

Middlesbrough Golf Club

Brass Castle Lane
Marton
Middlesbrough



CLUB RULES

Last updated 19 March 2018

1. INTERPRETATION AND DEFINITIONS

In the interpretation of these rules, unless the contrary intention appears:

Headings are inserted for convenience only and are not to be used to assist interpretation;

Gender includes all genders, any reference to the singular includes the plural (and vice versa) and references to persons includes bodies corporate, unincorporated associations and partnerships (whether or not any of them have a separate legal personality).

For the purpose of these rules the following definitions apply:

Appeals Committee	means an Appeals Committee appointed by the Club.
Appellant	means any member subject to a disciplinary decision who chooses to appeal it.
Bye-Laws	means the Bye-Laws made by the Managing Committee from time to time.
Chair	means the Chair for the time being of the Managing Committee or in his absence the Vice Chair.
Club	means Middlesbrough Golf Club.
Club year	means the period 1 st April – 31 st March.
Club Secretary	means the Secretary/Office Manager of the Club.
Competition	means any Competition organised by the Club.
Complainant	means any person making a Complaint.
Complaint	means any Complaint and/or allegation made.
CONGU	means the Council of National Golf Unions.
Day	means any day other than a Public Holiday.
Elected Member	means a Member elected by the Members at the Annual General Meeting to serve on the Managing Committee.
Financial year	means the period 1 st January – 31 st December.
Full Member	means an individual male or female Member who pays the full subscription to the Club in return for access to the course and clubhouse (subject to availability) and to participate in Competitions (subject to any qualification restriction) and whose membership is not conditional upon youth or residence conditions. The category includes Full Members who receive a discount upon their subscription resulting from a combination of their senior status and their loyalty to the Club.
Managing Committee	means the elected Managing Committee responsible for the running of the Club.
Member	means any Member of the Club.
Membership Secretary	means an elected Member of the Managing Committee with responsibility for membership matters.
Player	means a person who plays the game of golf.
Procedures	means complaint handling and disciplinary procedures set out in the schedule hereto.
Rules of Golf	means the Rules of Golf as defined by the Royal & Ancient Golf Club of St Andrews.

2 THE NAME OF THE CLUB

The name of the Club shall be Middlesbrough Golf Club.

3 THE OBJECTS OF THE CLUB

The objects of the Club are to promote the playing of golf and any other game or pastime and such social activities for members and non-members as may be considered desirable and in the case non-members as approved by the Managing Committee from time to time. The Club will operate in accordance with the Rules of Golf and Amateur Status, also the Council of National Golf Union's Unified Handicapping System (CONGU UHS). It shall comply with the Rules of England Golf, the Rules of its County Union and Associations and all relevant UK legislation.

MANAGEMENT

- 4.1 The Managing Committee shall consist of eleven (11) Members including the Honorary Treasurer, a nominated Trustee and nine (9) other Elected Members. All shall be Full Members of the Club. The Honorary Treasurer shall be elected at the Annual General Meeting (AGM) and serve for a period of two years before having to seek re-election. The Gentlemen and Lady Captains shall be invited to attend and participate in the meetings of the Managing Committee but shall not have a vote. The Club Secretary shall attend all Managing Committee meetings.
- 4.2 At every AGM one third of the Elected Members on the Managing Committee shall retire from office and may be eligible for re-election. The Members to retire each year shall be those who have been longest in office since their last election but as between persons who became Members of the Managing Committee on the same day, those to retire shall, unless they agree otherwise among themselves, be determined by lot. For the purpose of this rule the Honorary Treasurer and Nominated Trustee shall not be counted.
- 4.3 Any Elected Member completing six (6) years continuous service on the Managing Committee must resign and not be eligible for re-election for a period of not less than one (1) year.
- 4.4 Any Elected Member who resigns from the Managing Committee may not stand for re-election for at least one (1) year.
- 4.5 Any resignation from the Managing Committee shall be taken into account when calculating the number of Elected Members who need to retire from office annually.
- 4.6 To fill any vacancies caused by the retirement and/or resignation of Elected Members of the Managing Committee, or the Honorary Treasurer, any two Full Members of the Club may propose and second any Full Member (including a retiring Managing Committee Member) by sending notification in writing, signed by the nominee indicating their willingness to accept nomination, to the Club Secretary not later than 4.00pm, eleven (11) days before the date fixed for the Annual General Meeting. Such notification shall be posted on the notice board of the Club immediately following receipt. For the avoidance of doubt, this means that if for example the AGM were to be on Monday 15th April, notice must be received by the Club Secretary no later than 4.00pm on Thursday 4th April.
- 4.7 Only those Full Members whose full year's subscription has been paid and Honorary Life Members shall be entitled to attend and vote at General Meetings and, when voting for candidates for the Managing Committee, shall cast one vote for each vacancy.
- 4.8 The Gentlemen's Captain and Vice Captain together with such past Club and Gentlemen's Captains as are still Members shall meet not later than 1st November to consider candidates for the offices of Gentlemen's Captain and Vice Captain for the forthcoming year. The Ladies Captain and Vice Captain shall similarly meet not later than 1st November to consider candidates for the offices of Ladies Captain and Vice Captain for the forthcoming year. The names of the successful candidates for these positions shall be announced after the two meetings and submitted to the Managing Committee.
- 4.9 The Captains' Committee shall be responsible for matters relating to the playing of golf delegated to it by the Managing Committee, including;
- Implementation of the Rules of Golf and the publication of local rules.
 - Operation of the CONGU handicap system.
 - Club competitions and Club fixtures.
 - Open and external competitions on the course.
 - Liaison with the Club Professional on golfing affairs.
 - Implementation of Club policy relating to course etiquette.
 - The development of junior golf.
- 4.10 In the event of a vacancy occurring on the Managing Committee it may be filled by a Full Member appointed by the remaining Members of the Managing Committee. That person shall hold office until the next Annual General Meeting and shall be eligible to stand for election.
- 4.11 The Managing Committee shall have the authority to permit co-option of specialists to any of the Club committees.
- 4.12 The Managing Committee shall obtain the approval of the Trustees and the approval of the Members at a General Meeting before the land and buildings are used to secure a loan.
- 4.13 The Managing Committee shall obtain the approval of Members at a General Meeting if it is proposing to increase the Members' annual subscription by more than five (5) per cent, or it is proposing to spend more than £55K (exclusive of VAT) capital in any one year. and that this figure is linked to future annual changes in the Retail Price Index.
- 4.14 The Managing Committee may grant such reimbursement of subscription and expenses as they consider appropriate to the Gentleman and Lady Captains. No other officer or Member may receive any remuneration for their services to the Club except for payment made in the normal course of trade.

5. TRUSTEES

- 5.1 The funds and property of the Club shall be vested in four Trustees who shall be ex-officio the Directors of Middlesbrough Golf Club Limited and hold the shares on behalf of the Full Members. Following election, each Trustee shall serve for a maximum period of three years after which they will be required to seek re-election.
- 5.2 Proposals for election as a Trustee shall be made in accordance with the procedure laid down for Managing Committee Member election. Anyone standing for election shall be a Full Member of the Club.
- 5.3 The Trustees shall decide which of them shall represent them on the Managing Committee i.e. The Nominated Trustee and if this person is not available for a meeting another may attend in their place.
- 5.4 Subject to Rule 4.12 and 4.13 the Trustees shall deal with the remaining assets of the Club as directed by a resolution of the Managing Committee and by the Members of the Club at a General Meeting.
- 5.5 If at any time a majority of the Trustees shall fail to agree with any request of the Managing Committee with regard to any dealing with or application of the assets of the Club then the Managing Committee shall either withdraw the request or immediately call a General Meeting under Rule 9.2 hereof for the determination of the matter by the Club in General Meeting.
- 5.6 Every Trustee is hereby indemnified by the Club from and against all liability, costs, damages, claims and demands incurred, or suffered by him arising out of and in connection with anything done by him bona fide as such Trustee of the Club or at the request of and in accordance with a resolution of the Managing Committee and the Trustee shall be authorised to charge the assets of the Club in their hands to satisfy any such liability. If the assets of the Club shall be insufficient for the purpose as aforesaid then a special subscription shall be raised from and become payable by those persons who shall at the time such indemnity is invoked be Full Members of the Club who shall contribute thereto such amounts as shall be determined by resolution of the Managing Committee.

6. MANAGING COMMITTEE

- 6.1 The Managing Committee shall as soon as practicable following the Annual General Meeting of the Club elect a Chair, a Vice-Chair and a Membership Secretary. It shall also elect those with responsibility for Clubhouse (including any obligations required to be performed under Section 64(2) Licensing Act 2003) and Course Management. All shall hold office for one year but may be eligible for re-election.
- 6.2 The Chair, or in his absence another Member elected by the Managing Committee, shall preside at all meetings of the Club and Managing Committee and in the case of an equality of votes he shall have a second (casting) vote.
- 6.3 Except as otherwise provided for in these Rules the authority of the Managing Committee shall be paramount until or unless over-ruled by a simple majority of Full Members present and voting at a General Meeting.
- 6.4 The Managing Committee shall be responsible for the management of the Club and, subject to any restrictions contained elsewhere in these rules, has full power and authority to conduct and carry on the business of the Club and all matters relating to it.
- 6.5 The Managing Committee shall meet at such times as deemed necessary to transact the business of the Club. Six (6) Elected Members of the Committee shall form a quorum.
- 6.6 A record of all the Managing Committee's meetings, following approval, shall be made available to the membership as soon as possible after each meeting.
- 6.7 The Managing Committee may appoint any Sub-Committee, with appropriate terms of reference and chairperson to lead. The proceedings of such sub-committee meetings along with any other relevant business shall be reported at the next meeting of the Managing Committee.
- 6.8 As soon as practicable after the appointment of the Club Captains under Rule 4.8 hereof, the Managing Committee shall appoint a Captains' Committee to perform such functions as are delegated to it under Rule 4.9. The Captains' Committee shall report on any golfing, administration or financial matters to the Managing Committee seeking any necessary approvals as may be required.
- 6.9 The Managing Committee shall not authorise or distribute any surplus funds other than to the members on dissolution of the Club in accordance with Club rule No.18.
- 6.10 Every member of the Managing Committee is hereby indemnified by the Club from and against all liability, costs, damages, claims and demands incurred or suffered by him arising out of and in connection with anything done by him bona fide as a member of the Managing Committee. If the assets of the Club shall be insufficient for the purpose as aforesaid then a special subscription shall be raised from and become payable by those persons who shall at the time such indemnity is invoked be Full Members of the Club who shall contribute thereto such amounts as shall be determined by resolution of the Managing Committee

7. APPOINTMENT OF SECRETARY

The Managing Committee shall appoint a Club Secretary upon such terms as it may deem appropriate. The Club Secretary shall not have a vote at any meeting.

8. DUTIES OF HONORARY TREASURER

The Honorary Treasurer shall receive all monies due to and pay all monies owing by the Club. Any cheques, payments, direct debits and/or other accounting requirements requires two signatures from three of the elected officials Chairman, Treasurer and/or Trustee. The Hon. Treasurer shall submit a report of the financial affairs of the Club to the Annual General Meeting, such report having been previously audited by a professional firm of registered auditors appointed by the General Meeting or, in the case of a vacancy, appointed temporarily by the Managing Committee. The Hon. Treasurer shall furnish such information regarding the finances of the Club as the Managing Committee may at any time require. Any debts due to the Club shall be considered as owing to the Honorary Treasurer and shall be recoverable by him at Law.

9. GENERAL MEETINGS

- 9.1 In each Club year there shall be held an Annual General Meeting (AGM) in addition to any other meetings in that year. The Club shall specify the meeting as such in the notices calling it. The purpose of the meeting shall be for the passing of accounts, the election of officers and Members of the Managing Committee, the ratification of any proposal for Honorary Life Membership, the appointing of auditors, the reporting of any changes to the Club Bye-Laws and any other business.
- 9.2 A General Meeting shall be called by the Club Secretary at the request of the Managing Committee by giving at least twenty one (21) days clear notice and this shall be given by post or e-mail to each Full Member.
- 9.3 Only those Full Members whose full year's subscription has been paid and Honorary Life Members shall be entitled to attend and vote at General Meetings. Members of other categories may attend general meetings but will have no voting rights.
- 9.4 Not more than fifteen (15) months shall elapse between the date of one Annual General Meeting of the Club and that of the next.
- 9.5 All General Meetings other than Annual General Meetings shall be called Extraordinary General Meetings. The quorum for all General Meetings shall be fifty (50).
- 9.6 Any request for a General Meeting shall be signed by not less than seventy (70) Full Members (including proposer and seconder) and be set out in proper form stating the purpose of such meeting. Following receipt the Club Secretary shall place the request before the next convenient meeting of the Managing Committee who shall either accept the purpose of the resolution and make such decisions in Committee as are required to put it into effect or shall direct the Secretary to call a General Meeting that shall take place within sixty (60) days thereafter unless otherwise agreed by the Members who proposed and seconded the motion.

10. MEMBERSHIP AND SUBSCRIPTIONS

- 10.1 Membership of the Club shall be open to anyone interested in the sport of golf on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religious or other beliefs. However, limitation of membership according to available facilities is allowable on a non-discriminatory basis.
- 10.2 The categories of membership shall be those from time to time published by the Managing Committee who shall have the power to extend or change the categories of membership and, subject to the provisions in para 4.13 above, fix annual subscriptions. In doing so the Managing Committee will have regard to the Club's policy of non-discrimination.
- 10.3 The Managing Committee may refuse membership, or remove it, only for good cause such as conduct or character likely to bring the Club or sport into disrepute.
- 10.4 The Membership Secretary shall be responsible for all aspects of the process relating to the recruitment and introduction of new Members as laid down by the Managing Committee.
- 10.5 A prospective candidate shall not be considered a Member of the Club for the purposes of these Rules until he has paid the relevant entrance fee and subscription. In case of non-payment by the candidate of either of these sums within twenty eight (28) days of their notification of invitation to membership, the Managing Committee shall have the right to cancel their invitation to membership.
- 10.6 A rejected candidate shall not be eligible for further nomination for at least twelve (12) months from the date of rejection unless the Managing Committee decides in its absolute discretion that there are special grounds for doing so.
- 10.7 The Managing Committee shall have the power to set or dispense with entrance fees.

11. PAYMENT OF SUBSCRIPTIONS

- 11.1 Annual subscriptions shall become due and payable at the commencement of the Club year. No Member shall be allowed to play in any Club competition or match without first having paid their subscription. If a Member's subscription is unpaid for more than fourteen (14) days after the due date, they shall not be entitled to play golf at the Club without the payment of a green fee and the Managing Committee shall remove their name from the list of members.
- 11.2 The following shall apply if any Member chooses to pay by way of monthly instalments under any credit scheme from time to time available. If at any time the Club are informed that a payment has been refused and the credit agreement cancelled, the Club Secretary shall forthwith advise the Member in writing. The letter shall specify the balance of fees due and state that if the same are not paid in full within fourteen (14) days of the date of the letter, together with a surcharge of such an amount as is assessed by the Managing Committee from time to time, the membership of the Member shall be terminated. However, if at any time thereafter the person concerned provides to the Managing Committee a satisfactory explanation, they may at the discretion of the Managing Committee and upon payment of all arrears be readmitted to membership without payment of any entrance fee.

12. RESIGNATION and RE-JOINING

- 12.1 Any Member wishing to resign from the Club must give notice in writing to the Club Secretary before the end of the Club year, otherwise they may be held liable for the subscription for the ensuing year.
- 12.2 Any Member resigning from the Club shall be liable for the balance of any outstanding subscription. There will be no refund of subscription for resigning Members.
- 12.3 A former Member who wishes to re-join the Club must apply for consideration of invitation to membership in accordance with these rules but the payment of an entrance fee may be dispensed with at the discretion of the Managing Committee.
- 12.4 In the event of a Member's death, an executor or relative shall receive a refund of subscription for each full calendar month of the subscription year remaining following the date of death.

13. ALTERATION OF THE RULES

- 13.1 These rules shall be altered only by a simple majority of Full Members at a General Meeting after notice has been given, setting out the wording of any proposed alteration, in the manner set out in Club rule No 9 for the calling of such meetings.
- 13.2 Any changes to these rules shall be notified to the appropriate licensing authority within twenty eight (28) days of approval at a General Meeting.
- 13.3 The Bye-Laws of the Club can be changed at any time by the Managing Committee.

14. CONDUCT OF MEMBERS, COMPLAINTS AND DISCIPLINARY PROCEDURES.

- 14.1 Complaints and disciplinary procedures involving members shall be dealt with in accordance with the Procedures set out in the schedule hereto.
- 14.2 Members shall not challenge or reprimand a Club employee (or any other person retained and/or engaged by the Club) of their own accord. Any complaint or allegation against a Club employee (or any person retained or engaged by the Club) shall be reported to the Club Secretary either verbally or in writing who shall deal where appropriate with such matters under the Club's Staff Disciplinary Procedures.

15. CLUB PROPERTY

No Member shall take or permit to be taken from the Clubhouse any article belonging to the Club nor shall any placard or paper be exhibited in any part of the Clubhouse or Course without the consent of the Club Secretary.

16. LICENCE

The supply and sale of intoxicating liquors shall be permitted at times authorised by the Managing Committee within the provisions of the Club Premises Licence and subject to any restrictions that may from time to time be imposed by the Managing Committee.

17. LIMITATION OF LIABILITY

- 17.1 The Club shall not be responsible for loss or damage, however caused, to the property of any Member.
- 17.2 No official or employee of the Club save the Club Professional, except in their private capacity, has or shall be deemed to have authority to hold any property on behalf of any member for the purpose of safe custody, repair or otherwise.

18. LIQUIDATION

- 18.1 In the event of the Club being wound up, the net assets shall be distributed to all members who are currently Full or Honorary Life Members pro rata to the total period of their membership in these categories (complete calendar years only being eligible). An Honorary Life Member shall be entitled only if the member held Full Member status prior to election as an Honorary Life Member.
- 18.2 It is acknowledged that for a period of 10 years from the date of the award granted by Sport England to the Club pursuant to an award letter dated 6th May 2016 the driving range will be excluded from the Club's assets for the purposes of Rule 18.1 should the club be dissolved.

Schedule – Complaint handling and Disciplinary Procedures

1. SCOPE OF PROCEDURES

- 1.1 These Procedures are intended to deal with the following:
 - 1.1.1 breaches of the Club Rules and/or any Bye-Laws made with the authority of the Managing Committee;
 - 1.1.2 any complaint about any Member; and
 - 1.1.3 complaints regarding any person competing officially in any Club Competition.
- 1.2 The Procedures apply to all Members of the Club.
- 1.3 Disciplinary action may be informal or formal. Informal disciplinary action shall involve discussing the particular issue with the Member and/or the Complainant through the Club Secretary and, if appropriate, the Chair of the Managing Committee with a view to resolving the issue. Formal disciplinary action will be taken in accordance with these Procedures.

2. APPOINTMENT AND POWERS OF COMMITTEES

- 2.1 The Club shall establish a Disciplinary Committee that shall have the power to act in the name of the Club and to deal with disciplinary proceedings coming before it.
- 2.2 The membership of any Disciplinary Committee shall be determined by the Managing Committee and shall have not fewer than four (4) Members. The Managing Committee shall establish an Appeals Committee of not fewer than three (3) Members to consider any competent appeal. None of these Members shall have been Members of the Disciplinary Committee.
- 2.3 Any person who sits on either the Disciplinary Committee or Appeals Committee shall:
 - 2.3.1 be unbiased and have no personal interest in or involvement with the case;
 - 2.3.2 be familiar with these Procedures;
 - 2.3.3 act within their powers under these Procedures fairly, reasonably and proportionately at all times;
 - 2.3.4 take advice where appropriate including, if necessary, appointing a solicitor or legal representative to attend and advise at or subsequent to any hearing;
 - 2.3.5 have consideration and respect for all parties; and
 - 2.3.6 apply the standard of proof as the balance of probabilities.
- 2.4 The Appeals Committee shall have the full powers and authorities of the Disciplinary Committee including the power to increase, decrease or accept any such penalties already imposed and/or to impose any such new penalties as outlined in these Procedures.
- 2.5 Both the Disciplinary and Appeal Committees shall appoint a chairperson who will preside over each Committee as required.
- 2.6 Both Committees shall take decisions, including decisions as to guilt and appropriate sanctions on the basis of a simple majority of Committee Members with the Chair holding a second casting vote if no majority is reached.
- 2.7 The Disciplinary Committee and the Appeals Committee shall have the power to abridge or extend any time limits set out in these Procedures, if in their reasonable discretion, it is considered appropriate in the circumstances.
- 2.8 The Disciplinary Committee and the Appeals Committee shall not be entitled to introduce or consider opinion evidence other than expert opinion evidence.
- 2.9 The Disciplinary Committee and Appeals Committee shall exercise their functions independently of the Club.

3. COMPLAINT HANDLING

- 3.1 Any complaint about a Member shall be made in writing by the Complainant and sent to the Club Secretary. It should be signed by the Complainant and dated.
- 3.2 The complaint shall be lodged within seven (7) days of the alleged incident or ground for the complaint arising or becoming known or such further time as is reasonably allowed by the Club Secretary.
- 3.3 The complaint shall specify the details of the alleged incident or grounds for complaint including, if appropriate, which provision of Club Rules and/or Bye-Laws may have been breached.
- 3.4 Notwithstanding the above, the Club Secretary and the Chair may initiate the complaints Procedures without a formal complaint being made and upon their own initiative.
- 3.5 The Club Secretary will:

- 3.5.1 forward a copy of the complaint to the Member in question and request a written response within 7 days;
- 3.5.2 undertake any investigation he sees fit and either,
- 3.5.3 after consultation with the Chair deal with the matter informally which would normally result in a discussion between the parties to resolve the matter and might involve verbal or written advice/reprimand, or
- 3.5.4 if unable to resolve the complaint through the informal process report the matter to the Chair who shall determine whether or not formal disciplinary action is required in accordance with these Procedures;
- 3.5.5 if appropriate, forward the complaint, written response and any other relevant material to the Disciplinary Committee for consideration as set out below.
- 3.6 Where there is reason to believe that the matter under investigation involves serious misconduct involving violence, dishonesty or cheating, consideration shall be given to the immediate suspension of the Member. The decision to suspend shall be taken by the Chair and the suspension shall continue until countermanded by the Chair or by the Disciplinary or Appeals Committee.
- 3.7 It should be noted that a decision to suspend is a neutral act and does not imply a presumption of guilt. It serves to provide effective protective measures for the Member concerned and to facilitate any necessary investigation.
- 3.8 Where any complaint is subsequently upheld by the Disciplinary or Appeals Committee then the length of the suspension shall be taken into account when imposing any sanction. Conversely, if the complaint is not upheld then the Member shall be entitled to receive a refund of the relevant portion of their subscription for the period of the suspension.

4. DISCIPLINARY HEARING

- 4.1 Any Member that is subject to a disciplinary hearing shall be provided with a copy of the original complaint and any additional material provided to the Disciplinary Committee, including notice of any witnesses to be called or their evidence.
- 4.2 Each Member shall have the right to the following:
 - 4.2.1 to be advised of the nature of the complaint and the potential sanction that may apply if the matter is subsequently proven.
 - 4.2.2 to be present in person at any hearing and to be advised at least fourteen (14) days in advance of the date, time and place of any such hearing;
 - 4.2.3 to representation (legal or otherwise) at this hearing;
 - 4.2.4 to state his case, call relevant witnesses and provide any other information/evidence he considers pertinent.
- 4.3 A shorter notice period can be given if agreed with the respective parties to the hearing.
- 4.4 Names of any witnesses being called by the Member shall be notified five (5) days before any hearing to the Club Secretary.
- 4.5 If the Member is unable to attend at the meeting, he shall notify the Club Secretary in writing as soon as possible giving reasons for his inability to attend and stating whether or not the Member requests an adjournment or is prepared for the matter to be dealt with in his absence.
- 4.6 If the Member elects not to attend at the meeting without good reason, the disciplinary hearing may proceed in his absence.
- 4.7 Unless the Disciplinary Committee directs otherwise, the procedure will be as follows:
 - 4.7.1 the Chair of the Disciplinary Committee shall explain the process and advise of the rights of appeal;
 - 4.7.2 the terms of the complaint shall be considered, followed by any written or oral response provided by the Member;
 - 4.7.3 any additional evidence shall be heard;
 - 4.7.4 any other witnesses to be called shall then be heard or, if the witness is unable to attend, his signed written statement shall be read out;
 - 4.7.5 witnesses are to be excluded from the hearing until required to give their evidence. They shall retire immediately after giving their evidence and after having responded to any questions that might be asked of them;
 - 4.7.6 questioning of the parties or any witnesses shall only be undertaken by the Disciplinary Committee, the Member or his representative;
 - 4.7.7 the Member shall be given the opportunity to make final submissions - including submissions on sanction in the event that the complaint is upheld; and
 - 4.7.8 notification of the decision, including as to any sanction (with appropriate reasons) shall be issued by the Club Secretary, in writing, to the parties within twenty one (21) days of the hearing.

5. APPEAL

- 5.1 An appeal shall be lodged within twenty one (21) days of the decision of the Disciplinary Committee being notified in writing to the Member.
- 5.2 An appeal shall be considered lodged when a Notice of Appeal is received by the Club Secretary. The Notice of Appeal shall be in writing, signed by the Appellant Member and shall specify:
 - 5.2.1 the name of the Appellant Member;
 - 5.2.2 the decision appealed against;
 - 5.2.3 the date of the decision appealed against; and
 - 5.2.4 the specific grounds upon which the appeal is based (including in relation to any sanction imposed).
- 5.3 On receipt of a Notice of Appeal, the Club Secretary shall forward all documentation to the Chair and Members of the Appeals Committee.
- 5.4 The Chair of the Appeals Committee shall communicate with the Appellant Member and notify him of:
 - 5.4.1 the time, date, and place for the hearing of the appeal;
 - 5.4.2 the composition of the Appeals Committee;
 - 5.4.3 the rules within this Procedure which govern the hearing and process
- 5.5 The Appellant Member is entitled, within 48 hours of notification, to lodge a written objection against any Member of the Appeals Committee who can be shown to have a direct personal involvement or interest in the matter. Supporting evidence should be provided in support of any such claim. Any such objection shall be considered by the Chair of the Appeals Committee whose decision in this regard shall be final. If such objection is directed at the Chair, the objection shall be considered by the remaining members of the Appeals Committee.
- 5.6 All documentation to be used by any party at the appeal shall be with all of the parties entitled to attend the appeal hearing at least seven (7) days prior to the appeal hearing.
- 5.7 The Appeals Committee may, at its discretion, hear the whole or any part of the evidence given before the Disciplinary Committee as it considers appropriate.
- 5.8 The Appeals Committee shall be entitled to hear and receive such further evidence on appeal as it deems relevant and fair.
- 5.9 Any further evidence to be heard, shall be made available to the Appellant Member seven (7) days prior to the appeal hearing. Parties shall have the right to respond in writing to any further evidence to be presented.
- 5.10 Where evidence is given before the Appeals Committee, there shall only be cross examination or questioning of witnesses by the Appeals Committee, the Member or his representative.
- 5.11 Written notification of the decision of the Appeals Committee shall be issued to the Appellant Member within twenty one (21) days with supporting reasons for any decision.
- 5.12 The decision of the Appeals Committee is final and binding.

6. SANCTIONS

- 6.1 No sanction shall be imposed on any person or body in disciplinary proceedings unless the complaint against the person or body is proved on the balance of probabilities and that any sanction should be fair, reasonable and proportionate in the opinion of the Disciplinary or Appeals Committees.
- 6.2 If a complaint is proved against a Member, the Disciplinary Committee and Appeals Committee shall have the power to impose the following sanctions:
 - 6.2.1 written reprimand/warning;
 - 6.2.2 suspension from Club membership for a specified period of time (including Competition);
 - 6.2.3 suspension from specified Club activities for a period of time or permanently;
 - 6.2.4 expulsion from Club membership on a permanent basis;
 - 6.2.5 forfeiture of any Competition and/or other points as specified;
 - 6.2.6 a combination of any of the above.
- 6.3 When a sanction is imposed consideration shall be given to the following:
 - 6.3.1 consistency and uniformity in the nature of sanction imposed;
 - 6.3.2 whether the sanction is reasonable and proportionate in all the circumstances; and
 - 6.3.3 that where possible, periods of suspension be imposed by reference to specific dates rather than playing days (e.g. 1 April to 1 June).
- 6.4 Any sanction(s) imposed by the Disciplinary Committee shall be suspended, on any Notice of Appeal being received in accordance with this Policy until the outcome of the Appeal Hearing except in the following cases where they shall be upheld pending any Appeal Hearing:
 - 6.4.1 any sanction imposed under any Anti-Doping Policy;
 - 6.4.2 any sanction imposed under Child Protection /Safeguarding Policy.
 - 6.4.3 any sanction imposed relating to the Member's handicap or right to play golf.

7. GENERAL PROVISIONS

- 7.1 The hearing of proceedings by the Disciplinary Committee or the Appeals Committee shall be recorded by the taking of minutes by the Club Secretary or another nominated and appropriate person.
- 7.2 The record of the proceedings and all papers associated with the proceedings shall be held by the Club Secretary in a secure and appropriate manner.
- 7.3 Copies of the record shall be made available to the appellant on request.
- 7.4 Any notices or correspondence to be sent to any Member under these Procedures shall be sent by recorded delivery, first-class post or, if appropriate, secure electronic mail, to the last known address of that Member. Notices and correspondence shall be deemed to be delivered in relation to electronic mail and recorded delivery as the next day after sending and in relation to first-class post, on the second day after posting. The relevant time period shall begin on the deemed date of receipt.

Middlesbrough Golf Club

Brass Castle Lane

Marton

Middlesbrough



BYE-LAWS

BYE-LAWS OF MIDDLESBROUGH GOLF CLUB

1. MEMBER ADDRESSES

It shall be the responsibility of Members to keep the Club Secretary informed of their current home and e-mail address at all times. The Club will not accept responsibility for any matter arising from non-compliance of this Bye-Law.

2. ELECTION OF MEMBERS

2.1 The Election of Members shall be by invitation from the Club Secretary following a recommendation from the Membership Secretary. Proposals for membership shall be supported by two Full Members of the Club (of at least three years standing). Proposals for membership must be submitted on the prescribed form issued by the Club Secretary. The Membership Secretary may require the proposer, seconder and the candidate to appear before him.

2.2 The Managing Committee shall not be obliged to give reasons if the candidate is not invited to become a Member.

3. PROPOSALS FOR MEMBERSHIP

Proposals for membership must be exhibited on the notice board in the clubhouse for at least fourteen (14) days. Acceptance of a candidate onto a waiting list for Membership after this shall not be considered as an invitation to Membership and the Managing Committee shall retain absolute discretion pursuant to Bye-Law No.2 above.

4. RE-ELECTION OF MEMBERS

At the discretion of the Managing Committee, any person who has previously been a Member may be re-elected to membership provided that all outstanding liabilities to the Club have been discharged. The re-election of Members will be in accordance with club rule No.12.

5. CATEGORIES OF MEMBERSHIP

The membership of the Club shall be divided into the following categories, the age stated being the Member's age on 1st April:

5.1 Full

5.1.1 Playing Members

5.1.2 Playing Members over the age of sixty five (65) and who have been Full Members of the Club for an uninterrupted period of twenty (20) years.

5.1.3 Playing Members over the age of eighty five (85) and who have been Full Members of the Club for an uninterrupted period of twenty (20) years.

5.1.4 Playing Members over the age of ninety (90) and who have been Full Members of the Club for an uninterrupted period of twenty (20) years.

5.2 Intermediate

5.2.1 Band A - Playing Members aged eighteen (18) to twenty four (24) inclusive.

5.2.2 Band B - Playing Members aged twenty five (25) to twenty eight (28) inclusive.

5.2.2 Band C - Playing Members aged twenty nine (29) to thirty two (32) inclusive.

5.3 Junior

Playing Members aged thirteen (13) to seventeen (17) inclusive.

5.4 Child

Playing Members aged eight (8) to twelve (12) inclusive.

5.5 Bunny

Playing Members aged five (5) to seven (7) inclusive.

5.6 Country

This category of membership will be no longer available as an option from April 2018 but any existing Country Members shall be entitled to remain on the same terms and conditions.

5.7 Non Playing

5.7.1 Social Member - Being the partner of a Playing Member.

5.7.2 Social Member - Fee paying.

5.7.3 Honorary Social Member – A Member who has completed twenty five (25) years service as a Playing Member and ceases to be a Full Member.

5.8 Absentee Membership

5.8.1 This category is open to Playing Members who find they are unable to play on the course regularly and shall be subject to the approval of the Membership Secretary, Chair and Club Secretary. Transfer to Absentee Membership is only available for periods of one or more full membership years (ie. 1st April – 31st March) at a time, must be renewed annually on application, and shall be restricted to a maximum of three (3) consecutive years unless exceptional circumstances are deemed to apply. The Membership Secretary, in conjunction with

the Chair and Club Secretary, shall have absolute discretion with regard to transfers to Absentee Membership. Transfer to Full Membership will only be allowed when a vacancy exists on the full membership list. All requests for transfer to Absentee Membership must be made to the Club Secretary.

- 5.8.2 On any waiting list for Full Membership, an Intermediate Member moving to Full Membership shall take precedence over a returning Absentee Member.
- 5.8.3 An Absentee Member wishing to play golf shall pay the same full green fees as a visitor or the appropriate green fee if playing as the guest of a Member but shall be limited to ten (10) games in any membership year. Junior and Intermediate Absentee Members who are away at school or college shall be permitted to play during vacations by paying the green fee as if playing as a Member's guest without actually doing so.
- 5.8.4 Absentee Members shall be permitted to use the Club's practice facilities, including the driving range, but shall not be allowed to:
- 5.8.4.1 Enter a Club Competition.
 - 5.8.4.2 Represent the Club in any competition
 - 5.8.4.3 Play in any Seniors or Club Exchange events
 - 5.8.4.4 Benefit from any discounted green fees that may be available for Members in other categories (egg 1908, James Braid, Seaton Carew and other reciprocal arrangements)
- 5.8.5 Circumstances that may constitute acceptable reasons for granting Absentee Membership include, but shall not be confined to, the following:
- Physical or mental incapacity
 - Long term unemployment
 - Temporary relocation
 - Education
- Only genuine applications for transfer will be considered.
- 5.8.6 If a Member decides not to re-join the Club or pay Absentee Membership, the Club **shall inform them in writing** that they may be liable for payment of some or all of the entrance fee in the future if they wish to return. The Club will retain a copy of the letter informing them of this process.

5.9 Temporary Playing

Members of a recognised Golf Club or Golf Society and bona fide guests of such Members may be admitted to play the Course as visitors on terms to be decided by the Managing Committee. Such visitors shall not themselves introduce guests or play in Club competitions except Open competitions. A visitor may be entitled to a reduced green fee when playing the Course but only when introduced by and playing with a Full or Intermediate Member.

5.10 Corporate Package

There will be an opportunity for companies to take up a special corporate package on terms agreed by the Managing Committee. Those participating in such an arrangement will not have any membership rights.

6. MANAGING COMMITTEE DISCRETION

The Managing Committee may at its discretion invite to Membership those in the following circumstances or for other good and substantial reason: -

- 6.1 The Gentlemen's Captain and Ladies' Captain are entitled to propose for membership one full playing Member for immediate entry during their year in office.
- 6.2 Low handicap golfers of three (3) handicap or less who will commit, if selected, to play for the Club. They must be approached to verify that they satisfy this requirement before being considered for Membership.

7. CHANGE OF CATEGORY

Any Member wishing to change category of Membership must apply to the Club Secretary in writing and any requests to change category must be received by the Club Secretary no later than 15th March in any year. Any such change will take effect from 1st April next following.

8. HONORARY LIFE MEMBERSHIP

The Managing Committee may at their discretion recommend for appointment to Honorary Life Membership any member of the Club who has given distinguished service to the Club over a long period or who has brought honour and distinction to the Club. One months notice to the Club Secretary in writing must be given of an intention to nominate a Member for Honorary Life Membership and the proposed appointment must be ratified by Members in General Meeting. Members in this category shall have all the rights and privileges of a Full Member.

9. LIMITATION OF MEMBERSHIP NUMBERS

The Managing Committee shall have the absolute right to set limits on the number of members in each category of membership.

10. ENTRANCE FEES FOR BUNNY, CHILD, JUNIOR, AND INTERMEDIATE MEMBERS

- 10.1 There is no entrance fee for Bunny, Child, Junior or Intermediate Members
- 10.2 An entrance fee may be payable on transfer to Full Membership.

- 10.3 On transferring to Full Membership, the entrance fee shall be determined based on the current joining fee and the Member's number of full years consecutive membership. If the Member has completed five (5) or more full years consecutive membership, the joining fee will be waived. For between one (1) and four (4) full years of consecutive membership there will be a pro rata reduction in the joining fee.

11. PLAYING AND COMPETITION RULES FOR BUNNY, CHILD AND JUNIOR MEMBERS

- 11.1 Unless playing in a Competition and keeping their place on the course, playing with adult Members or on the starting tee having booked a tee time, Members under the age of 18 shall at all times stand aside and give way when any Full or Intermediate Members wish to play through.
- 11.2 Unless in possession of a handicap Members under the age of 18 shall not play the course before 5.00 pm on Saturdays, Sundays and Bank Holidays from 1st April to 30th September inclusive, and not before 3.00 pm during the remainder of the year.
- 11.3 All cards submitted for handicap purposes shall be signed by a Full or Intermediate Member or any Member having a handicap of twelve (12) or better who witnessed the round.
- 11.4 Junior Male Members who have a handicap of twelve (12) or better can play in the Gents Midweek Stableford, Bank Holiday Stableford and other mid-week competitions only when accompanied by at least two Full or Intermediate Members, or by one who is also a member of their family.
- 11.5 Junior Male Members having a handicap of five (5) or better may book an individual time with an minimum of two adult members, or one who is also a family member, on the Saturday competition starting sheet subject to competition rules.
- 11.6 Junior Male Members who have a handicap of six (6) to twelve (12) inclusive are allowed to take up, after 6.30pm on the Monday following the Gents Friday draw any vacant position not required by a Full or Intermediate Member on a Saturday. This will be carried out through the professional, when the list is in the Pro Shop. In a 3 ball competition, a Junior Member will only be allowed to play with two Full or Intermediate Members or one who is also a member of his family. In a 4 ball competition, one or two Junior Members will be allowed to play with a minimum of two Full or Intermediate Members in a 4 ball.
- 11.7 Any Junior Female Member having a handicap may sign up for and play in any Ladies competition only when accompanied by at least two Full or Intermediate Members, or by one who is also a member of their family.
- 11.8 Members under the age of 18 who have the required qualification will be allowed to enter the Club Championship.
- 11.9 Junior Members are permitted to sign in guests subject to those guests having a current Club handicap. Bunny and Child Members are not allowed to bring guests.
- 11.10 Members under the age of 18 shall not enter the various Club sweeps including the ball sweep.
- 11.11 Members under the age of 18 may use the practice green and the area between this green and the track leading to the course manager's compound;
- 11.11.1 Before playing in a Competition;
- 11.11.2 Before playing for a Club team; and/or
- 11.11.3 At all other times when they do not interfere with Full or Intermediate Members practising before competitions or Club matches.
- 11.12 For the avoidance of doubt, a Junior Member who turns eighteen (18) shall for the purposes of these Bye-Laws be treated as a Junior Member until transfer to Intermediate Membership on the following 1st April.

12. CLUB HOUSE RULES FOR YOUNG MEMBERS

- 12.1 Members shall not operate the television set in the clubhouse against the wishes of any adult Member present.
- 12.2 Young members (under 18) shall not: -
- 12.2.1 Use the members' bar until they attain the age of 16 or are accompanied by a parent or guardian. They are, however, permitted to use the lounge and dining room unaccompanied and to enter the members' bar unaccompanied for the express purpose of submitting scorecards
- 12.2.2 Consume any alcoholic beverage within the boundaries of the Club.
- 12.2.3 Engage in any form of gambling on or off the Course.
- 12.3 No young members (under 18) may use the lounge, dining room or members' bar after 10pm (8pm during winter months) unless:
- 12.3.1 They are playing golf for the Club or
- 12.3.2 They are invited by an adult opponent when playing in a Club competition or
- 12.3.3 They are invited by one of the Captains or
- 12.3.4 They are accompanied by a parent or guardian
- In the case of young members under 16, sub section 12.2.1 also applies.
- 12.4 The Club accepts no responsibility for unaccompanied young members.

13. GUESTS, PLAYING VISITORS AND TEMPORARY MEMBERS

- 13.1 No former member who has had his membership cancelled or who has been expelled pursuant to disciplinary procedures may play as a visitor or be introduced as a non playing guest unless the Managing Committee has subsequently agreed that person could re-join the Club
- 13.2 Visitors to, or guests at the Club, whether accompanied by a Member or not are accepted at the discretion of the Managing Committee and may be excluded from the premises by any Managing Committee representative without such representative being obliged to give reasons. Visitors or guests shall enter their name in the Visitors Book in the Clubhouse or Professionals Shop and pay the appropriate green fee before commencing

play. Such visitors shall be accorded the facilities of the Club other than the right to participate in Members' competitions, during the period covered by the green fees. The Managing Committee shall fix the fees payable by such visitors from time to time.

13.3 A Member is only permitted twelve (12) playing guests at reduced green fees in any calendar year and only three (3) at any one time. No person shall be a guest more than twelve times in any calendar year. Other playing guests will be charged at the standard rate. However, playing guests of either Captain shall receive the courtesy of the course.

13.4 Any person taking part in an official competition (and persons accompanying them when invited by the Managing Committee) shall be Temporary Members of the Club for the duration of the competition or visit. Such persons shall be accorded the facilities of the Club.

14. CAPTAIN'S COMMITTEE

There will be a Lady Captain's Committee to deal with golfing matters concerning the Ladies section. The Gentlemen's Captain will have the option to sit on this committee if he so desires. There will be a Captains' Committee which will deal with golfing matters concerning the Gentlemen's section and golfing matters relevant to the Club as a whole. The Lady Captain will sit on this Committee and the position of Chairman will be agreed between the two Captains. Local rules will be issued by the Chairman of the Captains' Committee.

In compliance with the Equality Act 2010, the Captains' Bell and Chair can be used by either Captain as required. Both Captains shall have priority on the first tee and their honoraria shall be considered in proportion to the number of lady and gentlemen members.

15. OPENING HOURS

15.1 The Clubhouse shall be open for the use of members from 9.00 am to 11.30 pm daily except on Christmas Day or such other times as the Managing Committee may from time to time decide. Access to the locker rooms will be available at reasonable times outside these hours.

15.2 At its discretion the Managing Committee may reserve sections of the Clubhouse for special functions and a charge may be levied to cover the cost of running the function. On such occasions however at least one room, where a bar service is provided, will be available for use by Members not attending the function.

16. FINANCIAL ASSISTANCE

The Managing Committee will consider the provision of financial assistance for approved expenses incurred by Members who represent their County and/or their Country at junior or adult level when playing in County, National and International events. These payments will be made in arrears on an annual basis to the appropriate County Union or Association who will administer the payments up to an agreed sum. Such assistance is available only if the Member makes themselves available for selection for Club teams when not engaged in other approved golfing activities.

17. DOGS OR ANIMALS

Dogs or animals are not permitted within the boundary of the Club land or property except that guide dogs are allowed on the course and in the clubhouse.

18. DRESS CODE – Appendix A

19. COURSE POLICY DOCUMENT - Appendix B

20. COMPETITION RULES – Appendix C

21. LADIES SECTION CONSTITUTION

Under Bye-Law 14 the Managing Committee has granted authority for the management of the ladies section to the Lady Captain's Committee. The associated constitution – Appendix D

22. EVENT BOOKING TERMS AND CONDITIONS – Appendix E

23. ARRANGEMENTS FOR PLACING ORDERS & CONTRACTS – Appendix F

Copies of Appendix A, B, C, D E and F are available from the office