



# Thirsk and Sowerby Harriers Constitution and Rules

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## **1 Interpretation**

1.1 Unless the context requires otherwise, the following terms in these Rules shall have the following meaning respectively:

<b>AGM</b>	has the meaning given in rule 9.1
<b>Committee</b>	means the management committee of the Club
<b>Chair</b>	means the person appointed as chair of the Club in accordance with these Rules
<b>Club</b>	means the club intended to be regulated by these Rules
<b>EGM</b>	has the meaning given in rule 9.2
<b>England Athletics</b>	means England Athletics Limited (company number: 05583713) (or its successor body)
<b>General Meeting</b>	means a general meeting of the Members (being either an AGM or an EGM)
<b>Member</b>	means a member of the Club (a member shall be legally bound by these Rules in accordance with rule 8)
<b>Objects</b>	has the meaning given in rule 3
<b>Officers</b>	means the members of the Committee
<b>Secretary</b>	means the person appointed as secretary of the Club in accordance with these Rules
<b>Treasurer</b>	means the person appointed as treasurer of the Club in accordance with these Rules
<b>Writing and written</b>	includes email.

## **2 Name and Office**

2.1 The Club shall be called Thirsk and Sowerby Harriers hereafter referred to as 'The Club'.

The Club registered address is Sowerby Sports Village, Inspiration Way, Sowerby, Thirsk, YO7 1GU.

### **3 Objects**

- 3.1 The objects of the Club (Objects) are for the public benefit, particularly the inhabitants of Thirsk, Sowerby and the surrounding areas, to promote community participation in healthy recreation by providing facilities for running and other related sports capable of improving fitness and health and coaching, competition and other services to support these activities.
- 3.2 In order to meet these Objects the Club will encourage all Members to:
- 3.2.1 participate in training sessions and social events.
  - 3.2.2 take part in competitive events, eg road, fell, trail and cross country.
  - 3.2.3 take due regard of the differing levels of ability in the Club.

### **4 Ethos**

- 4.1 The Club is committed to ensuring that equity is incorporated across all aspects of its operations, activities and development. In doing so, the Club acknowledges and adopts the following Sport England definition of sports equity:

*‘Sports equity is about fairness in sport, equality of access, recognising inequalities and taking steps to address them. It is about changing the culture and structure of sport to ensure it becomes equally accessible to everyone in society.’*

- 4.2 The Club respects the rights, dignity and worth of every person and shall treat everyone equally, regardless of age (minimum age limit is 12, see 8.4.3), sex, disability, gender reassignment, race, religion, sexual orientation, pregnancy/maternity, civil partnership/marriage and wider characteristics (eg socio economic status). For more information see the Club’s Inclusion Policy.
- 4.3 The Club is committed to everyone having the right to enjoy their sport in an environment free from threat of intimidation, harassment and abuse.
- 4.4 All Members have a responsibility to oppose discriminatory behaviour and promote equality of opportunity.
- 4.5 The Club will deal with any incidence of discriminatory behaviour seriously according to the Club's disciplinary procedures.

## **5 Exercise of Powers**

In furtherance of the Objects but not otherwise the Club may exercise the following powers:

- 5.1 to carry on a sports club.
- 5.2 to provide sports coaching, training and equipment.
- 5.3 to participate in and organise leagues, competitions, tournaments and matches and related activities.
- 5.4 to provide information, advice and guidance in running and/or athletics, competitions, coach development and other related activities.
- 5.5 to publish or distribute information including by means of reports, books, leaflets, films, videos, websites and any other media.
- 5.6 to draw, make, accept, endorse, discount, execute and issue promissory notes, bills, cheques and other instruments and to open and operate bank accounts in the name of the Club.
- 5.7 to accept or disclaim gifts of money or any other property.
- 5.8 to raise funds and to invite and receive contributions.
- 5.9 to set aside income for special purposes or as a reserve against future expenditure as determined by the Committee.
- 5.10 to do all such other lawful things as may further or are conducive to the Objects or any of them.

## **6 Club Finances**

- 6.1 A bank account shall be opened and maintained in the name of the Club (Thirsk & Sowerby Harriers). Designated account signatories shall be three of the following four Officers: Chair, Vice Chair, Secretary and Treasurer. No sum shall be expended from the Club Account except by cheque signed by two of the designated signatories or by electronic transfer approved by at least one of the designated signatories subject to a maximum amount fixed by the Committee. All monies payable to the Club must be passed to the Treasurer and deposited in the Club Account as soon as is reasonably practicable.
- 6.2 Banking arrangements can only be changed by agreement of the Committee.
- 6.3 The Treasurer will have the responsibility for controlling the income and expenditure and future budgeting of the Club. At each Committee Meeting the Treasurer shall

advise the meeting of the current financial situation. If the Treasurer is unable to be present, then a written report should be made available.

- 6.4 The Club's financial year shall end on 30<sup>th</sup> September each year or such other date as the Committee may determine provided that no financial year shall be shortened to less than nine months or extended to more than fifteen months.
- 6.5 The Treasurer shall organise a stock taking exercise of all the Club's assets to be undertaken on or as near as possible to 30<sup>th</sup> September each year.
- 6.6 As soon as possible after the end of the financial year, and before 31<sup>st</sup> December, the Treasurer should circulate to the Committee the un-audited accounts for the previous financial year together with a budgetary estimate of expenditure for the coming year.
- 6.7 An audited set of accounts must be prepared by the Treasurer and presented at the time of the AGM. These accounts should be audited by competent person/s independent from the Club. These arrangements shall be determined by the Treasurer and approved by the Committee or if necessary, auditors for the ensuing year can be elected at the AGM.
- 6.8 Expenditure on behalf of the Club for items less than £250 can be approved by two of the following four people: Treasurer, Chair, Vice Chair, Secretary or agreed at a Committee Meeting.
- 6.9 Exceptional expenditure in excess of £250 outside of agreed budgets must be authorised by at least three of the Principal Officers of the Committee and the Committee to be advised of the same at the next meeting.
- 6.10 Members shall be indemnified out of Club assets only for liabilities properly incurred on behalf of the Club.
- 6.11 All surplus income or profits are to be reinvested in the Club. No surpluses or assets will be distributed to Members or third parties.

## **7 Affiliation**

Subject to these Rules and the general law, the Club shall become a member of or affiliate to England Athletics and any constituent body designated to it by England Athletics and the Club shall comply with and uphold the rules and regulations of England Athletics and of any such constituent body for the time being in force.

## **8 Club Membership**

- 8.1 Any person who is 12 years or over, who are deemed amateurs as defined by UK Athletics may be a Club Member.
- 8.2 The Members shall be those persons listed in the Club's register of Members which shall be maintained by the Membership Secretary. The distribution of this list must be approved by the Committee. The Membership List is covered by the Data Protection Act (2018).
- 8.3 Potential new Members are invited to attend a maximum of two training sessions before completing the Membership application process.
- 8.4 Categories of Membership

### 8.4.1 Life Members

This is an honour awarded by the Club for meritorious service to the Club. Life Membership is at the General Committee's discretion. The confirmation of this award will be at an AGM. There will be no formal obligation for Life Members to pay annual subscriptions.

### 8.4.2 First Claim Active Membership

This is the main category of Membership for those wishing to belong to the Club. It is the only category for any athlete wishing to compete for the Club under the UKA First Claim Rule.

Thirsk and Sowerby Harriers will be known as the 'First Claim Club' to those Members joining the Club as their first Club.

### 8.4.3 Junior Membership

Junior Membership is open to persons aged between 12 and 17.

Junior Members must be accompanied at all Club activities by a parent, or an adult Club Member to whom the parent has given written authority.

### 8.4.4 Second Claim Active Membership

Athletes may become Second Claim Members, with the following conditions:

- 8.4.4.1 Second Claim Members may join the Club for social, training, or other reasons.
- 8.4.4.2 Second Claim Members can only represent the Club in competitions that specifically state that the competition is open to Second Claim Members according to current UK Athletics Rules.

- 8.4.4.3 Second Claim Members are not eligible to apply for a Club place through the London Marathon ballot.
- 8.4.4.4 Second Claim Members may not vote at any Annual General Meeting or Extraordinary General meeting. They may however attend.
- 8.4.4.5 Second claim Members may not sit on the Committee.
- 8.4.4.6 Second Claim Members are not eligible to receive Member of the Month, Endeavour or Runner's Runner awards.
- 8.4.4.7 Second Claim Membership fees are reduced by the England Athletics registration cost where the First Claim Club has already paid the EA fee.

#### 8.4.5 Associate Membership

Non competing Members who wish to have an involvement in Club affairs. Such Members will be entitled to vote at an AGM/EGM, and may sit on the Committee.

### 8.5 Admission to Membership

- 8.5.1 Any person who wishes to be a Member must apply via the application form on the Club website (this is then processed by the Membership Secretary).
- 8.5.2 Membership of the Club is open to all without discrimination and may only be refused where admission to membership would be contrary to the best interests of sport or the good conduct and interests of the Club. No person shall be denied membership of the Club on the grounds of age, sex, disability, gender reassignment, race, religion, sexual orientation, pregnancy/maternity, civil partnership/marriage and wider characteristics (e.g. socio economic status). A person may appeal against any denial of Membership.
- 8.5.3 The Committee set the levels of annual subscriptions to be paid by different categories of Members. The Committee will use its best endeavours to ensure that any such fees or subscriptions do not preclude open Membership of the Club.
- 8.5.4 In cases of financial hardship, a person may apply to the Membership Secretary, who will liaise with the Chair and Treasurer and fees for that Membership year may be reduced or waived at their discretion.
- 8.5.5 Membership is not transferable to anyone else.

### 8.6 Conditions of Membership

- 8.6.1 These Rules shall form a binding agreement between each Member and Members shall comply with them.
- 8.6.2 The Members shall pay annual subscriptions set by the Committee under rule 8.5.3 above.
- 8.6.3 Subject to these Rules and the general law, the Members shall so exercise their rights, powers and duties and shall where appropriate use their best endeavours to ensure that others conduct themselves so that the business and affairs of the Club are carried out in furtherance of the Objects and in accordance with the rules and regulations of England Athletics for the time being in force.

## 8.7 Cessation of Membership

Membership of the Club shall terminate if:

- 8.7.1 the Member dies.
- 8.7.2 the Member brings the sport and/or Club into disrepute or is convicted of a criminal offence which involves dishonesty or any other offence, relating to safeguarding, drugs and any crime involving violence (including any convictions relating to children) at the Committee's discretion.
- 8.7.3 the Member resigns by notice in writing to the Club by giving at least seven days' notice in writing to the Club.
- 8.7.4 the Member is in arrears to the Club and his or her subscriptions or any other payments are at least three months overdue.
- 8.7.5 the Member is removed from Membership by a resolution of the Committee as a result of application of the Club's (or England Athletics) disciplinary policy. The Committee may exclude the Member from the Club's activities until the meeting has considered this matter. They will be entitled to attend the meeting in question for the purpose of making representations to the meeting. A person may appeal against a decision to remove them from Membership in accordance with rule 23 below.
- 8.7.6 Any person ceasing to be a Member forfeits all rights in relation to and claims upon the Club, and has no right to the return of any part of his subscription fee. Without prejudice to the foregoing, the Committee may refund an appropriate part of a resigning Member's subscription fee if it considers it appropriate in the circumstances.
- 8.7.7 In the event of a Member's resignation or expulsion, their name shall be removed from the Club's register of Members.



## **9 General Meetings**

- 9.1 The Committee shall call an Annual General Meeting (AGM) each year (usually November) and no more than fifteen months shall pass between one AGM and the next following one. The business of an AGM shall include:
- 9.1.1 the receipt of a report of the activities of the Club over the previous year
  - 9.1.2 the receipt of a report of the Club's finances over the previous year
  - 9.1.3 the election and retirement of Officers
  - 9.1.4 any other business.
- 9.2 All General Meetings other than the AGM shall be called Extraordinary General Meetings (EGMs).
- 9.3 An EGM may be called at any time. It will be called within fourteen days of a Committee decision or receipt by the Secretary of a requisition in writing, signed by not less than 10 members entitled to vote, stating the purposes for which the EGM is required and the resolutions proposed. Business at an EGM may be any business that may be transacted at an AGM.

## **10 Notice of General Meetings**

- 10.1 An AGM or EGM shall be called at least twenty one days before the meeting.
- 10.2 The notice shall specify the date, time and place of the meeting and the general nature of the business to be transacted and, in the case of an AGM, shall specify the meeting as such.
- 10.2.1 The draft agenda, notice of Committee vacancies, invitation for nominations and invitation for questions will be sent with the notice of AGM.
  - 10.2.2 audited accounts will be sent before the AGM if available.
- 10.3 Notice of the date of a General Meeting (whether an AGM or an EGM) together with the resolutions to be proposed will be distributed to all Members and posted in the password protected Members' area of the TaSH website.
- 10.4 The invitation to Members to submit any additional nominations for Committee posts will state the conditions for nomination as set out in rule 8. The date for the return of nominations will be stated within the notice.
- 10.5 In the event that there is more than one nomination for an elected post on the Committee and/or an additional question to be placed on the Agenda for the AGM, which has been duly received in writing by the Secretary, the Secretary will ensure

that the additions to the previously published Agenda will be displayed on the Club website. An amended Agenda will not be sent to Members.

- 10.6 The Notice of the AGM will indicate that if additional nominations or questions are received, they will be displayed on the Club's website.
- 10.7 The accidental omission to give notice of a General Meeting to or the non-receipt of notice of a General Meeting by any person entitled to receive notice shall not invalidate the proceedings at that meeting.

## **11 Proceedings at General Meetings**

- 11.1 No business shall be transacted at any General Meeting unless a quorum is present. The quorum for an AGM or EGM shall be 25 Members or 20% of the total number of Members.
- 11.2 If a quorum is not present within half an hour from the time appointed for the meeting or if during a meeting a quorum ceases to be present, the meeting shall be adjourned to another day and time as soon as is practicable, to be determined by the Committee.
- 11.3 If the number of Members present at the adjourned meeting is insufficient to constitute a quorum in accordance with rule 11.1 above, the Members present shall constitute a quorum.
- 11.4 The Chair, or in his or her absence any other Officer, shall preside as the chair of the meeting. Each First claim Member over the age of 18 present shall have one vote but in the event of an equality of votes the chair of the meeting shall have a casting vote.
- 11.5 The Secretary, or in his or her absence any other Officer, will take minutes.

## **12 The Committee**

- 12.1 The Committee shall consist of at least 12 members, to include the following:
  - Chair
  - Vice chair
  - Treasurer
  - Secretary
  - Membership secretary
  - Head Coach

- Captain(s)
  - Officers responsible for eg Welfare, website, social media, e-commerce administrator, DBS verification, Thirsk 10 Race Director or as required
  - General Committee members
- 12.2 Officers shall be elected by the Members at an AGM. Nominations for election of Members as Officers shall be made:
- 12.2.1 by the Committee; or
- 12.2.2 in writing by the proposer and seconder, both of whom must be eligible Members, to the Secretary not less than 2 days before the meeting.
- 12.3 If there is more than one nomination for a position, a paper ballot will be held, the voting papers will be issued when the Member signs into the meeting.
- 12.4 Each Officer shall hold office from the date of election until the conclusion of a three year term, unless they resign earlier. The head coach is exempt from this clause.
- 12.5 A retiring Officer may be re-elected at the AGM but ideally only hold office for a maximum of 2 terms.
- 12.6 After stepping down there should be a gap of at least one year before an Officer serves again.
- 12.7 Any vacancy on the Committee which arises between one AGM and the next may be filled by a Member proposed by one Officer, seconded by another Officer and approved by the Committee.
- 12.8 An Officer may not appoint an alternate or substitute to act on their behalf at any Committee meeting.

### **13 Powers of the Committee**

- 13.1 The Committee shall be responsible for the management of all the affairs of the Club and may exercise all the powers of the Club, including any matters not covered by the Constitution or other policies.
- 13.2 Agree annual subscription charges for all Members.
- 13.3 No alteration of these Rules and no such direction by the Members shall invalidate any prior act of the Committee which would have been valid if that alteration had not been made or that direction had not been given.
- 13.4 Co-opt other Club Members or third parties where their special knowledge or participation on a particular Club activity makes this necessary at the specific

meeting concerned. The co-opted members are not required at all future meetings. The co-opted members do not have a vote.

13.5 Appoint sub committees to deal separately with specific matters requiring detailed attention. It is the duty of the sub committees to report back to the Committee. Sub committees can make suggestions and proposals but cannot make binding decisions until agreed by the Committee at the Committee meeting.

13.6 The four Principal Officers of the Club – Chair, Vice Chair, Secretary and Treasurer may make a decision on any matter they consider needs immediate attention, prior to the next Committee meeting, to ensure the continued running of the Club, with three out of the four Officers agreeing such action. The Committee will be advised of any such matters via email as soon as practically possible, and it will be included in the agenda for the next Committee meeting.

13.6.1 Committee decisions requiring a vote will not be made via any social media group (eg Facebook, WhatsApp).

13.7 The Committee shall have the power to decide all questions and disputes arising in respect of any issue concerning the Rules.

13.8 The Committee may, while retaining responsibility pursuant to rule 13.1, delegate to any person, company or sub-committee any of its powers or functions, the implementation of any of its decisions or the day-to-day management of the affairs of the Club by such means, to such an extent, in relation to such matters or areas and on such terms as they may determine in accordance with these Rules.

13.9 Subject to these Rules and the general law, the Committee shall so exercise its rights, powers and duties and shall where appropriate use its best endeavours to ensure that others conduct themselves so that the business and affairs of the Club are carried out in furtherance of the Objects and in accordance with the rules and regulations of England Athletics for the time being in force.

## **14 Calling a Committee Meeting**

14.1 The Committee will meet, if possible, once a month or according to the needs of the Club.

A meeting of the Committee shall be called on not less than seven days notice to all Officers unless the Chair determines that urgent circumstances necessitate shorter notice.

## **15 Proceedings of a Committee Meeting**

- 15.1 Meetings of the Committee will be chaired by the Chair or in their absence the Vice Chair. In the absence of both the Chair and Vice Chair, the Committee will nominate a person to chair the meeting. The chair of the meeting shall (subject to rule 16 below) have a casting vote in the event of a tie.
- 15.2 The quorum for the transaction of business of the Committee shall be seven Officers or two-thirds of all of the Officers (rounded up).
- 15.3 Decisions of the Committee shall be made by a simple majority of those Officers attending the Committee meeting.
- 15.4 It is the responsibility of the Secretary to ensure that minutes of any Committee meeting are distributed to all members of the Committee and other co-opted members attending a specific meeting, ideally within seven days of the meeting.

## **16 Conflicts of Interest**

Each Officer shall declare the nature and extent of any direct or indirect interest in a transaction or arrangement with the Club or a third party which conflicts or may possibly conflict with his or her duties to the Club. The conflicted Officer should withdraw from that part of the meeting and shall not vote.

## **17 Minutes**

- 17.1 The Secretary (or nominated Committee member in their absence) will create minutes of all meetings held. These minutes will include:
  - 17.1.1 appointments of Officers made by the Members or the Committee.
  - 17.1.2 resolutions of the Members and of the Committee (including decisions of the Committee made outside a meeting).
  - 17.1.3 proceedings and reports of meetings of the Club and of the Committee, and of sub-committees.
- 17.2 Minutes of the Committee meetings (confidential items redacted if required) will be published to the Members via the Members' area of the website after they have been agreed by the Committee.

17.3 Minutes of all meetings will be stored securely for a period of 10 years.

## **18 Disqualification from Office**

18.1 A person shall cease to hold office as an Officer if:

18.1.1 they are subject to a decision of England Athletics that such person be suspended or disqualified from holding office or from taking part in any activity relating to the administration or management of a club.

18.1.2 the Committee reasonably believes that they have become incapable by reason of illness or injury of managing and administering their duties on the Committee.

18.1.3 they are absent without notification to the Committee for more than 50% of meetings in a 12 month period.

18.1.4 he or she ceases to be a Member for any reason whatsoever.

18.2 The provisions of rule 18.1 above shall also apply to sub-committees and any member of a sub-committee who is not an Officer.

## **19 Communications by the Club**

Subject to these Rules, any document or information (including any notice, report or accounts) sent or supplied by the Club under these Rules may be sent or supplied:

19.1 in hard copy form;

19.2 in electronic form; or

19.3 by making it available on a website or internet forum.

## **20 Guests**

20.1 Members shall be entitled to bring one or more guests to any activity of the Club.

20.2 The Member in question shall be responsible for the acts and omissions of his or her guests and shall be liable to the Club for any loss or damage of any kind whatsoever suffered or incurred by the Club as a direct or indirect result of the acts or omissions of any of his or her guests.

20.3 Guests shall be legally bound by these Rules as if they were a Member save that guests shall have none of the rights of Membership.

## **21 Personal Risk**

21.1 Members and guests acknowledge and accept that playing or participating in sport of any kind can be dangerous and may result in injury and damage to property.

Members and guests shall take personal responsibility for their own actions and play or participate in the Club's sporting activities at their own risk.

21.2 Subject to rule 21.3 below, the liability of the Club and its Officers to any Member is limited to the net assets of the Club.

21.3 Nothing in these Rules shall limit or exclude liability:

21.3.1 for death or personal injury caused by negligence,

21.3.2 for any loss or damage caused by criminal or fraudulent conduct,

21.3.3 for any other liability which cannot lawfully be limited or excluded.

## **22 Indemnity**

Without prejudice to any other indemnity to which an Officer may otherwise be entitled, every Officer of the Club shall be indemnified out of the assets of the Club against any liability incurred by him or her in the proper discharge of his or her duties to the fullest extent permitted by law.

## **23 Complaints and Disputes (see TaSH Grievance and Disciplinary Policy)**

23.1 All concerns, allegations or reports of malpractice or abuse relating to the welfare of children or vulnerable adults will be recorded and responded to swiftly and appropriately in accordance with EA's safeguarding policy and procedures. A Welfare Officer shall be the lead Officer for all Members in the event of any safeguarding concerns.

23.2 Any person caught bringing the Club and/or sport into disrepute will immediately be suspended from the Club pending an investigation. The Chair, Secretary and one other Officer of the Club can call for the immediate suspension of an athlete.

- 23.3 Any person guilty of conduct liable to bring the name of the Club and/or sport into disrepute or guilty of an offence against another Club Member will render themselves liable to either suspension or expulsion from the Club. Normally a written warning by the Chair and Secretary will be given to the Member regarding their conduct. An immediate suspension from the Club may be imposed in cases of serious misconduct. For all other cases of such persistent misconduct, voting at a Committee Meeting by a majority of the Members present are required before a Member of the Club can be suspended or called upon to resign.
- 23.4 The Member concerned may appeal against any decision as allowed in the National Governing Body for Athletic Rules.

## **24 The Club's official Social Media**

- 24.1 The Club has an official website and social media accounts which are accessible worldwide, therefore these sites are to be used for Club matters only. For further information see the Online Safety and Social Media policy.
- 24.2 The person/persons responsible for the placing of information on the website and social media will make the appropriate checks that the information is correct. It is left to the person/persons placing the data on the website's own integrity and judgement in these matters in accordance with the Data Protection Act (2018).
- 24.3 The Club has a social media and website representative on the Committee, this person should be contacted if there are any relevant queries or comments.

## **25 The Constitution and Rules**

- 25.1 A copy of the Constitution and Rules shall be given to every member of the General Committee and it will be available on the Club website. Any Member can request a hard copy of the Constitution from the General Secretary.
- 25.2 Any amendment to the Constitution and Rules will be through a Resolution at the Annual General Meeting or at a specifically convened Extraordinary General Meeting.



**26 Dissolution**

- 26.1 The Club can only be dissolved through a Resolution called for that purpose at either the Annual General Meeting or an Extraordinary General Meeting called specifically for that purpose. If the Resolution is passed a further EGM must be convened at least one month after the meeting.
- 26.2 At a date agreed when dissolution is finalised the General Committee shall dispose of any property and other assets and discharge the Club’s liabilities up to the financial limit of the Club’s assets at the date of dissolution.
- 26.3 Any balance outstanding will be donated to one or more Community Amateur Sports Clubs, registered Charities or the Sports Governing Body, as agreed at the Dissolution Meeting whereupon dissolution will be considered complete.

**27 Declaration**

The Club duly adopted these Rules as its governing document on ***[insert date]***

Electronically Signed .....

**Chair *[insert name]***

Electronically Signed .....

**Secretary *[insert name]***

**28 Change record**

Date	Version	Page	Amendments/Additions

**Appendix 1 – Template AGM Agenda**



TaSH AGM agenda  
template 20230719.d