



# CLUB CONSTITUTION

## NAME AND OBJECTIVES

1. The Club shall be named "ELGIN GOLF CLUB" and shall be a Non Profit Distributing organization.
2. The objectives of the Club shall be to provide:
  - a) A course and clubhouse facilities for the enjoyment and promotion of golf.
  - b) Access to golf for members, guests and visitors of all standards in a friendly and welcoming atmosphere in accordance with current Equality legislation.

## MEMBERSHIP

3. The Club shall consist of 700 ORDINARY MEMBERS (Honorary, Life, Platinum, Silver, Adult, Youth, and Student members whose subscriptions, where appropriate, are fully paid). Ordinary Members have full playing rights and only the Ordinary members will have voting rights at General Meetings. Other categories of playing member, none of which have voting rights, include Junior, Restricted, Country, Overseas, and Temporary. Non-playing members, with no voting rights, include Visitor, House, and Supernumerary. A Nominal Roll of all Members will be kept up to date by the Club Manager and available for inspection by any Ordinary Member on request.
4. Applications for Club membership must be made on the application form to be obtained from the Club Manager. Applications must state the full name and address of the candidate and be signed by the applicant before consideration by Council. If so elected, the new Member shall be notified and, where appropriate, requested to make payment of entry money and the subscription for the current year. If such payments have not been made within one month from the date of such notification, the application shall be considered to have lapsed.
5. HONORARY MEMBERSHIP. The Council, by not less than two-thirds majority of its full number, may nominate as Honorary Members such persons as they may think fit in recognition of services rendered to the Club or the game of golf. That nomination must be approved by ballot of the majority of Ordinary Members attending an AGM.
6. LIFE MEMBERSHIP. In addition to Life Members already on the Nominal Roll as at 31st December 2018, members with 50 years of accrued Ordinary Membership at the date of the next annual renewal will receive free membership for life.
7. PLATINUM MEMBERSHIP. The Council may from time to time admit Platinum Members on such terms and conditions including fees as the Council shall determine, which fees will at no time be less than 20 times the prevailing Adult Member Annual Subscription, plus the prevailing Club Joining Fee if a joining fee at the time of the application has not been paid on a previous occasion.
8. SILVER MEMBERSHIP. On reaching the prevailing state pension age, an Adult Member would, on next renewal, transfer to Silver Membership and pay a discounted rate as determined at the AGM.

9. ADULT MEMBERSHIP. Adult Members of the Club shall be 26 years of age and over.
10. YOUTH MEMBERSHIP. Members under 26 years old, but aged 18 and over, will be entitled to pay a reduced annual subscription, determined at the AGM.
11. STUDENT MEMBERSHIP. Any student in full-time education at a university or college may be admitted as a Student Member, and pay a reduced annual subscription as determined at the AGM.
12. JUNIOR MEMBERSHIP. Persons under 18 years of age may be admitted to the Club by the Council as Junior Members, and pay a reduced annual subscription as determined at the AGM.
13. RESTRICTED MEMBERSHIP. Restricted Members may be admitted on such terms and conditions, including fees, as the Council may from time to time think fit.
14. COUNTRY MEMBERSHIP. Applicants for Country Membership must have permanent residence at least 30 miles from Elgin Golf Club, being either (a) a former playing member of Elgin Golf Club or (b) having full membership of an affiliated Golf Club and holding an official handicap.
15. OVERSEAS MEMBERSHIP. Anyone whose permanent home is outwith the United Kingdom and who has paid the full Joining Fee as set by Council and the Annual Subscription, may be admitted as an Overseas Member. The total number of Overseas Members shall be at the discretion of Council.
16. TEMPORARY MEMBERSHIP. Any visitor to the Club paying a Green Fee or Tournament Entry Fee shall be a Temporary Member of the Club for the day on which such Green Fee is paid or in the case of a Tournament Entry for the duration of the Tournament to which such entry fee relates.
17. VISITORS may be granted the temporary facilities of the Clubhouse and Course for a period or periods up to one month on such terms as the Council may think fit.
18. HOUSE MEMBERSHIP is open to adults wishing to use the facilities of the Clubhouse only, at the appropriate annual fee as determined by the Club.
19. SUPERNUMERARY MEMBERSHIP. Any Ordinary Member of 5 years standing leaving Scotland for not less than a complete year shall be entitled to apply to the Council annually for suspension of Annual Subscription and have their name entered as a Supernumerary Member and, on return within 5 years, may resume full rights of membership. Any Supernumerary Member returning to Scotland (other than temporarily) and not resuming payment of the Annual Subscription shall be held to have resigned. The full Annual Subscription of a Supernumerary Member will be payable for the year of departure and for the year of return.
20. FAMILY DISCOUNT. Club Members who belong to a family group (comprising no more than 2 Adult Members plus any number of juniors residing at the same address) may be entitled to a discount on their combined annual fees, as decided at the AGM.

## **THE COUNCIL**

21. The Business of the Club shall be conducted by the Council consisting of the Captain, Vice-Captain and 8 Ordinary Members. The Council shall have the power to co-opt or appoint

such members as may be necessary as replacement or additional Councillors subject to a maximum of two such non-elected Councillors at any one time.

22. Six Council Members shall form a quorum at Council Meetings at which the Chairperson only shall have both a deliberative and casting vote.
23. A Member of Council shall cease to hold office if he/she be absent from 3 consecutive monthly Council Meetings without good cause.
24. The election of Members of Council shall take place at the Annual General Meeting and shall be decided by ballot of the majority of members present. The name of any candidate for Council willing to serve if elected must be proposed by one member and seconded by another and nominations must be posted on the Notice Board in the Clubhouse not later than the 15th Day of November preceding the Annual General Meeting.
25. Captain and Vice-Captain will be elected at the Club AGM to serve for 2 years and will not be eligible for re-election in relation to their respective post for at least one year thereafter. The Vice-Captain shall succeed the Captain as captain subject to proper nomination and the approval of a simple majority of members present and voting at the Annual General Meeting.
26. Councillors, apart from the Captain, Vice-Captain shall be elected for three years.
27. Co-opted Members of Council shall retire annually.
28. The Council shall have the management of all matters connected with the Club and shall have the power to form Committees and make regulations for the management of the Clubhouse, Bar, Course and Competitions. The Captain of the Club shall be ex-officio a Member of all Committees of the Council.
29. The Council shall appoint the Club Manager or other officer of the Club who shall conduct the administrative business of the Club under the direction of the Council and shall keep or cause to be kept Minutes of the Proceedings of all meetings of the Club Council and Committees.
30. The Council shall appoint a Treasurer or other officer of the Club who shall take charge of all funds belonging to the Club and make payment there from under the direction of the Council. All funds of the Club shall be placed or invested in such account or accounts as the Council may direct. No overdraft may be incurred by any officer of the Club without the authority of the Council. All cheques over an amount agreed annually by Council will require two signatories, one to be either the Club Manager or Treasurer along with one from the Captain, Vice-Captain or Finance Convener.
31. The Council shall appoint a Child Protection Officer who shall ensure the implementation of policy and procedures, promote best safeguarding practice and act as a first point of contact for issues of child protection, such as receiving and acting upon any reported concerns. The Club Manager along with either the Captain or Vice-Captain should be informed of any issues, and confidential records of reported cases and action taken should be maintained.
32. The Council shall present to the Annual General Meeting a report of the year's work and Accounts of the Club duly reviewed by a qualified Accountant, for the year ending 30th September preceding the meeting.

## **CLUB PROPERTY**

33. The property heritable and moveable at present belonging to or which may hereafter belong to the Club together with the title to pursue any claim on behalf of the Club shall be vested in the Captain and Vice-Captain of the Club for the time being as Trustees ex-officio for the Club. The Captain and Vice-Captain as such Trustees shall deal with the said property and conduct any claims according to the directions and under the authority of the Council and shall have the power to grant all deeds and do all other acts and take all steps necessary in connection with the said heritable and moveable property or claims. The Council shall not have the power to purchase or sell heritable property without the approval of the Members of the Club given at a General Meeting. An excerpt from any Minute of Council or General Meeting shall be sufficient evidence of directions and authority as aforesaid. Declaring that no office bearer shall a) rent or lease land to the Club b) be a relative, business partner or person acting under the direction of any person leasing or renting land to the Club or c) be a relative, business partner or a person acting under the direction of anyone associated with the Club who receives emoluments based on the turnover of any aspect of Club facilities.
34. The assets and liabilities of the Club shall belong to and be vested equally among the Ordinary Members during membership but the right and interest of every Ordinary Member shall be personal and shall expire with his/her Membership and shall not be assignable or arrestable nor pass to his/her heirs or executors. No portion of the income and property shall be paid or transferred directly or indirectly by way of dividend, distribution, bonus, honoraria or otherwise howsoever by way of profit to the members; surpluses generated by the Club shall be devoted solely to the maintenance or improvement of Club facilities.
35. The Council shall have the power to borrow by means of mortgage on heritable property, overdraft and on such conditions as they consider advisable and to grant security writs and other deeds necessary in the exercise of these powers.

## **GENERAL MEETINGS**

36. Only Ordinary Members of the Club may attend and vote at General Meetings. A General Meeting shall be held annually during December on a day to be fixed by the Council.
37. Annual General Meetings shall be called by a circular on not less than 7 days notice, stating the business to be considered.
38. Special General Meetings shall be called by the Council at any time.
39. The Council shall convene a Special General Meeting if called upon to do so in Requisition signed by not fewer than 25 Ordinary Members stating the business to be considered, such Meetings to be held within 4 weeks of the date of the Requisition.
40. Special General Meetings shall be called by Notice published in at least one local newspaper not less than 7 days prior to the date of the Meeting.
41. Only business contained in a Requisition or Notice of Meeting shall be considered at a General Meeting.
42. An Ordinary Member may only bring before the Annual General Meeting any matter where notice thereof is given in writing to the Council, seconded by another Member, not later than the 15th day of November preceding the Meeting.
43. At General Meetings, 30 shall form a quorum. If, after 30 minutes from the time appointed

for the Meeting, such a quorum be not present, the Meeting, if convened upon the Requisition of Members, shall be dissolved, but in any other case shall stand adjourned to a day, time and place to be fixed by the Council.

44. In the absence of the Captain or Vice-Captain, the Chairperson of a General Meeting shall be a Councillor appointed by the Members present.
45. Voting at all General meetings, in the event of division, shall be by a show of hands, except for the election of Council members, Honorary members, or other officials, and motions seeking to change the Constitution of the Club which shall be by BALLOT. At all General meetings, the chairperson only shall have both deliberative and casting vote.

### **ENTRY MONEY AND SUBSCRIPTION**

46. Entry Money payable on admission to the Club shall be such sum as may from time to time be fixed in General Meeting.
47. Any person whose membership of the Club has lapsed and who was not then in arrears with his/her subscription may re-join the Club but only within a period of five years on payment of half the current rate of Entry Money.
48. Annual subscriptions for all classes of Membership payable on 1st January shall for the year commencing on that date be fixed at the Annual General Meeting held during the previous calendar year.
49. All Annual Subscriptions must be paid before 1<sup>st</sup> February annually. Any Member whose subscription remains unpaid on 1st February shall be deemed to have resigned from the Club, except in very exceptional circumstances as may be approved by Council.
50. Members elected after the 30<sup>th</sup> June shall be liable to only one half of the Subscription for the year then current. Members elected after the 31st August shall be liable to only one third of the Subscription for the year then current.
51. If the conduct of any Member appears to the Council to endanger the interests of the Club, or if the Member disobeys an Order of the Council communicated to him or her in writing, the Council may, after calling upon the Member for an explanation, suspend or expel such Members on a vote of two thirds of the Members of the Council present. All requisitions and complaints must be made to the Council in writing. The Council must dispose of all matters of conduct of Members fairly and reasonably and in accordance with the Laws of Natural Justice, following as closely as reasonable the Complaints Procedure set out in any Club Byelaws.

### **INTRODUCTION OF VISITORS**

52. Any Member must enter the name of every guest/visitor along with their own name and the date of introduction to the Course or Clubhouse in the appropriate Visitor's or Guest Book and sign the entry.
53. Alcoholic liquor shall only be supplied in the Clubhouse for consumption on the premises and only to members 18 years of age and over, or their accompanying properly registered guests.

### **ALTERATION OF THE CONSTITUTION**

54. The Constitution of the Club shall not be altered or added to except by vote of two-thirds of

the Members present and voting at a General Meeting, due notice of any proposed alteration having been given.

## **BYELAWS, RULES AND REGULATIONS**

55. The Council may order such Byelaws, Rules and Regulations, as they may consider necessary for the management of the affairs of the Club. Any such order shall require to be published on the Notice Board or otherwise appropriate place about the Club or Course and maintained so long as relevant in a Register of Byelaws etc, to be maintained by the Council.

## **DISSOLUTION**

56. The Club may be dissolved but only subject to the approval of not less than three-quarters of the Ordinary Members present and voting at a General Meeting convened by Circular to all Ordinary Members on not less than one month's notice. On dissolution, the whole assets of the Club shall be realised and after payment of all liabilities any property whatsoever remaining shall be given or transferred to some other non profit 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 as aforesaid at a General Meeting at or before the time of dissolution and in so far as effect cannot be given to such provision then to some charitable object.

## **PUBLICATION**

57. A copy of this Constitution will be made available to any Ordinary Member on request to the Council.

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This Constitution was approved at the **6 November 2018** Special General Meeting.

The Constituion approved at the 1982 Annual General Meeting had been amended at the relevant Annual General Meetings' noted below:

- 1989 (para 8(e))
- 1991 (para 11, 12, 16)
- 1993 (para 2, 8(b), 35)
- 1994 (para 8(f), 11, 12, 16)
- 1995 (para 21)
- 1996 (para 38)
- 1999 (para 1, 11, 20, 22, 23, 44)
- 2001 (para 11)
- 2006 (para 2)
- 2007 (para 2, 39)
- 2009 (para 10, 11)
- 2010 (para 8 (g)(h))
- 2011 (para 35)
- 2012 (para 39)
- 2012 (para 8 (h))
- 2012 (para 4, 13, 15, 34, 35, 45)