



**CONSTITUTION  
OF  
MARKS PARK  
CRICKET CLUB**

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## Document History

<b>Change</b>	<b>Date Accepted</b>
Adopted and last amendments	15 September 2014
Amendments to Article 3:Legal Status	28August 2018
Amendments to Article 8: Management of MPCC	17 August 2019

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**Article 1:           Name**

- 1.1     The name of the organisation shall be **MARKS PARK CRICKET CLUB**, herein after referred to as MPCC, whose powers, duties and obligations are set forth herein.

**Article 2:           Objectives**

- 2.1     MPCC will have the following objectives: To foster the development of cricket in the surrounding areas where MPCC operates with a specific focus on contributing to Government's, Cricket South Africa (CSA) and the Gauteng Cricket Board's (GCB) transformation objective by developing cricketers from historically disadvantaged backgrounds.
- 2.2     To treat everyone equally and not discriminate on the grounds of age, gender, disability, race, ethnic origin, nationality, colour, parental or marital status, religious belief, class or social background, sexual preference or political belief.
- 2.3     To promote, encourage and provide facilities for cricketing pursuits to all communities.
- 2.4     To affiliate to the Gauteng Cricket Board (GCB) or any other organization with the objective of promoting cricket and participate in league cricket, schools cricket, regional cricket, cricket tournaments, cricket tours and any other activities related to cricket.
- 2.5     To liaise, co-operate and foster good relations between clubs, associations, organizations or groups with similar objectives of promoting cricket and sport in general.
- 2.6     To ensure a sound relationship with MARKS PARK SPORTS CLUB and in complying with all the membership requirements as governed by their Constitution, by becoming seasonal or full members for the purpose of ensuring utilisation of their sports fields and recreational facilities.
- 2.7     To co-ordinate, promote, foster and stimulate sports and recreation, for the benefit of the members in particular and the community at large and to stimulate social and cultural activities amongst members of MPCC.
- 2.8     To collect and disburse funds for the purpose of MPCC's aims and objectives.
- 2.9     To raise funds through grants, sponsorships, donations, subscriptions and fees for the purpose of playing and promoting the game of cricket.
- 2.10    To invest any money of MPCC, not immediately required for any particular purpose, in such a manner as may be determined at the time.
- 2.11    To purchase, hire or acquire in any other manner any movable property which may be deemed necessary or convenient for any of the purposes of MPCC.
- 2.12    To pay remuneration for any services rendered to MPCC or on its behalf, whether by any member, or anyone else and whether rendered on a full-time, part-time, casual or another basis.

- 2.13 To carry out all its powers hereunder on such terms and conditions as MPCC deems fit.
- 2.14 To do all such things as may be reasonably required for the attainment of MPCC's aims and objectives.

### **Article 3: Legal Status**

- 3.1 Marks Park Cricket Club will operate as a sub-section of Marks Park Sports Club.
- 3.2 MPCC shall be a body corporate with its own legal entity that is separate from its individual members.
- 3.3 MPCC may own property, enter into contracts and sue or be sued in its own name.
- 3.4 MPCC will have perpetual succession notwithstanding any change in the manner or identity of its members from time to time.
- 3.5 The liability of each member of MPCC is limited to any unpaid subscription fees that may be outstanding by that member.
- 3.6 These Articles of the Constitution of Marks Park Cricket Club, as set out herein, shall cancel and replace any previous articles of the Constitution Marks Park Cricket Club, notwithstanding anything to the contrary included in such previous articles of the Constitution, where applicable, and shall be effective from 15 September 2014.

### **Article 4: Non-Profit Distributing Character**

- 4.1 The income and assets of MPCC shall be applied towards achieving and promoting the aims and objectives of MPCC.
- 4.2 No part of the income or assets of MPCC shall be paid, directly or indirectly, by way of dividend, or donation to the members of MPCC.

### **Article 5: Club Membership**

- 5.1 Membership of MPCC will consist of the following categories of members:
  - 5.1.1 Ordinary member
  - 5.1.2 Honorary member
- 5.2 Ordinary Member
  - 5.2.1 An ordinary member of MPCC will automatically be registered as a seasonal member of Marks Park Sports Club, and fees will include subscriptions to Marks Park Sports Club and

MPCC. The executive committee will determine such fees.

- 5.2.2 An ordinary member may be classified as a junior, student or scholar, and senior and different fee structures for both Marks Park Sports Club and MPCC shall apply to such categories of members.
- 5.2.3 The parent or legal guardian of an ordinary member under the age of 18 years shall be eligible to hold office of MPCC.
- 5.2.4 Members who are under the age of 18 years maybe represented by their parent or legal guardian and will be eligible to vote at meetings of MPCC. If a parent or legal guardian represents more than one member under the age of 18 years, the parent or legal guardian will only be eligible to exercise one vote.

5.3 Honorary Member

- 5.3.1 An honorary member shall be someone who has made a significant contribution to MPCC or has the potential to make a significant contribution to MPCC through his/her associations and/or expertise.
- 5.3.2 Any member of the executive committee may nominate a person to be an honorary member.
- 5.3.3 An honorary member must be unanimously elected by the executive committee.
- 5.3.4 An honorary member shall be eligible to serve on the management board, executive committee, sub-committees and/or ad-hoc committees with full voting rights where applicable.

5.4 Only registered members having complied with the above requirements are eligible to vote at the meetings of MPCC and eligible to hold office in MPCC.

5.5 Only members physically present at meetings shall be entitled to vote, there shall be no voting by proxy.

5.6 Membership of MPCC shall cease on the occurrence of any of the following events:

- 5.6.1 The death of the member.
- 5.6.2 Mental incapacity of the member.
- 5.6.3 Resignation of the member.
- 5.6.4 Expulsion of the member as a result of any disciplinary action by the executive committee.
- 5.6.5 Failure of a member to abide by the basic principles and code of conduct of MPCC.
- 5.6.6 If the member engages in activities which are contrary to the aims and objectives of MPCC.
- 5.6.7 Failure by a member to pay membership fees.
- 5.6.8 Notice of termination of membership may be given to the member concerned by the executive committee. The member concerned shall be entitled to appeal against such decision by the executive committee, within fourteen (14) days of the date of the notice of termination, which appeal shall lie to any general meeting of MPCC.

**Article 6: Colours and Emblem**

6.1 The emblem of MPCC will be a shield incorporating MPCC's name with a silhouette of a cricket batsman. A green crescent and a gold crescent will be prominently displayed across the shield.

6.2 The colours of MPCC shall be navy blue and white.

## **Article 7: Cricket Laws**

The laws of cricket as recognized by the controlling body of cricket and/or affiliates in the Republic of South Africa shall be adopted and followed by MPCC.

## **Article 8: Management of MPCC**

8.1 Members of the Management Board:

8.1.1 The strategic affairs of MPCC shall be defined and executed by the Management Board shall consist of a minimum of five (5) individuals,

8.1.2 Three (3) of the members of the Management Board shall be the elected Chairman, Vice-Chairman and Treasurer of the executive committee of MPCC as stipulated in Article 8.2.

8.1.3 The remaining two (2) members of the Management Board shall be appointed by the executive committee.

8.1.4 All members and directors of the management board must be in good financial standing with all credit bureaus and must not have a criminal record.

8.1.5 All members of the management board must declare any interests that are in conflict with the aims and objectives of MPCC.

8.1.6 The Management Board will have the following duties:

8.1.6.1 To exercise care, skill and diligence in executing MPCC's strategy.

8.1.6.2 To act in the best interest of MPCC at all times.

8.1.6.3 To act within their powers and for a proper purpose.

8.1.6.4 To exercise independent, unbiased judgment in making decisions for MPCC.

8.1.6.5 To avoid conflicts of interest, either personal or duty to another entity which may be in conflict to his/her duty to MPCC.

8.1.6.6 To ensure MPCC adheres to and applies proper governance principles at all times.

8.2 The operational affairs of MPCC shall be managed by the executive committee comprising the following members:

8.2.1 The Chairman

8.2.2 The Vice-Chairman

8.2.3 The Secretary

8.2.4 The Treasurer

8.2.5 The Head Coach

8.3 The executive committee positions of Chairman, Vice-Chairman, Secretary and Treasurer shall be elected at the annual general meeting.

8.4 The executive committee position of Head Coach will be appointed by the executive committee.

8.5 The executive committee shall be empowered to co-opt any number of members at its general

meeting in order to fulfil the aims and objectives of MPCC. All such co-opted members shall have no voting rights on the executive committee.

- 8.6 In the event there is an equality of votes at a general meeting or at a meeting of the executive committee, the Chairman shall be entitled to a second or casting vote in addition to his own deliberate vote.
- 8.7 Only registered ordinary members or an honorary member of MPCC in terms of Article 5 shall be entitled to serve on the executive committee, with the exception of the Head Coach.
- 8.8 The executive committee shall be entrusted with the affairs of MPCC and empowered to do all things as are necessary in order to achieve the aims and objectives of MPCC.
- 8.9 Reports of MPCC shall be presented to the Annual General Meeting of MPCC and if reasonably necessary, to any general meeting of MPCC.
- 8.10 The annual general meeting shall be held not later than the 31<sup>st</sup> of August in each year.
- 8.11 Voting shall be by secret ballot or such poll and as in such manner as the chairman directs.
- 8.12 The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- 8.13 The executive shall remain in office for two (2) years. A new executive committee shall be re-elected at the Annual General Meeting that corresponds to the end of the two-year term of the executive committee when all members shall retire and a new executive committee shall be re-elected.
- 8.14 Retiring members of the executive committee shall be eligible for re-election.
- 8.15 The Chairman shall not hold the office of the Chairman for more than three consecutive terms.
- 8.16 Decisions of the executive committee shall be taken by a single majority.
- 8.17 A quorum of the executive committee shall be determined by the executive committee.
- 8.18 The executive committee shall approve or reject the nomination/s of Club Captain as presented by the player affairs committee.
- 8.19 The executive committee shall be entitled to fill any vacancy, with the exception of the Chairman, that may arise in the executive committee based on the following conditions:
- 8.19.1 The individual appointed to fill a vacancy in the executive committee will serve in the role until the next annual general meeting, where elections for the position must take place by the members, irrespective if the annual general meeting is a voting one or not. If the elections for the vacant position take place in a year that is not an election year of the executive committee stipulated in 8.12, the new executive member will serve in the



position until the next voting cycle, and the same rules specified in 8.12 shall apply.

- 8.19.2 If the Chairman role of the executive committee becomes vacant, the Vice-Chairman will take over the role in an acting capacity until the next annual general meeting, where elections for the Chairman role must take place by the members, irrespective if the annual general meeting is a voting one or not. If the elections for the vacant position take place in a year that is not an election year of the executive committee stipulated in 8.12, the new executive member will serve in the position until the next voting cycle, and the same rules specified in 8.12 shall apply.
- 8.19.3 If it occurs that both the Chairman and Vice-Chairman roles of the Executive Committee become vacant, the Club Secretary shall assume the role of Acting Chairman until the next Annual General Meeting where elections for the Chairman and Vice Chairman role must take place by the members, irrespective whether the annual general meeting is a voting one or not. If the elections for the vacant position take place in a year that is not an election year of the executive committee stipulated in 8.12, the new executive members will serve in the position until the next voting cycle, and the same rules specified in 8.12 shall apply.
- 8.19.4 If it occurs that more than four (4) roles of the Club Executive become vacant, the remaining members of the Management Board shall appoint amongst themselves an Acting Chairman who will within sixty (60) days of their appointment, call for a Special General Meeting where elections for the vacant Club Executive roles must take place by the members. Under this circumstance, the new executive members will serve in the position until the next voting cycle, and the same rules specified in 8.12 shall apply, regardless whether the elections for the vacant positions under this circumstance take place in a year that is or is not an election year of the executive committee stipulated in 8.12

8.20 A member of the management board or the executive committee or of any committees constituted by the executive committee shall cease to be a member of such committee if he/she:

- 8.20.1 Passes away.
- 8.20.2 Becomes of unsound mind.
- 8.20.3 Resigns.
- 8.20.4 Fails to attend three consecutive meetings of the committee without good cause.
- 8.20.5 Materially neglects duties in relation to the Committee.
- 8.20.6 Ceases to be a member of MPCC.
- 8.20.7 Estate is surrendered or sequestrated, whether provisionally or finally.

In either of the events referred to in 8.20.4 and 8.20.5 above, the executive committee shall give the member written notification of the termination of his membership of the relevant committee. The member shall be entitled to appeal against the termination of his/her membership within 14 days of such written notification, which appeal shall lie to any general meeting of MPCC.

8.21 The playing affairs of MPCC shall be managed by the Playing Affairs Committee (PAC), that is a sub-committee, comprising of the following members:

- 8.21.1 The Head Coach
- 8.21.2 The Vice-Chairman
- 8.21.3 The Captains of each of the senior teams

8.22 The PAC shall elect amongst themselves, their own chairperson.

- 8.23 The PAC shall be empowered to co-opt any number of additional members to fulfil the aims and objectives of MPCC.
- 8.24 The PAC shall nominate the Club Captain for approval by the executive committee.
- 8.25 The chairperson of the PAC shall provide a written report on a monthly basis to the executive committee.
- 8.26 The PAC shall be responsible for the following:
- 8.26.1 Observing the cricket rules and laws of the Gauteng Cricket board at all times.
  - 8.26.2 The selection of players for each senior match or tour.
  - 8.26.3 The fitness and conditioning of players.
  - 8.26.4 Maintaining discipline amongst players and/or coaches.
  - 8.26.5 Motivating, inspiring and managing players throughout the season.
  - 8.26.6 Dealing with player misconduct and taking the appropriate disciplinary action. Should there be a dispute or appeal in the disciplinary action taken by the PAC against a player, the matter must be escalated to the executive committee who will determine the outcome.

## **Article 9: Sub-committees and Ad-Hoc Committees**

- 9.1 The executive committee shall appoint such sub-committees and/or ad hoc committees as they deem necessary, to enable the efficient discharge of the functions of the executive committee.
- 9.2 Such sub-committee and/or ad hoc committee shall report and be accountable to the executive committee.
- 9.3 The executive committee may delegate any of its powers and functions to such sub-committee and/or ad hoc committee and revoke the same powers and functions and discharge any sub-committee and/or ad hoc committee wholly or in part.
- 9.4 All sub-committees and/or ad-hoc committees must include a member of the Executive.
- 9.5 All sub-committee

## **Article 10: Meetings of MPCC**

- 10.1 The executive committee shall convene an annual general meeting of MPCC at which meeting the following reports shall, at least, be tabled for adoption:
- 10.1.1 Chairman's Report
  - 10.1.2 Treasurer's Report
  - 10.1.3 Any other Reports from each sub-committee and/or ad hoc committee that was appointed by the executive committee for the year in question, unless the report is included in the Chairman's report.

- 10.2 The annual general meeting and all other general meetings of the Club as determined by the executive shall be called on thirty (30) days' notice. Such notice shall state the venue, day, hour of, and the nature of the business to be transacted at such a meeting.
- 10.3 The executive committee of MPCC shall, upon a requisition made in writing and signed by not less than fifteen (15) members of MPCC, convene a special general meeting. Such requisition shall specify the purpose for which the special general meeting is to be convened. The executive committee shall cause a requisitioned meeting to be convened for a date not later than thirty (30) days from the date on which the requisition is received. The requisition shall contain details of any proposed resolution to be discussed at the meeting and shall give brief details of the reason for proposing it.
- 10.4 At any special general meeting, a resolution as in Article 8.11, put to the vote shall be decided by a two-thirds poll of all registered members present in person.
- 10.5 Any alterations, additions and amendments to this constitution shall only be capable of being effected at a special general meeting or annual general meeting, provided that thirty (30) days prior written notice of such meeting has been given to MPCCmembership.
- 10.6 No business shall be transacted at any annual general meeting and special general meeting unless a quorum of twenty five (25) members are physically present at the meeting.

## **Article 11: Powers and Duties of the Executive Committee**

The executive committee in terms of Article 8 and in addition thereto shall have the following specific powers:

- 11.1 To summon the annual general meeting of MPCC and any special general meeting.
- 11.2 To make and give receipts, releases and other discharges for money payable to MPCC and for claims and demands of MPCC.
- 11.3 To open and operate a banking account in the name of MPCC and to draw, accept, endorse, make and execute bills of exchange, promissory notes, cheques and other negotiable instruments connected with the business of MPCC, such negotiable instruments to be signed by such officers as shall be appointed by MPCC or its executive committee for the purposes calculated to promote the interest and attain the objectives of MPCC.
- 11.4 To accept or reject applications for memberships.
- 11.5 To decide any points or questions arising out of or pursuant to any cricket matches played under the jurisdiction of MPCC.
- 11.6 To institute or defend any action or actions for or against MPCC
- 11.7 To appoint officials, either honorary or otherwise, for the purpose of carrying out the aims and objectives of MPCC.
- 11.8 To deal with, consider and decide upon appeals or reports submitted by members or other persons.
- 11.9 To suspend, temporarily or permanently, or otherwise penalize any member for any act or

omission that may be deemed, in the sole and absolute discretion of MPCC, to be punishable.

- 11.10 To appoint one or more of the executive committee members to sign and exercise any powers of attorney, agreements or other deeds and documents on behalf of MPCC.
- 11.11 To raise money for achieving the aims and objectives of MPCC.
- 11.12 To purchase, lease or otherwise deal with any movable or immovable property and to appoint one or more of the members of the executive to sign and execute any powers of attorney, agreement or other deeds and/ or documents on behalf of MPCC for such purposes.
- 11.13 To carry out the objectives of MPCC, and for such purpose to do and perform all such acts and things which may be requisite or necessary.

**Article 12:        Finance**

- 12.1 The financial year of MPCC shall commence on the first day of July and end on the last day of June of each calendar year.
- 12.2 The MPCC treasurer shall be responsible for maintaining the financial records of MPCC.
- 12.3 MPCC's accountants shall be appointed by the executive committee, for ratification at the annual general meeting.

**Article 13:        Office of MPCC**

The office of MPCC shall be situated at Marks Park Sports Club, Judith Road, Emmerentia, or such address as the executive committee may appoint by written notification to members.

**Article 14:        Liability of the Officers**

Members of the management board, executive committee, sub-committees and/or ad hoc committees shall not be personally liable for any of their acts or omission provided that such acts or omissions occur in the bona fide execution of their duties and provided further that they do not act recklessly in the execution of their duties.

**Article 15:        Dissolution**

- 15.1 MPCC shall be dissolved upon a resolution passed by a majority of two-thirds of the ordinary members of MPCC at a special general meeting specifically called for that purpose.
- 15.2 Upon dissolution and after the satisfaction of all its debts and liabilities, any property whatsoever in the possession of MPCC shall by a resolution of the special general meeting of members, be given or transferred to another non-profit organisation or cricket club that has similar objectives.

**Amendments Adopted by the membership of Marks Park Cricket Club at the Annual General Meeting  
of Marks Park Cricket Club held on 28 August 2018 at 19H00 at Marks Park Sports Club.**

**Chairman**

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Secretary**

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_