



Mosta Cycling Club

Constitution

(24th October 2014)

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1. CLUB NAME

- 1a) The Club's name shall be '**Mosta Cycling Club**'.
- 1b) In the event that the Council negotiates an advantageous sponsorship contract for the Club, the name of the sponsor, may at the discretion of the Club Council be incorporated into the name of the Club.
- 1c) The sponsor name may appear between the word '*Mosta*' and '*Cycling Club*'.

2. OBJECTS

- 2a) To promote, develop and foster the sport of cycling/triathlon in all its variations and at all levels
- 2b) To develop and foster a spirit of comradeship and loyalty to the Club and its members
- 2c) To promote the highest standards of sportsmanship, and to uphold the sport's ruling bodies' regulations both in letter and in spirit
- 2d) To develop and encourage member athletes to enable them to maximize their potential both in individual and team events
- 2e) To continually strive to upgrade the Club's status and facilities for the broader benefit of the Club and Sport
- 2f) To safeguard the future of the Club within the sport's ruling bodies' rules and regulations
- 2g) To ensure a duty of care to all members of the Club
- 2h) To ensure that the Club is non-discrimination and that all members receive fair and equal treatment and opportunities
- 2i) To collect and disseminate information on all matters relating to the sport of cycling/triathlon, and exchange such information with other bodies having similar objects
- 2j) To promote or assist any other association or entity having objects similar to those of the Club
- 2k) To ensure that the Club is non-political and that no political discussions or manifestations are allowed within the Club premises
- 2l) To develop, promote and maintain a Cycling Academy for young athletes in order to educate and help encourage young athletes to participate in the sport of cycling on a life term basis whether for leisure or sports purposes
- 2m) To encourage and support athletes from within the Club Cycling Academy to participate in cycling/triathlons races held locally or abroad.
- 2n) To encourage club members to undertake studies in cycling/sports and to obtain official and recognized coaching credentials

3. CLUB MOTTO, COLOURS & EMBLEM

- 3a) The Club motto shall be “*Onwards*”.
- 3b) The Club official colours shall be Blue, Red and Yellow.
- 3c) The Club official racing kit shall be to a pattern and colour scheme as defined from time to time by the Council which shall take into consideration any sponsorship contracts at the time.
- 3d) The Club official emblem, which may be modified from time to time at the discretion of the Council, shall at all times incorporate the Club colours – i.e. Blue, Red and Yellow.

4. AFFILIATIONS

- 4a) The Club shall be affiliated with the Malta Cycling Federation, The Malta Triathlon Federation and any other local or foreign sports body that the Council may from time to time deem relevant and necessary.

5. CLUB MEMBERSHIP

- 5a) Maltese and Foreign Nationals may apply for membership to the Club on an official Club Membership Application form which must be filled in and presented to a Club Official.
- 5b) There shall be Three categories of membership, namely Adults, Family and Under 18’s (up to 17 years of age) with different subscription fees as defined by the Council from time to time.
- 5c) Members under 18 years of age must provide written parental consent.
- 5d) The Club Council may refuse membership in which case the Council shall advise the proposed member and allow him/her the opportunity to request a hearing before the Council whose decision shall be final and binding.
- 5e) Membership fees shall be regulated and subject to changes from time to time as deemed necessary by the Council. New members shall be subject to an additional ‘one time enrollment fee’ also regulated by the Council.
- 5f) Membership fees cover the period 1st November to 31st October and members cannot leave the Club and join another Club during this period unless a special release is given by the Council.
- 5g) Members shall be issued with a yearly Club Membership Card.
- 5h) The Club Constitution shall be freely available to all members who shall be subject to the rules and regulations of the Club Constitution and directives of the Council as issued from time to time and in accordance with the Constitution.
- 5i) Resignations of members during his/her membership period should be in writing and delivered to the Club Secretary. Approval or otherwise of resignations is at the discretion of the Council whose decision is binding and final.

- 5j) Members under disciplinary actions shall not be granted a release from the Club for the full duration of the disciplinary measure even if after the yearly membership has expired.
- 5k) After the 31st October, if a member hasn't renewed his membership, the member shall be deemed to be 'in free release' (if not under any disciplinary measure) and may join any other Club.

6. CYCLING ACADEMY

- 6a) The Council shall promote, support and monitor the operation of the Club Cycling Academy
- 6b) The Cycling Academy shall offer its services to duly registered members in conformity with the acceptance conditions and regulations as determined by the Council from time to time
- 6c) Criteria for the acceptance of children to the Cycling Academy shall be regulated by the Council as issued from time to time
- 6d) Acceptance or otherwise of individuals to the Cycling Academy is at the discretion of the Council
- 6e) The Council shall, where possible appoint qualified coaches to head 'classes' with the help of volunteer Assistants
- 6f) Disciplinary measures may be taken against participating students subject to the conditions and regulations as outlined in section '14. DISCIPLINING MEMBERS'.
- 6g) The Cycling Academy shall provide the opportunity for children and young person's to maintain good health, learn new skills, increase their self esteem, build resilience and maximize their potential.
- 6h) The Cycling Academy shall encourage at all times the spirit of FUN and FAIRPLAY.
- 6i) The protection of the safety and well being of children/young persons shall be of paramount and utmost importance. The Club shall follow the Kunsill Malti għall-Isport 'Child in Sport Guidelines'.
- 6j) Disciplinary action against 'offenders' shall be taken as detailed in section '14. DISCIPLINING MEMBERS'.

7. ANNUAL GENERAL MEETINGS (AGM)

- 7a) The Club shall hold an Annual General Meeting by the end of each year (i.e. 31st October), for the election of the Club Officers and Members who shall form the Club Council and serve for a period of one year.
- 7b) Notice of the Annual General Meeting and its agenda shall be given by the Secretary not less than twenty-one (21) days to all members of the Club. Notice may either be served by post or by electronic mail, and once served shall be taken as received and read.

- 7c) Only fully paid up members (minimum 14 years of age) are entitled to cast a vote at the Annual General Meeting and any member may request a secret ballot.
- 7d) A Chairman shall be selected to run the election of the Club Officers and Council Members during the Annual General Meeting.
- 7e) The agenda of the AGM shall consist of at least the following items:
 - 1. Reading of Minutes of the previous Annual General Meeting
 - 2. Address by the President or Vice-President
 - 3. Secretary's Administrative Report
 - 4. Treasurers Financial Report
 - 5. Election of two Auditors to verify Financial Report/Accounts
 - 6. Election of Chairman to administer Elections
 - 7. Election of new Club Officers and Council Members
- 7f) The election of the Club Officers, (i.e. President, Secretary and Treasurer) shall take place during the Annual General Meeting and their assistants shall be selected during the first Council meeting from amongst the members elected.
- 7g) Only Club members who have been members for at least six months may be nominated as Officials or Council Members.
- 7h) The quorum for an AGM shall be one third (1/3) of the total Club members. In the case that a quorum is not available, then the AGM shall proceed after 30 minutes grace.
- 7i) Constitutional changes can only be passed at an Annual or Extraordinary General Meeting and shall require a two-thirds majority of members present who are eligible to vote.

8. EXTRAORDINARY GENERAL MEETINGS (EGM)

- 8a) An Extraordinary General Meeting shall be convened by the Secretary on instruction from the Council which may call an Extraordinary General Meeting from time to time.
- 8b) Members may request an Extraordinary General Meeting in writing with a signed petition of at least twenty-five (25) per cent of Club members and clearly stating the resolution being petitioned.
- 8c) An Extraordinary General Meeting shall be held within twenty-eight days (28) after the Secretary is in receipt of a valid request for an Extraordinary General Meeting.
- 8d) Notice of an Extraordinary General Meeting shall include the proposed resolution and details of the petitioners.
- 8e) Resolutions passed during an extraordinary General Meeting require a two-thirds majority of members present who are eligible to vote.

9. COUNCIL MEETINGS

- 9a) The Council shall convene meetings at its discretion but at least once every month.
- 9b) The Secretary shall serve notice of Council meetings to Council Members within a reasonable time.
- 9c) Minutes of all meetings shall be kept by the Secretary and read and approved at each Council meeting.
- 9d) All Council meetings shall require a quorum of at least four (4) members in the case of a seven (7) man Council made up of three Officials and four Members, and at least five (5) members in the case of a nine (9) man Council made up of three Officials and six Members. A Club Official must be present to form a quorum.
- 9e) At all Council meetings, a simple majority shall decide the issue of all matters in debate and although the President will normally not be a voting officer, in the event of an equality of votes, the President shall cast the deciding vote.

10. THE COUNCIL

- 10a) The Council shall comprise
 - i) the Officers of the Club (i.e. President, Secretary, Treasurer)
 - ii) four (4) or six (6) elected Members
- 10b) The outgoing Council shall decide in the interest of the Club, on the number of elected members (four or six), besides the Officials, required to form the next Council, according to the situation and circumstances prevailing before an Annual General Meeting.
- 10c) Each Club Official, elected directly during an Annual General Meeting, shall have an assistant (i.e. Vice-President, Assistant Secretary, Assistant Treasurer) who is to be selected during the first Council meeting after an Annual General Meeting from amongst elected Council Members.
- 10d) The duties and obligations of the Council shall be:
 - i) To comply with the provisions of the Constitution and any ratified Constitutional amendments
 - ii) To transact all dealings of the Club and account for these dealings during an Annual General Meeting
 - iii) To make and interpret Club Rules
 - iv) To organize races and agree the number and value of prizes
 - v) To organize training and fun rides for members
 - vi) To organize social and other activities
 - vii) To monitor the Club's income and expenditure
 - viii) To consider and approve applications for membership
 - ix) To upkeep the Club's Premises and facilities
 - x) To apply for grants from appropriate entities for the development of the Club and the sport of Cycling / Triathlon.

- xi) To raise funds and invite and receive contributions from any person/s or entities whatsoever by way of subscriptions and/or advertisement schemes as the Council may from time to time deliberate
 - xii) To appoint sub-committees as necessary either with members from within the Council or from other Club members in order to fulfill a specific duty in relation to the Club
 - xiii) To adjudicate on any matter not covered by the Constitution and on any dispute amongst members not otherwise covered by the Constitution
 - xiv) To ask a Club Official or Council member to resign if he/she do not administer their duties and responsibilities properly
 - xv) To agree allocation and custody of Awards/Trophies
 - xvi) To elect from amongst its members delegate/s to represent the Club at Malta Cycling/Triathlon Federations Council meetings or meetings of any other sports bodies
 - xvii) To support and sustain a Cycling Academy for children and young persons
- 10e) In all the above duties, the decision of the Council shall be final, unless the matter is referred to an Annual General Meeting or Extraordinary General Meeting called for that purpose in accordance with the Constitution.
- 10f) In the event that the President vacates his position during his term, an Extraordinary General Meeting shall be convened within two months to elect a new President. The Vice-President shall assume the powers of the President for the duration of the two month term.
- 10g) In the event that a Club Official (Secretary or Treasurer), other than the President, vacates his position, his assistant shall take over the position for the duration of the term.
- 10h) In the event that an ordinary Council Member vacates his position, the Council may co-opt a Club Member to replace the outgoing Council Member for the duration of the term.
- 10i) Each Council Officer and Member shall hold Office for one year at a time but is eligible for re-election.
- 10j) An Officer may not hold more than one Office at one time.

11. DUTIES AND OBLIGATIONS OF THE PRESIDENT

- 11a) The duties and obligations of the President shall be:
- i) the effective leadership and management of the Club
 - ii) to preside over Council meetings and Club General Meetings
 - iii) to cast a deciding vote when necessary
 - iv) legal representation of the Club

12. DUTIES AND OBLIGATIONS OF THE SECRETARY

- 12a) The duties and obligations of the Secretary shall be:
- i) To maintain a record of minutes taken during Council and General Meetings of the Club. Minutes may either be in English or Maltese as directed by and at the discretion of the Council.

- ii) To transact the general business of the Club
- iii) To maintain an up to date copy of the Club's Rules
- iv) To communicate Club news and activities to members
- v) To transact any other matters as necessary

13. DUTIES AND OBLIGATIONS OF THE TREASURER

13a) The duties and obligations of the Treasurer shall be:

- i) To transact and account for all monies of the Club
- ii) To make such disbursements as the Council shall authorize
- iii) To prepare a financial statement to be presented during the Annual General Meeting
- iv) To retain all receipts and records to allow auditors that may be appointed during the Annual General Meeting to verify the accounts

14. DISCIPLINING MEMBERS

14a) The Council may by majority vote resolution, censure, suspend or expel a member from the Club, if the member has:

- i) persistently refused or neglected to comply with Council directives or any provision of the Constitution; or
- ii) willfully acted in a manner detrimental to the interests of the Club and Sport

14b) Where the Council is of the opinion that a Member has acted in such a way as to merit disciplinary action, the Council must pass a resolution to convene a disciplinary hearing by the Council.

14c) The Council must serve notice to the member in question, stating the date, time, and place of the disciplinary meeting, setting out the resolution of the Council and the grounds on which it is based, and informing the member that he/she may attend and speak at the disciplinary meeting hearing, and may also make written submission.

14d) Once the disciplinary meeting has taken place and due consideration of the matter has been given, the Council shall propose by means of a two-thirds (2/3) vote, what action (if any) is to be taken. The member in question shall be written to, communicating the Council's decision which is binding and final.

14e) **Child Protection**

- 1) The Club agrees to follow the KMS Child in Sport Protection Guidelines
- 2) The term 'Offence' shall mean any offence which reasonably causes the Club Council to believe that the person accused of the offense poses or may pose a risk of harm to a child/young person or people
- 3) Upon receipt by the Council of
 - i) a notification that an individual has been charged with an Offense: or

- ii) a notification that an individual is the subject of an investigation by the Police or Appogg or any other authority relating to an Offense: or
- iii) any other information which may cause the Council reasonably to believe that a person poses or may pose a risk of harm to a child/young person

then the Council shall have the Authority and responsibility to order that an individual be suspended from the sport and/or physical activity for such a period and on such terms and conditions as it deems fit.

- 4) In reaching its determination as to whether an order under paragraph 14e)3) above should be made, the Council shall give consideration, whether a child/young person may be at risk of harm according to , but limited to section 1.3 of the KMS Child Protection in Sport Guidelines
- 5) The period of an order referred to in 14e)3) above shall not be capable of lasting beyond the date upon which any offence is decided or brought to an end.
- 6) Where an order is imposed on an individual under paragraph 14e)3), the Council shall bring and conclude any proceeding under the Rules of the Club against the person relating to the matters as soon as reasonably practicable.
- 7) Where a person is convicted of an Offense, that shall constitute a breach of the rules of the Club, the Council shall have the responsibility to order the removal of the person from all specific sport and physical activity.
- 8) Immediate notification in writing or an order to above shall be given to the person concerned and/or any club or federation with which he/she was associated.

15. REMOVAL OF COUNCIL OFFICIALS/MEMBERS

- 15a) In order to remove any Council Official or Member from office, an Extraordinary General Meeting shall be called after a written proposal, signed and seconded by Club members, for a resolution to remove the Council Official/Member has been received by the Council.
- 15b) Notice shall be served on the said Council Official/Member, stating the date, time and place of the Extraordinary General Meeting, the proposal and grounds on which the proposal for removal is based, and informing the Council Official/Member that he/she may speak at the Extraordinary General Meeting, and may also make a written submission.
- 15c) During the Extraordinary General Meeting and once due consideration of the matter has been given, the proposal for removal of the Council Official/Member shall be put to a vote. A two-thirds (2/3) majority of those present at the Extraordinary General Meeting is required to remove the Council Official/Member from office.

16. AWARDS

- 16a) Members who have been awarded an Annual Trophy/Award/Shield by the Club or Affiliated Federations, are obliged to keep the Trophy/Award/Shield in good condition and to return them before the next annual presentation.

17. CLUB KITS

- 17a) The Club shall from time to time issue member athletes, especially those members taking part in Federation organized races, with a Club Kit which must be worn during these races and other various activities as directed by the Club.
- 17b) All kits issued by the Club to members are issued on a ***loan basis only*** and must be returned to the Club should a member decide not to renew his membership or if requested to do so by the Club Council.
- 17c) Should a member not return his Club Kit on request by the Council, he shall be deemed to be in breach of the Constitution and disciplinary measures may be taken by the Council in provision with the Constitution.

18. MEMBER RESPONSIBILITIES

- 18a) It is understood that the sport of cycling/triathlon involves risks and dangers of serious bodily injury, including permanent disability, paralysis and in remote cases even death. It is understood that members realize that these risks may be caused by their own actions or inactions, the actions or inactions of others participating in such Activities or the condition in which the Activity takes place.
- 18b) To the fullest extent by law, members agree to WAIVE, DISCHARGE CLAIMS AND RELEASE FROM LIABILITY the Mosta Cycling Club, its Officers, Members, Administrators, or Volunteer Helpers from any and all liability on account of, or in any way resulting from Injuries and Damages to self or equipment, even if caused by negligence of the Mosta Cycling Club, its Officers, Members, Administrators, or Volunteer Helpers in any way connected with scheduled or unscheduled cycling activities organized by the Club or its affiliates.
- 18c) Members pledge to abide by the sporting ethics, rules, regulations and directions of the Club, The Malta Cycling Federation (MCF), The Malta Triathlon Federation (MTF) the Union Cycliste International (UCI) and the International Triathlon Union (ITU).

19. NOTICES / CORRESPONDENCE

- 19a) Notices/correspondence to members may be served by means of post or electronic mail.
- 19b) Notices/correspondence once sent either by post or electronic mail, shall be deemed official, received and read.
- 19c) Notices/correspondence may be either in English or Maltese as directed by and at the discretion of the Council.

20. THE CONSTITUTION

- 20a) The English version of the Club Constitution shall be the official version of the Club however a Maltese translation shall also be made available for reference purposes only.



Mosta Cycling Club

Club Constitution

24th October 2014