



Constitution

Adopted at Annual General Meeting on 19th November 2017

with changes made by online EGM on 20th March 2019 shown in blue

and further changes made at AGM in January 2021 in green

and one further change made at AGM in January 2022 in orange

1. Name

- 1.1 The Union shall be called "The Strathmore & Perthshire Cricket Union", an amalgamation in 2003 of the Strathmore Cricket Union, instituted in 1929, and the Perthshire Cricket League, instituted in 1964, (hereinafter referred to as "The Union").

2. Objectives

- 2.1 The objectives of the Union are:

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

3. Affiliation to Cricket Scotland

- 3.1 The Union 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 Union, between members of the Union or between the Union 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 Union and each of its members agrees to abide by the decision of Cricket Scotland in any such matter.

4. Membership

- 4.1 Ordinary membership of the Union shall be open to properly constituted cricket clubs and are within the areas of Aberdeenshire, Central, Fife and Tayside notwithstanding the boundaries of the region as defined in Cricket Scotland Constitution. Any club desirous of entering the Union must make application in writing

to the Secretary before 1st October prior to submission by the Management Committee to the Annual General Meeting and will be approved only with consent of two thirds of the members represented and voting. Cricket clubs from out with these areas may be admitted to membership of the Union if, after enquiry by the Management Committee, it appears reasonable to do so. The Management Committee may use its discretion to place any newly admitted club at a level within the League structure appropriate to the club's probable playing standard.

- 4.2 Member clubs should be prepared to provide copies of their constitution and annual audited account to the committee if required.
- 4.3 Associate membership may be granted to clubs, schools or organisations within the region as the Management Committee shall determine from time to time.
- 4.4 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 the Union shall discriminate, either in matters of membership or selection, on any of these grounds.
- 4.5 Any club which has been previously expelled from the Union may be readmitted to the Union, if and only if, a majority of members present at and voting at any General Meeting of the Union vote in favour of such readmission.
- 4.6 As a term of membership of the SPCU, clubs, their officials, members and players commit to observe the Rules of the SPCU and submit to the exclusive jurisdiction of its Executive [or of sub-committees where power has been expressly devolved to them], and not to bring proceedings in any court or forum inconsistent therewith.
- 4.7 It is a condition of membership of the SPCU that member clubs are also members of the governing body, Cricket Scotland.
- 4.8 Any directive or guidance issued by the Scottish Government, Sport Scotland or Cricket Scotland will automatically be adopted by the SPCU and will override any section of the Constitution and Playing Rules it applies to.

5. Subscriptions

- 5.1 The Union shall determine at its AGM the annual subscription to be paid by members of the Union (whether ordinary or associate members). The Union at its AGM 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 Union or for clubs who do not intend to participate in any such competitions.
- 5.2 The annual subscription shall be payable no later than 31st March. 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 Union and from all competitions organised or administered by the Union, and shall require to reapply to participate in said competitions.
- 5.3 Where member clubs send representatives to any meeting called by the Union, or to any function promoted or hosted by the Union, the member club is liable for such expenses.

6. Participation in Competitions

- 6.1 Any member club or other clubs invited by the Union (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 Union.
- 6.2 Any club which seeks to participate in any such competition shall intimate in writing to the Management 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.
- 6.3 Any club not yet in membership of the Union and otherwise qualified which applies for membership of the Union 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 Management Committee and should include a copy of the club's constitution.

- 6.4 Where a Club fails to apply per the timings of Rule 6.2 then the Management Committee may exercise Rule 4.3 and grant Associate Membership to allow that Club to participate in Competitions until the next General Meeting.
The Associate Club would be liable to pay a Membership fee mirroring that of a full member.
The Associate Club would be required to seek full membership at the next General Meeting.

7. Office Bearers

- 7.1 The office bearers of the Union shall be elected annually at the Annual General Meeting of the Union and shall consist of a Chairman of the Management Committee, President, Vice-President, Honorary Secretary and Honorary Treasurer.
- 7.2 The President and Vice-President shall not be entitled to hold office for more than one year.
- 7.3 At an AGM, the Committee may propose to appoint or remove an Honorary Vice President. Such a nomination would typically be in recognition of a person's distinguished service to the Union. Honorary Vice Presidents are not automatically members of the Management Committee but may be elected in their own right.

8. Management Committee

- 8.1 The Management Committee shall be elected annually at the AGM. It shall consist of the office bearers (Chairman of the Management Committee, President, Vice President, Honorary Secretary and Honorary Treasurer) and up to seven additional members. In addition, the immediate Past President will serve on the Management Committee.

The Management Committee will appoint from within persons to the following roles:

- (a) Competitions Convener
- (b) Commercial & Communications Convener
- (c) etc.

The Management Committee may co-opt additional members to serve on the Management Committee or Sub Committees during the ensuing year of office.

9. Sub Committees

- 9.1 **Competitions Sub-Committee** shall consist of the Competitions Convener, Statistician and a member from a club participating in each Division of the League in the forthcoming season. No club may supply more than one member of the Competitions Sub-Committee which shall be elected annually at the Annual General Meeting.
- 9.2 **Disciplinary Sub-Committee** shall be set up according to the SPCU Disciplinary Procedures. The Disciplinary sub-committee will consider all issues which have been raised in relation to the conduct of players and/or clubs, including breaches of the Cricket Scotland Code of Conduct for Players and Team Officials. **In addition, a Disciplinary Officer will be appointed by the Management Committee to administer the disciplinary process and to keep a record of any sanctions handed down.**
- 9.3 **Appeals Sub-Committee** shall be set up according to the SPCU Disciplinary Procedures. The Appeals sub-committee, formed by the Management Committee will consider all appeals by Players and / or Clubs which relate to a decision of the Competitions or Disciplinary Sub-Committees.

10. Remit of the Committees

- 10.1 The Management Committee shall administer the whole affairs of the Union and shall appoint Sub Committees to carry out any function delegated by the Management Committee to the Sub Committees. The Management Committee shall delegate such of the Committee's powers as may be required to enable the Sub Committees to carry out the functions delegated to them.
- 10.2 Insofar as any act done by the Management Committee or its Sub Committees in pursuance of any power hereafter provided for shall be done in good faith, the Management Committee or Sub Committees and any member thereof shall be entitled to be indemnified by the Union in respect of any personal liability which any member of the Management Committee or Sub Committee may incur by the doing of any such act.

- 10.3 A quorum of the Management Committee shall be four members and a quorum of Sub Committees shall be two members. In the event that the Management 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 Union. In the event that a Sub Committee shall be equally divided on any matter, it shall be referred to the next meeting of the Management Committee for a decision which will thereafter be implemented by the relevant Sub Committee.
- 10.4 Meetings of the Management Committee shall be chaired by the Chairman of the Management Committee, whom failing 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.
- 10.5 Without prejudice to their general power to administer the whole affairs of the Union, the Management Committee and its Sub Committees are empowered:
- (a) to interpret the Constitution of the Union;
 - (b) to collect, manage and apply the finances of the Union for any purposes consistent with the objects of the Union;
 - (c) to organise, administer and control competitions, the league competition being administered in terms of the rules printed as an appendix to this Constitution.
 - (d) to arrange or oversee youth coaching within the Region in conjunction, as necessary, with other approved bodies;
 - (e) to arrange with others, representative matches between teams of any age representing the Region (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 subarea of the Region, any league administered by the Union 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 Union, to consider complaints against 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 Union; 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 Union; 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 club as it shall consider appropriate in the circumstances, including any or all of the following:
 - (i) Warning or reprimand;
 - (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;
 - (v) Suspension 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 Union, or in any way bringing the game into disrepute, the Management 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 provision of the Constitution, that the offending club shall be expelled from the Union 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 Union 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 Management 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 Cricket Scotland Competitions Committee or Cricket Scotland or any other Cricket Association or League plays in any Union fixture and vice versa.

All Clubs are expected to maintain a high standard of behaviour as laid down by the CS Code of Conduct (see Appendices H1 & H2). Any club or player found in breach of the Code may be liable to such action as deemed appropriate and necessary by the SPCU Disciplinary Sub-Committee. Any club or player has the right of appeal to the SPCU Appeals Sub-Committee.

The Management Committee will select annually a Disciplinary Panel which will have no less than five persons with no limit on its size. This will be published by SPCU in its handbook and on its website.

On receipt of any Misconduct Report, the Competitions Committee will elect a neutral Chairman from the pre-determined Disciplinary Panel who will investigate the Misconduct Report in line with Appendices H1 & H2.

The selected Chairman is responsible for selecting from the pre-determined Disciplinary Panel two additional members to convene a Disciplinary Committee for all offences including and exceeding Level 2.

- (j) to co-opt any person to fill a vacancy on the Management Committee or Sub Committees until the succeeding AGM and to invite any person to attend any meeting of the Management Committee, or of any Sub - Committee, in an advisory capacity, without power to vote, to assist the Management Committee or Sub-Committees.
- (k) to admit associate members of the Union and to have the like powers in relation to them as they have in the case of ordinary members.
- (l) to do any acts necessary for the carrying out of any of the foregoing powers, including the entering into on behalf of the Union such contracts binding upon the Union, as the Committees shall consider necessary for the proper conduct of the affairs of the Union.
- (m) Where member clubs are involved in disputes, or make complaints against other member clubs, as described in Sections (g) and (h) above, then the Committees can only act where the matter has been brought to their attention within two weeks of the date of the alleged incident. Similarly, a member club may only appeal against a decision made by a Committee within two weeks of receiving notification of the initial decision.
- (n) Any request or appeal made to the Competitions Committee must be submitted no later than 48 hours prior to the start time of the match which the item relates to. Any request or appeal made less than 48 hours prior to the start time of the match it relates to will be time barred.

11. General Meetings

AGM

- 11.1 The Annual General Meeting of the Union shall be held **either in person or online** in each year after 28th October, and before 31st January of the following year.

Date of AGM

- 11.2 The Management Committee shall fix the date of the Annual General Meeting.

Nominations

- 11.3 Any member club which wishes to nominate any person as an Office Bearer, or as a member of the Management 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 AGM, 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 15th October in each year.

Notification of AGM

- 11.4 The Honorary Secretary shall, as soon as practicable, (and in any event not less than 28 days before the date of an AGM) 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 AGM, nominations for Office Bearers, members of the Management and Sub Committees and Union 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 Management Committee shall not require a seconder.

Election of Office Bearers and Committee Members

- 11.5 In the event that more than one nomination is received for any position as an Office Bearer or as a member of the Management 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.

EGMs

- 11.6 An **Extraordinary** General Meeting of the Union shall be held, **either in person or online**, if convened by the **Chairman of the Management Committee**, in the event as provided for above when the Management Committee shall be equally divided, by the Management Committee, or on a requisition in writing signed by no less than four member clubs. If such a requisition is made, it shall state the object for which the **Extraordinary** General Meeting is required to be held and shall contain a motion to be put to and voted upon at such a meeting.

Notification of EGM

- 11.7 The Honorary Secretary shall, upon a request from the **Chairman of the Management Committee** (in the circumstances herein provided for), the Management Committee, or on receipt of the requisition, convene an **Extraordinary** 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 **Extraordinary** 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 **Extraordinary** General Meeting.

Chairman of General Meetings

- 11.8 The **Chairman of the Management Committee**, whom failing the President of the Union, whom failing the Vice President, whom failing a member of the Management 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.

Online Voting Option

- 11.9 At the discretion of the Management Committee voting on a motion put to an Annual General Meeting or Extraordinary General Meeting may be conducted online.

Quorum

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

Attendance

- 11.11 Member clubs shall be entitled to send two persons to any General Meeting in addition to any persons who shall be members of the Management Committee or Sub-Committees of the Union.

Voting Procedures

- 11.12 At any General Meeting, each member club of the Union shall have **only one vote per club** on any motion.
- 11.13 Voting shall be conducted either by a secret ballot or by a show of hands or online at the discretion of the Management Committee.
- 11.14 Any motion to amend the Constitution shall be carried only in the event of a $\frac{2}{3}$ majority.
- 11.15 Any motion to amend the Playing Rules shall be carried by a simple majority.
- 11.16 Associate members shall be entitled to vote only on matters relating solely to associate membership.

Amendments

- 11.17 Any member club may, not later than 21 days prior to the date fixed for the AGM 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 Management 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 AGM and 7 days prior to the date fixed for any other General Meeting give written notice to the members of any amendment so proposed.
- 11.18 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. 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 Management 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.

Minor Amendments

- 11.19 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.

Miscellaneous

- 11.20 Save as provided for in the foregoing provisions, no business (other than formal business) shall be transacted at a General Meeting other than such discussion as the Chairman at his sole discretion shall permit upon matters of interest to members.
- 11.21 In the event that any difference arises at any General Meeting as to the interpretation of this Constitution, or of the rules or league competitions printed as an Appendix hereto, the same shall be determined by the Chairman whose decision shall be final.
- 11.22 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.
- 11.23 In the foregoing, any reference to written notice shall be taken to include electronic forms of communication.

12. Finance

- 12.1 The Finances of the Union shall be managed by the Honorary Treasurer who will maintain such accounts as the Management Committee shall determine and shall for each financial year prepare annual accounts. Accounts shall be independently examined annually prior to the AGM by a person(s) appointed by the member clubs At the preceding AGM. The annual accounts and the Independent Examiner's Report shall be (if practicable) sent by the Management Committee to each member club prior to the AGM and shall in any event be presented to the AGM.
- 12.2 The Management Committee will recommend annually to the member clubs the total amount that should be disbursed in honoraria to members of the Management Committee who have contributed to the smooth organisation of the Union. The total amount will be decided by vote at each AGM.
- 12.3 The financial year of the Union shall be from 1 October until 30 September.

13. Dissolution

- 13.1 The Union may be dissolved in the event that two thirds of the ordinary members so resolve at an EGM convened for the purpose of considering such dissolution. In that event the assets of the Union 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 Union's liabilities) and the incumbent Committee will determine whether the assets shall either be equally distributed to member clubs or donated to local charities, cricket development groups or any other body supporting the development of cricket within the boundaries of the SPCU.