



# SCOTTISH PÉTANQUE ASSOCIATION

CONSTITUTION AND RULES OF THE ASSOCIATION

Effective from 28 October 2018

## 1. IDENTITY

- 1.1. The name of the Association shall be The Scottish Pétanque Association (hereinafter to be referred to as "The Association")
- 1.2. The registered office of The Association will be at such address as the National Executive Committee shall decide from time to time.

## 2. STATUS

- 2.1. The Association shall be the Recognised Governing Body for the sport of pétanque in Scotland.
- 2.2. The Association shall be affiliated to the Fédération Internationale de Pétanque et Jeu Provençal.
- 2.3. The Association shall be affiliated to the Confédération Européenne de Pétanque.
- 2.4. The Association shall be not-for-profit and all income and property arising from its activities shall be used to meet the purposes of The Association.

## 3. PURPOSES OF THE ASSOCIATION

- 3.1. The purposes of The Association shall be:
  - i. To promote and increase public awareness of the sport of pétanque in Scotland.
  - ii. To provide instruction in the sport of pétanque.
  - iii. To adopt and encourage adherence to The Official Rules of the Sport of Pétanque among its members.
  - iv. To be inclusive and encourage participation in the sport of pétanque at all levels.
  - v. To ensure all members are able to enjoy the sport of pétanque in a safe environment.
  - vi. To hold national pétanque championships.
  - vii. To participate in international pétanque competitions and championships where appropriate as representatives of the nation of Scotland.
  - viii. To assist with the organisation, coordination and control among members of the activities arising out of the foregoing objectives.
- 3.2. The purposes of The Association shall be carried into effect by a National Executive Committee and except as aforementioned all powers, rights and duties vested in or imposed upon The Association or performed by The National Executive Committee.

- 3.3. The National Executive Committee shall produce, publish and enforce a policy for safeguarding children and vulnerable persons, a policy for equality and diversity and any other policy, rule or bye-law that shall be required to meet the aforementioned purposes.

## 4. MEMBERSHIP

- 4.1. Before midnight on 1 April 2019, the members of The Association shall be those who are fully paid up individual or Life members of the Association or members of an affiliated club which has paid a per capita affiliation. These members shall have the same constitutional rights as Full Members until midnight on 1 April 2019.
- 4.2. With effect from midnight on 1 April 2019 the members of The Association shall be:
- i. Full Members
  - ii. Affiliate Members
- 4.3. A Full Member shall:
- i. Be an Individual who has paid a Full Membership fee to The Association or who has been awarded Life Membership by The Association.
  - ii. Be eligible to hold an International Petanque Licence issued by The Association.
  - iii. Be entitled to two votes at General Meetings of The Association, subject to being at least 16 years of age.
- 4.4. An Affiliate Member shall:
- i. Be a member of a club that is affiliated to The Association and that is not a Full Member.
  - ii. Be entitled to one vote at General Meetings of The Association, subject to being at least 16 years of age.
  - iii. Not be eligible to hold the position of Office Bearer or Ordinary Committee Member of the National Executive Committee.
- 4.5. The term of membership shall be one calendar year, from 1 April to 31 March in the following year.
- 4.6. Membership of The Association shall not be denied to any person on the grounds of personal or social circumstances, including but not limited to age, gender, identity, religion, ethnicity, sexual orientation or physical ability.
- 4.7. The National Executive Committee reserves the right to refuse an application for membership.

## 5. CLUB AFFILIATION

- 5.1. A club may be affiliated to The Association where it has satisfied the conditions as laid down by the National Executive Committee.
- 5.2. To be affiliated to The Association a club shall pay an annual affiliation fee to The Association when required to do so.
- 5.3. The National Executive Committee reserves the right to refuse an application for affiliation from a club.

## 6. THE OFFICE BEARERS OF THE ASSOCIATION

- 6.1. The Officer Bearers of The Association shall be Full Members and at least 16 years of age.
- 6.2. The Office Bearers shall be:
  - i. President
  - ii. Vice President
  - iii. Secretary
  - iv. Treasurer
  - v. Development Officer
  - vi. Publicity Officer
- 6.3. Appointment of the President, Secretary and Development Officer shall be by election at an Annual General Meeting of The Association which is held in an even numbered year and the term of office shall be two years.
- 6.4. Appointment of the Vice President, Treasurer and Publicity Officer shall be by election at an Annual General Meeting of The Association which is held in an odd numbered year and the term of office shall be two years, except in the case of the Annual General Meeting on 28 October 2018 where they shall also be appointed by election.
- 6.5. There shall be no limit to the number of terms for which an individual can hold any office.
- 6.6. An individual may hold more than one office concurrently if authorised to do so at an Annual General Meeting.
- 6.7. All Office Bearers shall remain in office until the earlier of:
  - i. An Annual General Meeting held in an even numbered year in respect of the President, Secretary and Development Officer.
  - ii. An Annual General Meeting held in an odd numbered year in respect of the Vice President, Treasurer and Publicity Officer.

- iii. The Office Bearer resigns.
  - iv. The Office Bearer ceases to be a Full Member of The Association.
- 6.8. In the absence of a declaration that they do not intend to continue beyond the term of their appointment in their respective positions, and subject to being eligible, the existing Office Bearers shall automatically be nominated to serve another term in their current position at the relevant Annual General Meeting.
- 6.9. Should the office of President become vacant the Vice President shall assume the duties of the President and the National Executive Committee shall appoint a replacement Vice President at its discretion. The Acting President shall continue to serve until the next Annual General Meeting when a President must be elected by the members. This Annual General Meeting can be in an odd or even year.
- 6.10. Should an Annual General Meeting fail to appoint any Office Bearer or should any office become vacant that is not the President, the National Executive Committee shall have the power to appoint any Full Member to fill the vacancy at its absolute discretion.

## 7. DUTIES OF THE OFFICE BEARERS

### 7.1. The President shall:

- i. Chair all meetings of the National Executive Committee and all General Meetings of the Association.
- ii. Represent and act on behalf of The Association in international meetings and congresses where practical to do so.
- iii. Be a counter signatory for all financial transactions carried out by The Association.
- iv. Be responsible for and oversee the activities of the National Executive Committee.

### 7.2. The Vice President shall:

- i. Assume the duties of President if the President is absent.

### 7.3. The Treasurer shall:

- i. Maintain the financial records of The Association.
- ii. Be responsible for the collection and deposit of fees.
- iii. Be responsible for the settlement of all accounts and expenses.
- iv. Be a signatory for all financial transactions carried out by The Association.
- v. Arrange or cause to arrange appropriate liability insurance for The Association's activities.

7.4. The Secretary shall:

- i. Prepare and keep or cause to be prepared and kept all minutes and records of The Association except for the financial records.
- ii. Give notice of all meetings of the National Executive Committee and General Meetings of The Association and shall be responsible for all arrangements thereof.
- iii. Maintain the Register of Affiliated Clubs and the Register of Full Members.
- iv. Communicate with members and affiliated clubs as necessary.

7.5. The Development Officer shall:

- i. Oversee and be responsible for instruction in the sport of petanque among members of The Association.
- ii. Oversee and be responsible for the provision of training of coaches and umpires.
- iii. Maintain the Register of Coaches and the Register of Umpires.

7.6. The Publicity Officer shall:

- i. Be responsible for the promotion of The Association and its activities to members and the wider public by any appropriate means.

## 8. THE NATIONAL EXECUTIVE COMMITTEE

8.1. The members of the National Executive Committee shall be the Office Bearers of The Association plus up to 2 Ordinary Committee Members, such that the total number of members of the National Executive Committee shall be a minimum of 5 individuals and a maximum of 8.

8.2. To ensure there shall be an appropriate balance within the National Executive Committee:

- i. No more than 2 individual members of the National Executive Committee shall be members of the same Affiliated Club at any time.
- ii. Each member of the National Executive Committee shall reside at a separate address.
- iii. No member of the National Executive Committee shall be related to another member.

8.3. Ordinary Committee Members of the National Executive Committee shall be Full Members and at least 16 years of age.

- 8.4. Ordinary Committee Members of the National Executive Committee shall be appointed at each Annual General Meeting of The Association.
- 8.5. Ordinary Committee Members shall be responsible for any matter that the National Executive Committee may decide.
- 8.6. Ordinary Committee Members of the National Executive Committee shall remain as such until the earlier of:
  - i. The next Annual General Meeting.
  - ii. They resign.
  - iii. They cease to be a Full Member of The Association.
- 8.7. In the absence of a declaration that they do not intend to continue beyond the term of their appointment in their respective positions, and subject to being eligible, the existing Ordinary Committee Members shall automatically be nominated to serve another term in their current position at the Annual General Meeting.
- 8.8. Should any Ordinary Committee Member position become vacant between Annual General Meetings or if fewer than 2 Ordinary Committee Members are elected at an Annual General Meeting, the National Executive Committee may appoint any eligible Full Member to the vacant positions at its absolute discretion.

## 9. NON-EXECUTIVE POSITIONS, COMMISSIONS, VOLUNTEERS & SUB-COMMITTEES

- 9.1. The National Executive Committee shall appoint a National Coach who shall chair a Coaches Commission. The Coaches Commission shall consult with the Development Officer regarding player and coach training and development. There is no requirement for the National Coach to be a member of The Association, however they must hold an International Petanque Licence.
- 9.2. The National Executive Committee shall appoint a National Umpire who shall chair an Umpires Commission. The Umpires Commission shall consult with the National Executive Committee concerning the Official Rules of the Sport of Pétanque and with the Development Officer regarding umpire training and development. The National Umpire shall be a Full Member of The Association and must hold a current SPA Umpire qualification and an International Pétanque Licence.
- 9.3. The National Executive Committee shall appoint a Safeguarding Coordinator, who shall be responsible for ensuring The Association meets its obligations regarding the protection of children and vulnerable adults.
- 9.4. The National Executive Committee may appoint individual volunteers to fulfil various roles as they see fit. Volunteers may be co-opted by the National Executive Committee at its discretion.
- 9.5. The National Executive Committee may appoint sub-committees to deal with matters as they see fit. The sub-committees may consist of members of the National Executive Committee or outside assistance may be co-opted by the National Executive

Committee at its discretion. The remit of any sub-committee shall be determined by the National Executive Committee.

- 9.6. The National Coach, National Umpire, Commissions, Safeguarding Coordinator, Volunteers or any sub-committee shall have no executive powers, nor shall they have any authority for expenditure unless expressly delegated from the National Executive Committee.
- 9.7. The National Coach, National Umpire, Commissions, Safeguarding Coordinator, Volunteers or any sub-committee shall report to the National Executive Committee on their activities when requested to do so. In the case of a Commission or sub-committee these reports shall reflect the unanimous or majority view of its members. However, any member of any Commission or sub-committee can if they desire also give a minority or individual report if their views differ from the main Commission or sub-committee report. All reports and actions shall be subject to approval or acceptance by the National Executive Committee.

## 10. FINANCIAL

- 10.1. The financial year of The Association shall be from 1 October to 30 September.
- 10.2. The funds of The Association shall be administered by the National Executive Committee. The National Executive Committee may for the purposes of The Association and subject to such conditions as they see fit acquire property of any description and accept gifts of any property or money.
- 10.3. The funds of The Association shall be deposited within accounts as the National Executive Committee shall decide in the name of the Scottish Pétanque Association. All payment transactions from these accounts must be authorised by a minimum of two Office Bearers of The Association. The Treasurer and President must be signatories on any bank or building society account. The National Executive Committee may appoint other Office Bearers to be signatories where it is deemed to be prudent to do so.
- 10.4. The accounts of The Association shall be examined annually by a suitably qualified person who shall report thereon in writing. The examiner shall be appointed at each Annual General Meeting of The Association.
- 10.5. The annual accounts and the Treasurer's report shall be presented to the National Executive Committee prior to each Annual General Meeting.
- 10.6. Annual accounts as adopted by the National Executive Committee together with the examiner's report thereon and the Treasurer's report shall be presented to each Annual General Meeting.

## 11. FEES

- 11.1. Club affiliation fees will be due by 1 July of the year in question.
- 11.2. Full Membership fees will be due by 1 April of the year in question.



- 11.3. Affiliation and membership fees shall be set by the National Executive Committee from time to time. The National Executive Committee shall have the authority to create sub-categories of membership types at its discretion for the purpose of setting fees.
- 11.4. Failure to pay fees may result in suspension or refusal of affiliation or membership until such time as the outstanding fee has been fully settled at the discretion of the National Executive Committee.

## 12. FUND RAISING

- 12.1. The National Executive Committee, affiliated clubs, members and any other person may raise monies for the purposes of The Association, the holding of championships, matches, expenses, equipment and the like so long as the methods of such fundraising be legal and in good taste.

## 13. EXPENSES

- 13.1. All Office Bearers and members of the National Executive Committee shall serve without remuneration whatsoever save for such allowance or honoraria as shall be approved by The Association in a General Meeting or reimbursement of expenses properly incurred in Association business as may be approved by the National Executive Committee.

## 14. MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE

- 14.1. The National Executive Committee shall meet from time to time as necessary.
- 14.2. At each meeting each member of the National Executive Committee shall have one vote.
- 14.3. Decisions shall be reached by a simple majority and the Chairperson shall have a casting vote if necessary.
- 14.4. A quorum of a meeting of the National Executive Committee shall be 50% of those entitled to attend. If at any time during the transaction of the business there is not a quorum present the Chairperson shall declare the meeting adjourned. If within the next 30 minutes a quorum is still not present the Chairperson shall declare the meeting at an end.

## 15. ANNUAL GENERAL MEETING

- 15.1. The next Annual General Meeting of The Association shall be held in March 2020. Subsequent Annual General Meetings shall be held no later than 13 calendar months after the previous Annual General Meeting.
- 15.2. Notice of the Annual General Meeting shall be given to all Affiliated Club secretaries and all Full Members at least 4 weeks in advance.

- 15.3. Nominations for Office Bearers and Ordinary Committee Members must be received by the Secretary in writing at least one week prior to an Annual General Meeting and must have both a proposer and a seconder who must both be a member of The Association. This requirement is waived for the Office Bearers and Ordinary Committee Members to be first elected under the auspices of this Constitution, where members may nominate and second a nomination at the Annual General Meeting when this Constitution comes into force.
- 15.4. If there is more than one nominee for any available Office Bearer position, or where there are more nominees than positions available in the case of Ordinary Committee Members, elections will be held.
- 15.5. All members of The Association may attend an Annual General Meeting.
- 15.6. No expenses shall be payable to any member attending an Annual General Meeting.
- 15.7. A quorum of an Annual General Meeting of The Association shall be 17 members present who are entitled to attend. If at any time during the transaction of the business there is not a quorum present the Chairperson shall declare the meeting adjourned. If within the next 30 minutes a quorum is still not present the Chairperson shall declare the meeting at an end.
- 15.8. The Chairperson of each Annual General Meeting shall have a casting vote and decisions shall be made by a majority of votes cast.
- 15.9. The business to be transacted at an Annual General Meeting shall be as follows:
  - i. Registration of attendees.
  - ii. Adoption of the minutes of the previous Annual General Meeting and subsequent Extraordinary General Meetings.
  - iii. Report of the National Executive Committee presented by the President.
  - iv. Presentation and adoption of the accounts of The Association, the examiner's report and the Treasurer's report.
  - v. Appointment of the accounts examiner.
  - vi. Motions submitted by members or clubs.
  - vii. Motions submitted by the National Executive Committee.
  - viii. Appointment of Office Bearers and Ordinary Members of the National Executive Committee.
  - ix. At the discretion of the Chairperson, unless overruled by a two thirds majority of votes cast, items may be included or excluded as 'any other competent business'.

## 16. MOTIONS

- 16.1. Motions may be proposed by the National Executive Committee for consideration at an Annual General Meeting.
- 16.2. Motions may be proposed by any member and must be seconded by another member for consideration at an Annual General Meeting. This must take the form of a request to the National Executive Committee to include the motion on the Agenda at the Annual General Meeting and must be submitted in writing to the Secretary not less than 14 days before the date fixed for the Annual General Meeting.
- 16.3. Motions may be proposed by any affiliated club and must be countersigned by two officers of the club in question for consideration at an Annual General Meeting. This must take the form of a request to the National Executive Committee to include the motion on the Agenda at the Annual General Meeting and must be submitted in writing to the Secretary not less than 14 days before the date fixed for the Annual General Meeting.
- 16.4. Any motion presented for inclusion at an Annual General Meeting must state the names of the proposer and seconder, or club and countersigning officers, and must detail the reasons for the motion.
- 16.5. Motions received from members or clubs may be approved by the National Executive Committee on the condition that they comply with the Constitution and Rules of The Association then in force.
- 16.6. The National Executive Committee may propose amendments to any motion.
- 16.7. The Chairperson may invite members to speak for and against any motion at the Annual General Meeting.
- 16.8. A motion that does not require a change to the Constitution and Rules of The Association shall be carried if a majority of votes cast in favour at an Annual General Meeting is achieved.
- 16.9. Any motion that is rejected at an Annual General Meeting shall not be presented for reconsideration prior to the second Annual General Meeting following that at which the motion was moved unless otherwise directed by the National Executive Committee.

## 17. EXTRAORDINARY GENERAL MEETINGS

- 17.1. An Extraordinary General Meeting may be called by the National Executive Committee at any time, subject to a majority vote in favour at a meeting of the National Executive Committee.
- 17.2. An Extraordinary General Meeting must be called if it has the support of 60 members of The Association by petition.

- 17.3. An Extraordinary General Meeting must be held within 6 weeks of receipt by the Secretary of a vote from the National Executive Committee or a successful petition.
- 17.4. Any instruction or demand to hold an Extraordinary General Meeting must state the business to be transacted at the meeting. No other business may be transacted.
- 17.5. Notice of the Extraordinary General Meeting and the business to be transacted at the Extraordinary General Meeting shall be given to all affiliated club secretaries and all Full Members at least 4 weeks in advance.
- 17.6. A quorum of an Extraordinary General Meeting of The Association shall be 17 members present who are entitled to attend. If at any time during the transaction of the business there is not a quorum present the Chairperson shall declare the meeting adjourned. If within the next 30 minutes a quorum is still not present the Chairperson shall declare the meeting at an end.

## 18. ALTERATION TO THE CONSTITUTION AND RULES OF THE ASSOCIATION

- 18.1. The Constitution and Rules of The Association may be changed only at an Annual General Meeting or Extraordinary General Meeting upon gaining a two-thirds majority of votes cast.
- 18.2. Any motion to change the Constitution and Rules of The Association shall be subject to all of the conditions detailed in section 16, with the exception of clause 16.8.

## 19. LIFE MEMBERSHIP

- 19.1. An Annual General Meeting of The Association shall have the power to confer Life Membership on any member who it considers to have given outstanding service to The Association. Life members shall be exempt from any membership fees payable to The Association.

## 20. HONORARY PRESIDENT

- 20.1. An Annual General Meeting of The Association may elect an Honorary President. The Honorary President shall be entitled to attend meetings of the National Executive Committee in an ex-officio capacity but shall have no vote.

## 21. RULES OF PLAY

- 21.1. The National Executive Committee shall create and publish rules of play that shall be enforced for national competitions and qualifiers.
- 21.2. Affiliated clubs shall have the power to make their own standing orders and rules so long as they do not contravene the Constitution and Rules of The Association. Without prejudice to the foregoing generality, affiliated clubs shall be entitled to implement local playing rules for competitions open or otherwise that they may organise.

## 22. WINDING UP OF THE ASSOCIATION

- 22.1. The Association may only be wound up with the approval of no less than two-thirds of all Full Members and two-thirds of all Affiliate Members.
- 22.2. In the event of the members agreeing to wind up The Association, after any liabilities have been settled, the remaining funds and property of The Association shall be donated to an organisation or organisations with similar objectives to those of The Association at the discretion of the outgoing National Executive Committee, subject to clause 22.3. If an appropriate organisation does not exist, the funds and property may be donated to a charity of the outgoing National Executive Committee's choice.
- 22.3. No member or affiliated club of The Association shall be eligible to receive funds or property of The Association if it is wound up.