided for in 8.1.18 (k) above, to approve a notice of motion submitted as provided for in 9.3.2 above or to alter this Constitution shall require a two-thirds majority of those present and voting at the meeting. All other decisions at a General Meeting shall require a simple majority (50%+1) of those present and voting at the Meeting.

At General Meetings any proposal or notice of motion or amendment thereto may be declared to be carried or not by the Chairman of the meeting unless a vote is demanded by not less than twenty persons present and entitled to vote at the meeting

9.3.6 Minutes of all General Meetings shall be submitted for approval at the next following General Meeting of the relevant Club.

## **10. ELECTIONS**

10.1 General Rules applying to the Men's Club and Ladies' Club:

10.1.1 Nominations for the position of an Officer of any of either of the Clubs or as a member of an elective Committee shall be made in writing, duly signed by the Proposer and Seconder who must be entitled to attend and vote at the Annual General Meeting of the relevant Club, on the sheet which shall be placed on a Notice Board in the Clubhouse at least fourteen clear days prior to the Annual General Meeting. Nominations shall close seven clear days before the Annual General Meeting. The list of nominated members shall be posted in the Clubhouse at least five clear days prior to the Annual General Meeting. Those nominated must be Members for at least five years in a category which would entitle them to attend and vote at an Annual General Meeting of the relevant Club.

- 10.1.2 A ballot shall take place when the number of candidates exceeds the number of vacancies.
- 10.1.3 Each Member entitled to vote shall vote in person at the Meeting.
- 10.1.4 A Member shall vote for the same number of candidates as there are vacancies. Otherwise the vote is invalid.
- 10.1.5 Should two or more candidates receive the same number of votes the matter shall be resolved by lot.
- 10.1.6 Those in attendance at the Meeting shall appoint tellers to count the votes.
- 10.1.7 The names of those elected shall be recorded in the minutes of the meeting at which the election has taken place.

## **11. FINANCE/SUBSCRIPTIONS**

### **11.1 FINANCE**

- 11.1.1 Each of the three Clubs financial years shall commence on 1st October and end the 30th of the following September.
- 11.1.2 The General Manager shall ensure that proper books and records are maintained and balanced monthly for the Joint Club, the Men's Club and the Ladies' Club. The Finance Officer of the Joint Club shall be kept fully advised of same. It is also a requirement that such accounts be made available to the Revenue Commissioners on request.
- 11.1.3 The financial affairs of the three Clubs shall be administered as follows:
  - (a) The General Manager, under the supervision of the Finance Officer in the case of the Joint Club and the Treasurer in the case of the Men's or Ladies' Club, shall keep full and detailed accounts, books and records, showing the financial affairs, receipts and disbursements of the Joint each individual club. Annual Income and Expenditure Budgets shall be presented to members at either Annual or Special General Meetings;
  - (b) Clearly identifiable Banking Accounts shall be kept separately in the names of the Joint Club, Men's Club and Ladies' Club in such Banks as the Management Council may from time to time determine. All cheques shall be signed as authorised by the

respective Club Committees. Any other accounts must be under the control of the General Manager;

- (c) The Men's and Ladies' Clubs shall each be given a grant out of the Club finances by the Management Council sufficient to run their affairs. The respective clubs shall operate within that budget save in respect of exceptional items which may arise from time to time and are dealt with by reasonable grants agreed by the Management Council on request;
- (d) The Finance Officer of the Joint Club shall issue audited Accounts of the Joint Club for the financial year ended 30 September for consideration by the Management Council and for consideration and approval by the members at the Annual General Meeting of the Joint Club;
- (e) The Treasurer of the Men's Club shall issue audited Accounts of the Men's Club for the financial year ended 30 September for consideration by the Men's Club Committee and for consideration and approval by the members at the Annual General Meeting of the Men's Club;
- (f) The Treasurer of the Ladies' Club shall issue audited Accounts of the Ladies' Club for the financial year ended 30 September for consideration by the Ladies' Club Committee and for consideration and approval by the members at the Annual General Meeting of the Ladies' Club.

## 11.2 ANNUAL CLUB SUBSCRIPTION AND ENTRANCE FEE

- 11.2.1 The annual subscription shall fall due for payment on 1st January each year and shall be determined from time to time by an Annual or Special General Meeting of the Members of the Joint Club. In addition to the subscription so determined, the members shall be required to pay the Poll Tax imposed by the Golfing Union of Ireland (GUI)/ Irish Ladies' Golf Union (ILGU).
- 11.2.2 Any Member liable to pay a subscription whose subscription is unpaid on the 28th of February immediately following the said payment date shall cease to be a Member of the Club. The Management Council can re-admit a Member who has been deemed to have resigned under this Rule, on such terms and conditions as they, in their sole discretion, think fit.
- 11.2.3 The Management Council is entitled to charge interest on subscriptions unpaid after 1st January.
- 11.2.4 Members shall be permitted to pay the annual subscription by way a direct debit scheme. The subscription is to be paid in nine equal

monthly instalments. Any Member liable to pay a subscription and paying by way of direct debit shall cease to be a Member of the Club if more than one direct debit payment remains unpaid for a period in excess of twenty-one days in any one nine month period. The Management Council can re-admit a Member who has been deemed to have resigned under this Rule, on such terms and conditions as they, in their sole discretion, think fit.

11.2.5 The Management Council shall have the power, when and as they think fit to impose an Entrance Fee and fix the amount of and the arrangements for payment of same as approved by Members at a General Meeting of the Joint Club.

## **12. INCOME AND PROPERTY**

12.1 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 proportion 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 1% above the Euro Interbank Offered Rate (Euribor) per annum on money lent by an Officer or 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 or member 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 a member of the joint Club Management Council may be a member holding not more than one hundredth part of the issued capital of such Company.

### **12.2 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 12.1 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. Final accounts will be prepared and submitted that will include a section that identifies and values any assets transferred along with the details of the recipients and the terms of transfer.

### 12.3 ADDITIONS, ALTERATIONS OR AMENDMENTS

No addition, alteration or amendment shall be made to the provisions of the main object clause, the income and property clause, the winding up clause, the keeping of accounts clause or this clause of the Constitution for the time being in force unless the same shall have been previously approved in writing by the Revenue Commissioners.

## **13. COMPLIANCE WITH THE INTOXICATING LIQUOR ACTS (1927 – 2003)**

13.1 Subject to the exceptions specified in sub-Paragraph (2) of this clause, no excisable liquor shall be supplied for consumption (unless on foot of a Club Authorisation duly granted by the Court) on the premises to any person (other than a member of the Club lodging in the Club premises) or be consumed on the Club premises by any person (other than a member of the Club lodging on the Club premises) –

- (a) At any time on Christmas Day or Good Friday or,
- (b) On any other day, as specified hereunder, outside the times so specified in respect of it
  - (i) Saint Patrick's Day between 12.30 p.m. and 12.30 a.m. on the following day;
  - (ii) the 23rd December if it falls on a Sunday between 10.30 a.m. and 11.30 p.m.;
  - (iii) Christmas Eve and the eve of Good Friday between 10.30 a.m. and 11.30pm;
  - (iv) the eve of any public holiday (other than

Christmas Eve):

if the eve falls on a week day, between 10.30 a.m. and 12.30 a.m. on the following day, or

if it falls on a Sunday, between 12.30 p.m. and 12.30 a.m. on the following day;

- (v) any other Sunday (except a Saint Patrick's Day which falls on a Sunday) between 12.30 p.m. and 11.00 p.m.
- (vi) any other Monday, Tuesday, Wednesday or Thursday between 10.30 a.m. and 11.30 p.m. and
- (vii) any other Friday or Saturday between 10.30 a.m. and 12.30 a.m. on the following day

13.2 Nothing contained in the Registration of Clubs Acts 1904 to 2008 or contained by virtue of sub-paragraph (1) of this clause shall operate to prohibit the supply for consumption on the premises of excisable liquor on the premises to any person, or the consumption of excisable liquor on those premises by any person -

- (a) on Christmas Day, between 12.00 midday and 10 p.m. or
- (b) 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 subsection 13.1 (b), to supply any excisable liquor for consumption on the Club premises,

If in each case the excisable liquor is –

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

13.3 No excisable liquor shall be sold or supplied in the Club premises to any person under the age of 18 years.

13.4 No person under the age of 18 shall be admitted as a member of the Club unless the Club is one primarily devoted to some athletic purpose.

13.5 A visitor shall not be supplied with excisable liquor on the Club premises, unless on the invitation and in the company of a member. The member shall, upon the admission of such visitor to the Club, or immediately on 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 show the date of each visit.

13.6 No member of the Committee and no Officer, Secretary/ Manager or Servant employed by the Club, shall have any personal interest in the sale of excisable liquor therein or in the profits arising from such sales.



- 13.7 In addition to these clauses, the clauses and regulations embodied in the Registration of Clubs Act 1904-2008 and the Intoxicating Liquor Acts amending and extending the same shall be deemed to be Rules of the Club.

#### **14. GENERAL MANAGER**

- 14.1 The Management Council may appoint a General Manager from time to time upon such terms and conditions as thought appropriate and may remove a person so appointed as its discretion.
- 14.2 The General Manager shall not be a member of the Club. During his tenure as General Manager he shall be afforded the right to utilise all of the facilities of the Club.
- 14.3 The General Manager shall report and be responsible to the Management Council and shall attend the meetings of the Management Council when required, meetings of the Men's Club Committee, Ladies' Club Committee and the General Meetings of the Members.
- 14.4 Subject to his contract of employment, and such directions and instructions as he shall receive from time to time from the Management Council the General Manager shall generally be responsible for:
- 14.4.1 Implementing the decisions of the Management Council, regularly reviewing all activities of the Club and making recommendations to the Management Council as appropriate;
  - 14.4.2 The management of the day to day affairs of the Club and keeping the Chairman of the Management Council fully informed of all relevant matters;
  - 14.4.3 The welfare and performance of all staff employed temporarily or permanently by the Club;
  - 14.4.4 The maintenance of all correspondence, minutes, legal and financial records and returns;
  - 14.4.5 Liaising with the Men's Club Committee and the Ladies' Club Committee regarding course allocation and competition dates and tee times;
  - 14.4.6 Compliance with all Statutory/Local Government Regulations including the Health & Safety at Work Acts.

## **15. DATA PROTECTION**

- 15.1 Pursuant to the provisions of the Data Protection Acts 1998 -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 disclosure of all such data to third parties for the proper and effective management of the Club.

## **16. PERSONAL PROPERTY**

- 16.1 Any personal belongings of Members, Visitors and Others, brought to , kept at, or left on the premises of the Club (either in the Clubhouse or outside in the Car park or storage facilities or on the Course or practice facilities) shall be at the sole risk of the Owners thereof and neither the Club nor any Committee shall be responsible for any loss or damage thereto, however arising, but this rule shall not prejudice any claim by the Club or the Owners of the Property against Insurance Companies in case of fire, or when otherwise covered by Insurance.

## **17. JUVENILE CHARTER**

- 17.1 All individuals in the Club shall, in addition to the obligations at 1.4.1.8, at all times, conduct themselves in a way that reflects the principles of the Club and the guidelines in the Code of Ethics and Good Practice for Children's Sport in Ireland. Any Member involved with Juvenile Members or visitors shall have a duty to fully familiarise himself with the said Code of Ethics and Good Conduct and to fully implement same at all times. Any such Member who fails to familiarise himself with the said Code of Ethics and Good Conduct or who knowingly or recklessly fails to fully implement same shall be guilty of misconduct.

## **18. BYE-LAWS**

- 18.1 The Management Council and the Committees of the Men's and Ladies' Clubs shall have power to make, alter or repeal bye-laws on matters falling within their respective jurisdictions which they deem necessary, expedient or convenient for the proper conduct and management of the Clubs.
- 18.2 All bye-laws and decisions relating thereto shall be published by the relevant committee in such manner as it thinks fit and shall thereupon take immediate effect. Such decisions shall be submitted for ratification to the next Annual General Meeting of the relevant Club and if not so ratified by a simple majority shall lapse.

## **19. ALTERATIONS TO CONSTITUTION**

- 19.1 No alteration (except as may be rendered necessary to comply with any statute) shall be made to the Constitution of the Club, except with the sanction of two thirds of the Members of the Joint Club present and voting at a General Meeting called for the purpose of considering any proposed alteration. Any alteration which may be required to comply with any statute can be made by the Management Council.

## **20. INTERPRETATION**

- 20.1 The Management Council, the relevant Committee of the Men's and Ladies' Clubs or the Members in General Meeting may ratify any non-compliance with any date or time set out in this Constitution.
- 20.2 Where the context so admits words importing the neuter gender only shall include the masculine and feminine gender as appropriate and words importing the masculine gender only shall include the feminine gender and words importing the singular number only shall include the plural number and vice versa.

**Constitution Adopted at Annual General Meeting November 9<sup>th</sup> 2017**

Signed

\_\_\_\_\_  
Mike Daly  
Chairman  
Management Council

Date:

Signed

\_\_\_\_\_  
Ann Courtney Hickey  
Finance Officer  
Management Council

Date:

Signed

\_\_\_\_\_  
Louise Langan  
Secretary  
Management Council

Date: