

# **East of Scotland Cricket Association**

## **Constitution**

**Last update 28/03/14**

### **Name**

1.1 The Association shall be called “The East of Scotland Cricket Association” (hereinafter referred to as “the Association”).

### **Objects**

2.1 The objects of the Association shall be:

- (a) to promote and encourage the game of cricket in the East of Scotland (hereinafter referred to as “the district”) amongst players and spectators and to improve playing standards and conditions in the district;
- (b) to arrange and administer league and cup competitions;
- (c) to arrange representative matches for or within the district with the approval of and/or in conjunction with Cricket Scotland and
- (d) to provide coaching facilities when and where practicable and to organise coaching and education of coaches and officials (umpires, scorers, groundsmen & administrators) within the district for the benefit of cricketers of all ages.

### **Affiliation to Cricket Scotland**

3.1 The Association shall affiliate to Cricket Scotland and by its affiliation recognises the Constitution of Cricket Scotland, agrees to be bound by it and to recognise the right of Cricket Scotland to act as an appeal body for any dispute, always accepting that the said appeal body shall confine its jurisdiction to the procedures and legalities of actions taken by the Association, between members of the Association or between the Association and any of its members which shall have been referred to it by any provision of this Constitution or by any provision of Cricket Scotland Constitution, and the Association and each of its members agrees to abide by the decision of Cricket Scotland in any such matter.

### **Membership**

4.1 Ordinary membership of the Association shall be open to properly constituted cricket clubs which are affiliated to Cricket Scotland and are current members of Cricket Scotland (or have satisfied the General Committee that they have made application for membership to Cricket Scotland) and are within the areas of Edinburgh, East Lothian, Midlothian, West Lothian, Falkirk, Stirling, Clackmannan, Fife and Scottish Borders notwithstanding the boundaries of the district as defined in Cricket Scotland Constitution. Cricket clubs from outwith these areas may be admitted to membership of the Association if, after enquiry by the General Committee, it appears reasonable to do so. The General Committee may use its discretion to place any newly admitted club at a level within the League structure appropriate to the clubs probable playing standard.

4.1.1 Member clubs should be prepared to provide copies of their constitution and annual audited account to the committee if required.

4.2 Associate membership may be granted to individuals, schools or organisations within the district as the General Committee shall determine from time to time.

4.3 No application for membership will be refused on other than reasonable grounds. There will be no discrimination on grounds of race, sex or religious, political or other such opinion. No club within ESCA shall discriminate, either in matters of membership or selection, on any of these grounds.

4.4 Any club which has been previously expelled from the Association may be readmitted to the Association if and only if a majority of members present at and voting at any General Meeting of the Association vote in favour of such readmission.

### **Subscriptions**

5.1 The Association shall determine at its Annual General Meeting the annual subscription to be paid by members of the Association (whether ordinary or associate members). The Association at its Annual General Meeting shall have power to fix different levels of subscription for clubs with more than one team participating in any competitions organised and administered by the Association or for clubs who do not intend to participate in any such competitions.

### **Payment of Subscriptions and other dues**

6.1 The annual subscription shall be payable no later than 24 hours before the first Saturday of the East League season. If a club has not paid their subscription by the first Saturday of the East League season, 5 points shall be deducted from the total points for each team that club was scheduled to field on that day in the East League. If the subscription remains outstanding on the second Saturday of the East League season, a further 10 points will be deducted for each team that club was scheduled to field on that day, in the East League. If any club has not paid their subscription by the third Saturday of the East League season, then all teams from the club in question will be expelled from all ESCA competitions for the season, and any previous results will be expunged.

In the event that any member (including Associate member) shall not have paid their subscription by 30th September in the year in which it became due, such member shall be deemed to have resigned from the Association and from all competitions organised or administered by the Association, and shall require to reapply to participate in said competitions.

6.2 Where member clubs send representatives to any meeting called by the Association, or to any function promoted or hosted by the Association, then, clubs will be liable for the expenses of their members attending association events.

### **Participation in Competitions**

7.1 Any member club or other clubs invited by the association (unless otherwise disqualified by any other provision of this Constitution) shall be entitled to apply to participate in any competition organised and administered by the Association.

7.2 Any club which seeks to participate in any such competition shall intimate in writing to the General Committee its intention to do so not later than 30th September in the year preceding the year of the intended participation in the competition. In the case of a club which has participated in any competition in any year, such club will be deemed to have given the requisite intimation of intention to participate in the same competition in the succeeding year unless intimation to the contrary is given by such club prior to 30th September.

7.3 Any club not yet in membership of the Association and otherwise qualified which applies for membership of the Association and to participate in any of its competitions shall apply for such membership and/or to participate in any competition by 30th September in the year prior to first participating.

Such application shall be in writing to the General Committee.

### **Office Bearers**

8.1 The office bearers of the Association shall be elected annually at the Annual General Meeting of the Association and shall consist of a President, Vice-President, Honorary Secretary and Honorary Treasurer.

8.2 The President and Vice-President shall not be entitled to hold office for more than three consecutive years.

8.3 In addition, an Honorary Vice-President, or Honorary Vice-Presidents, having previously given distinguished service to the Association, may be elected.

### **General Committee**

9.1 The General Committee shall be elected annually at the Annual General Meeting. It shall consist of the office bearers and:

(a) a Coaching & Youth Convener

(b) a Competitions Convener

(c) a Communications Convener.

(d) the Past President of the Association

(e) up to 4 additional members other than office bearers

9.2 Office Bearers may be elected as Coaching & Youth Convener, Competitions Convener.

### **Coaching & Youth Sub-Committee**

10.1 The Coaching & Youth Sub-Committee shall consist of the Coaching & Youth Convener and the managers of each of the Youth age groups.

### **Competitions Sub-Committee**

11.1 The Competitions Sub-Committee shall be elected annually at the Annual General Meeting. It shall consist of the Competitions Convener, the Honorary Assistant Secretary and four members from clubs participating in Divisions 1-2, Divisions 3-4, Divisions 5-6 and Divisions 7 and below of the East League in the forthcoming season. No club may supply more than one member of the Competitions Sub-Committee.

### **Disciplinary Sub-Committee**

12.1 The Disciplinary sub committee shall be formed from members of the General Committee, the Competitions sub committee or anyone nominated by the President or Competitions sub Committee Convener, for each disciplinary hearing. It will be chaired by the President or anyone else nominated as aforesaid and shall have a minimum of three members.

The Disciplinary sub committee will consider all issues which have been raised in relation to the conduct of players, officials and/or clubs, including breaches of the Cricket Scotland Code of Conduct for Players and Team Officials.

The Disciplinary sub Committee will issue their decision in writing to all parties involved and shall set out reasons for their decision and any penalty that might be imposed.

12.1.1 Any **appeal against a decision** of the Disciplinary sub Committee must be received by the ESCA Hon Secretary within seven days of notification of the decision. Notification will be deemed to have taken place the day after the Hon Secretary has issued the decision. The appeal must detail the grounds of appeal with specific reference to the decision and include a £50 deposit, which will be returned to the appellant if the appeal is successful.

### **Appeals Procedure for action taken by Disciplinary Sub Committee**

12.1.2 Any action taken by the Disciplinary sub committee may be appealed as follows:

a) For level 1 and 2 offences – to the ESCA Appeals sub-committee.

b) For level 3 and 4 offences – to Cricket Scotland

### **Appeals sub Committee**

12.2 The Appeals sub committee shall be formed from the General Committee, who have not been involved in the decision being appealed, or anyone nominated by the President, to consider appeals arising from action taken by the Competitions sub committee or the Disciplinary sub committee. The Appeals sub Committee will be chaired by a person nominated by the President and shall have a minimum of three members.

### **Appeals against decisions of the Appeals Sub Committee**

12.2.1 There shall be no appeal against a decision of the Appeals sub Committee except as provided for in Paragraph 3.1 of this Constitution.

### **Remit of the committees**

13.1 The General Committee shall administer the whole affairs of the Association and shall appoint Sub-Committees to carry out any function delegated by the General Committee to the Sub-Committees. The General Committee shall delegate such of the General Committee's powers as may be required to enable the Sub-Committees to carry out the functions delegated to them.

13.2 Insofar as any act done by the General Committee or its Sub-Committees in pursuance of any power hereafter provided for shall be done in good faith, the General Committee or Sub-Committees and any member thereof shall be entitled to be indemnified by the Association in respect of any personal liability which any member of the General Committee or Sub-Committee may incur by the doing of any such act.

13.3 A quorum of the General Committee shall be four members and a quorum of Sub-Committees shall be two members. In the event that the General Committee shall be equally divided on any matter, the Chairman shall have a second or casting vote, or may at his discretion refer the matter to a General Meeting of the Association. In the event that a Sub-Committee shall be equally divided on any matter, it shall be referred to the next meeting of the General Committee for a decision which will thereafter be implemented by the relevant Sub-Committee. In circumstances of urgency, the General Committee may reach decisions through e-mail rather than by meeting.

13.4 The Chairman of the General Committee shall be the President, whom failing the Vice President, whom failing the members present and forming a quorum shall appoint a Chairman for the purposes of that meeting. The Chairman of Sub-Committees shall be the Convener, or if absent the members present and forming a quorum shall appoint a Chairman for the purposes of that meeting.

13.5 Without prejudice to their general power to administer the whole affairs of the Association, the General Committee and its Sub-Committees are empowered:

- (a) to interpret the Constitution of the Association;
- (b) to collect, manage and apply the finances of the Association for any purposes consistent with the objects of the Association;
- (c) to organise, administer and control competitions, the league competition being administered in terms of the ESCA rules printed as an appendix to this Constitution;
- (d) to organise or oversee youth coaching within the District in conjunction, as necessary, with other approved bodies;
- (e) to arrange with others, representative matches between teams of any age representing the East District (as defined in the Constitution of Cricket Scotland) and others and to arrange, if so advised, trial or other representative matches between teams of players of any age representing any sub-area of the East District, any league administered by the Association or of any other representative nature whatsoever;
- (f) to select teams to participate in matches arranged in pursuance of the foregoing power and to delegate to others the power of selection of such teams, always subject

to the regulations of Cricket Scotland in the matter of team selection in competitions organised or administered by Cricket Scotland;

(g) to resolve disputes within member clubs of the Association, to consider complaints against player/official and/or member clubs by other member clubs or by any other body or person where circumstances are alleged which could, in the opinion of the Committee, constitute, if established to have occurred, conduct detrimental to the game of cricket within the district, or to the objects of the Association or in breach of the Cricket Scotland Code of Conduct; to investigate and consider allegations by any member club or any other person of a breach, or breaches, of any rule, or rules, at any time in force for the administration and the conduct of any competition organised by the Association; to adjudicate in such manner as it shall consider appropriate in the circumstances upon any such complaint or allegation; and in the event that it shall find any such complaint or allegation to be well founded, to take such action against the offending player/official and or club as it shall consider appropriate in the circumstances, including any or all of the following:

(i) Warning or reprimand to the player/official and/or club;

(ii) Deduction of points from the offending club, but not exclusively deductions, as the rules for the competition may provide, in any match or matches where a breach of the rules is held to have occurred, or where conduct detrimental to the game of cricket within the district is held to have occurred;

(iii) Forfeiture of the match to the non-offending club in any competition;

(iv) Demotion from any division of the league to a lower division; and

(v) Suspension of a player/official and or member club for such period as the Committee shall deem appropriate from any league or competition.

(vi) Furthermore, where any club has been found to have committed persistent breaches of the rules for the administration of competitions organised by the Association, or in any way bringing the game into disrepute, the General Committee, having so found, shall be entitled to call a General Meeting and to propose at that General Meeting, due notice of such meeting and of such proposal having been given in terms of the succeeding provisions of the Constitution, that the offending club shall be expelled from the Association and the offending club may be so expelled if the proposal so to expel is carried by a simple majority of the members of the Association present, entitled to vote and voting at the said meeting. The offending club shall not be entitled to vote upon a motion proposing its expulsion. Any penalty imposed by the General Committee upon an offending club, shall be subject to the right of that club or of any person aggrieved thereby to appeal to Cricket Scotland in terms of the Cricket Scotland- Code of Disciplinary Procedure

(h) to ensure that no player under suspension imposed by the Scottish National League Management Committee or Cricket Scotland plays in any Association fixture.

(i) All disciplinary proceedings against any player involved in East League games will be based on the Cricket Scotland Code of Conduct for Players and Team Officials.

(j) to investigate, either on its own initiative, or following a complaint being made to the Disciplinary Sub-committee by another club, any allegation that an official, player selected by a member club or a club member and participating in a competition organised and administered by the Association has committed a breach of the rules of the competition, or has conducted himself in a manner inappropriate to the proper conduct of the game of cricket. If, after such enquiry as the Disciplinary Sub-committee shall deem appropriate, it finds the allegation well founded, the

Disciplinary Sub-committee may require the member club concerned to take steps to prevent that official, member or player or any other player in the club from repeating of committing such a breach of the rules or such conduct; and in the event of such member club not complying with such a requirement to impose, after such further enquiry or other procedure as the Disciplinary Sub-committee shall consider appropriate, such of the penalties as are provided in the preceding power as in the opinion of the Disciplinary Sub-committee the circumstances warrant.

(k) to co-opt any person to fill a vacancy on the General Committee or Sub Committees until the succeeding Annual General Meeting and to invite any person to attend any meeting of the General Committee, or of any Sub-Committee, in an advisory capacity, without power to vote, to assist the General Committee or Sub-Committees.

(l) to admit associate members of the Association and to have the like powers in relation to them as they have in the case of ordinary members.

(m) to do any acts necessary for the carrying out of any of the foregoing powers, including the entering into on behalf of the Association such contracts binding upon the Association, as the Committees shall consider necessary for the proper conduct of the affairs of the Association. (n) Where member clubs are involved in disputes, or make complaints against other member clubs, as described in Sections (g) and (i) above, then the Committee can only act where the matter has been brought to their attention within seven days of the date of the alleged incident in writing. Similarly, a member club may only appeal against a decision made by a Committee within seven days of receiving notification of the initial decision. The Disciplinary sub Committee will issue their decision in writing to all parties involved and shall set out reasons for their decision and any penalty that might be imposed.

### **General Meetings**

14.1 The Annual General Meeting of the Association shall be held in each year after 28th October, and before 1st December.

14.2 A Special General Meeting of the Association shall be held if convened by the President, in the event as provided for above when the General Committee shall be equally divided, by the General Committee, or on a requisition in writing signed by no less than four member clubs. In the event that a requisition is made, such requisition shall state the object for which the Special General Meeting is required to be held and shall contain a motion to be put to and voted upon at such a meeting.

14.3 The Committee shall fix the date of the Annual General Meeting. The Honorary Secretary shall, upon a request from the President (in the circumstances herein provided for), the General Committee, or on receipt of the requisition, convene a Special General Meeting within one calendar month of such a request or requisition and shall give notice to each member club not later than 21 days before the date fixed for such Special General Meeting of the date, time and place of such meeting and the business to be transacted then (including, if appropriate, notice of any motion to be put and voted upon at such meeting). No business other than that contained in the notice convening the meeting shall be transacted at any Special General Meeting.

14.4 A quorum at a General Meeting of the Association shall be one-third of the ordinary members of the Association entitled to vote.

14.5 The President of the Association, whom failing the Vice-President, whom failing a member of the General Committee elected or appointed by the members present at the meeting shall be the Chairman of any General Meeting and shall have, in the event of an equality of voting on any motion put to the meeting, a casting vote.

14.6 Each member of the Association shall have one vote at any General Meeting of the Association. Voting shall be conducted either by a secret ballot or by each member intimating its vote through a representative present at the meeting upon being called to do so by the Honorary Secretary or his Deputy appointed by the General Committee as the meeting shall determine prior to the commencement of the vote. Associate members shall be entitled to vote only on matters relating solely to associate membership.

14.7 Any motion put to any General Meeting to amend this Constitution or the rules for the League competition organised by the Association printed as an appendix to this Constitution shall be carried only in the event that two-thirds of those members present, entitled to vote and voting, vote for such motion. Any other business of such a meeting shall be decided by a simple majority of those members present, entitled to vote and voting.

14.8 Member clubs shall be entitled to send two persons to any General Meeting in addition to any persons who shall be members of the General Committee or Sub-Committees of the Association but, as herein before provided for, each member club shall have one vote only.

14.9 Any member club which wishes to nominate any person as an Office Bearer, or as a member of the General Committee or Sub-Committees, or which desires that an item of business be discussed and/or a motion be voted upon by the members at the Annual General Meeting, shall give written notice of such nomination, item of business, or motion to the Honorary Secretary, seconded in writing in the case of motions by another member club, no later than 30th September in each year.

14.10 The Honorary Secretary shall, as soon as practicable, (and in any event not less than 28 days before the date of an Annual General Meeting) give written notice of the date, place and time of the General Meeting to each member (including Associate members). The notice of the General Meeting shall contain intimation of the business to be transacted thereat including, in the case of the Annual General Meeting, nominations for Office Bearers, members of the General and Sub-Committees and Association representatives to Cricket Scotland for the ensuing year, and motions. Said notice shall state in the case of every nomination, item of business or motion by whom it is proposed and, if requisite, seconded. Motions proposed by the General Committee shall not require a seconder.

14.11 Any member club may, not later than 21 days prior to the date fixed for the Annual General Meeting and 10 days prior to the date fixed for any other General Meeting propose, by written notice to the Honorary Secretary, make any amendment to any motion proposed either by the General Committee or any member club. Such amendment shall not require to be seconded other than at the Meeting. The Honorary Secretary shall forthwith and in any event no later than 14 days prior to the date fixed for the Annual General Meeting and 7 days prior to the date fixed for any other General Meeting give written notice to the members of any amendment so proposed.

14.12 The Chairman of any General Meeting may allow at such meeting any member club then present (even though no prior notice of the same may have been given) to propose an alteration to any motion or amendment proposed in terms of the preceding provisions provided that such proposed alteration is, in the Chairman's sole opinion, of a minor technical or textual nature and would not radically or fundamentally alter the motion or amendment proposed.

14.13 In the case of a motion which has been proposed in accordance with the preceding provisions and to which an amendment or alteration has also been proposed, the amendment or alteration to the motion shall be voted upon prior to the motion being put to the meeting. Similarly, any alteration to an amendment shall be voted on prior to the original amendment being put to the meeting. An amendment or alteration to a motion or to alter an amendment to a motion shall not require to be voted upon if accepted by the proposer of the original motion or amendment. Any amendment or alteration, notwithstanding that it is shall be an

amendment to a motion which shall require a two-thirds majority, may be carried by a simple majority. Thereafter, the motion as proposed or as amended or as altered as the case may be, shall be voted upon by the meeting. The Chairman of any General Meeting at which an amendment to a motion is proposed shall call for a seconder for such amendment at the meeting. Such seconder may be another member club, or in the case of an amendment proposed by a member club, the General Committee. In the event that an amendment does not obtain a seconder it shall fall and shall not be put to the vote. If there be more than one amendment or alteration proposed to any motion, the Chairman shall decide the order in which they shall be put to the meeting.

14.14 Save as provided for in the foregoing provisions, no business (other than formal business) shall be transacted at the Annual General Meeting other than such discussion as the Chairman at his sole discretion shall permit upon matters of interest to members.

14.15 In the event that more than one nomination is received for any position as an Office Bearer or as a member of the General Committee or Sub-Committees there shall be an election for that position by a secret ballot of those member clubs present and entitled to vote, and such position shall be filled by the person gaining the largest number of votes in a single ballot. Similarly, in any case where there are more nominations received than there are positions to fill, the required positions shall be filled by those persons gaining the largest number of votes in a ballot held as above.

14.16 In the event that any difference arises at any General Meeting as to the interpretation of this Constitution, or of the rules for league competitions printed as an Appendix hereto, the same shall be determined by the Chairman whose decision shall be final.

14.17 No General Meeting nor any business transacted at any such meeting shall be invalidated by the non-receipt of any notice thereof by any member.

14.18 In the foregoing, any reference to written notice shall be taken to include electronic forms of communication.

### **Finance**

15.1 The Finances of the Association shall be managed by the Honorary Treasurer. The financial year of the Association shall be from 1 October until 30 September. The Honorary Treasurer shall maintain such accounts as the General Committee shall determine and shall for each financial year prepare annual accounts. Such accounts shall be audited annually prior to the Annual General Meeting by an Auditor appointed by the member clubs at the preceding Annual General Meeting. The annual accounts and the Auditor's Report thereon shall be (if practicable) sent by the Honorary Secretary to each member club prior to the Annual General Meeting and shall in any event be presented to the Annual General Meeting.

### **Dissolution**

16.1 The Association may be dissolved in the event that two-thirds of the ordinary members so resolve at a Special General Meeting convened for the purpose of considering such dissolution. In that event the assets of the Association after the discharge of its whole liabilities will be paid over by the last Honorary Treasurer (who shall remain empowered by the members to settle the Association's liabilities) to Cricket Scotland to be applied by Cricket Scotland for the promotion of the game of cricket in the East of Scotland and none of such assets shall be distributed to the members of the Association