

SUNDAY’S WELL BOATING AND TENNIS CLUB
(Incorporating The Cork & County Club)
RULES - EFFECTIVE 13th May 2021

(RULES 7)

RULE 1 - NAME

The name of the Club shall be “Sunday’s Well Boating and Tennis Club (incorporating The Cork & County Club)” hereinafter called “the club”.

RULE 2 - MEMBERSHIP

There shall be twelve categories of membership. The Club is fully committed to safeguarding the well-being of its members. Every individual in the club should at all times show respect and understanding for the rights, safety and welfare of the members, and conduct themselves in a way that reflects the principles of the Club and the guidelines contained in the Code of Ethics and Good Practice for Children’s Sport.

2.1 Single Membership

Single membership shall be open to any individual over the age of 18. A single member shall have one vote at a General Meeting.

2.2 Family Membership

Family Membership shall be open to a family unit and shall include the other member of the unit and children under the age of 18. The children shall be subject to the same rules and byelaws as junior members.

The elected member of the unit shall have the right to attend and vote at a General Meeting. The other member of the unit shall have all membership rights other than the right to attend and vote at a General Meeting.

In the event of the dissolution of the family unit, the elected nominated member shall hold membership save and until agreed with the Management Committee

2.3 Country Members

A single or family member residing outside a 80 km. radius of the Club shall be entitled to a reduced subscription as a country member. A country member shall not have a vote at a General Meeting.

2.4 Honorary Members

An existing member who has given exceptional service to the Club may be elected as an honorary member by the general committee for life or for a specified period. An honorary member shall be entitled to vote at a General Meeting.

2.5 Senior Member

Any existing single or family member who has attained the age of 65 years and has at least 30 years service as a member shall be entitled to a reduced subscription as a senior member. A senior member shall have a vote at a General Meeting.

2.6 Member over 75 years of age

Any existing senior, single or family member who has attained the age of 75 years and has at least 30 years service as a member shall be entitled to a reduced subscription as a member over 75 years of age. A member over 75 years of age shall have a vote at a General Meeting.

2.7 Junior Membership

An individual aged under 18 years (other than a family member) on the 1 January in the membership year shall be eligible to be a junior member. A junior member shall not have a vote or be entitled to attend general meetings and shall be subject to such other restrictions on membership rights, as the committee shall impose from time to time.

2.8 Student Membership

An individual over the age of 18 years on 1 January in the membership year and who is attending full-time education shall be eligible to be a student member. A student member shall not have a vote or be entitled to attend general meetings and shall be subject to such other restrictions on membership rights, as the committee shall impose from time to time.

2.9 Intermediate Membership

An individual other than a junior member or a student member, who is aged under 28 years on 1 January of the membership year, shall be eligible to be an intermediate member. Intermediate members shall not have a vote or be entitled to attend general meetings and shall be subject to such other restrictions on membership rights, as the committee shall impose from time to time.

2.10 Pavilion Membership

The Committee are empowered at their sole and absolute discretion to consider an application from any existing member, the provision of Pavilion Membership.

The Application for Pavilion Membership must be based on a written application setting out in detail the special circumstances, which would merit and justify the issuing to that applicant the category of Pavilion membership. A Pavilion Member shall hereinafter be defined as a member entitled to use the facilities of the Clubhouse only, and by their application, they will be accepting and confirming that they will not utilise any other of the sporting facilities associated with the Club, namely, the provision of tennis, squash, snooker, gymnasium or any other sporting facility, that at any time may be provided by the Club.

The Committee shall further reserve the right to terminate, at the renewal, on an annual basis any Pavilion Member if the Club Committee is satisfied that the special circumstances, on foot of which the written application was made, are no longer applicable. It shall be open, on determination of the said Pavilion Membership, to that member to re-apply for any other category of membership that exists in the Club or revert back to a previous category of membership that he or she occupied or held. A Pavilion Member shall not have a vote at a General Meeting.

2.11 Temporary Membership

The Committee may admit individuals or families to temporary membership for a limited period. Temporary members shall not have a vote or be entitled to attend general meetings and shall be subject to such other restrictions on membership rights, as the committee shall impose from time to time.

2.12 Lady Associate Membership (No longer exists for new members)

In the case of existing lady associates, they may apply to become single or family members after the coming into effect of these rules. Alternatively they may remain as lady associates.

2.13 Resignation of Member

Notice of resignation from membership shall be put in writing and delivered to the secretary before 30 April in the relevant year.

2.14 Election to Membership

The name, address and particulars of each applicant for single family and country membership shall be delivered to the Secretary in writing. There must be a Proposer and Seconder and the proposer and seconder must have been voting members for three years at least and be in good standing. Trustees or Committee members may not nominate applicants for membership. Members of the Club may not propose or second a new member more than twice in any one membership year.

2.15 Consideration of New Members

The names and addresses of all applicants under consideration for membership shall be posted on the Club Notice Board for not less than two weeks before the date of ballot by the committee. In the election of members, the committee shall vote by secret ballot. Four objections to a candidate shall disqualify that candidate from membership. A minimum of *six* ballots must be cast for a valid poll.

2.16 Disciplining of Members

The Committee shall have power to discipline, expel or suspend from the privileges or offices of the Club, any member whose conduct they consider injurious to the character, reputation or welfare of the Club. The Committee shall have power to establish a disciplinary committee to investigate any incident and to require any member involved in the incident to appear before it to explain his or her actions.

RULE 3 - SUBSCRIPTIONS

3.1 Determination

The rates of subscriptions for each category of member shall be determined at the Annual General Meeting.

3.2 Entrance Fees

Entrance fees shall be determined for each category of membership by the Committee.

3.3 Payment

The annual subscriptions shall be due on the 1st of March each year. The Committee may terminate the membership of any member who fails to pay the subscription within 60 days of the due date.

3.4 Membership List

An alphabetical list of members shall be put on display in the Clubhouse.

RULE 4 - COMMITTEE

4.1 Election

The Club shall be managed and controlled by the Committee, which shall be elected at the Annual General Meeting. The Committee shall include a maximum of eight elected members. Four members shall be elected at the Annual General Meeting and shall hold office for two years. In the event of a tied vote, the result shall be decided by the drawing of lots.

The Committee shall have the power to co-opt a replacement member to fill any vacancy, which may arise. A co-opted member shall serve for the remainder of the term of the member in whose place he has been co-opted.

The Tennis Captain, Squash Captain and Snooker Captain shall be elected at the Annual general Meeting and they become members of the main committee while holding office. The immediate past Chairman of the Club shall also be a member of the main Committee for one year. The Trustees of the Club shall be ex officio members of the Committee.

Members eligible for election shall include single members, the elected member of the family unit, honorary members and senior members.

4.2 Committee Meetings

The Committee shall meet at least ten times in its year of office. At any meeting, six members shall form a quorum. Meetings of the Committee shall be arranged on the instructions of the Chairman, by the Secretary who shall give notice of the date, time and place of the proposed meeting to each Committee member.

4.3 Byelaws

The Committee shall have power to make or alter byelaws, to make contracts for and on behalf of the Club and to appoint sub-committees, provided that such sub-committees shall include at least one member of the Committee.

RULE 5 - CHAIRMAN

5.1 The Chairman of the Club shall be elected by the Committee. In the event of a tied vote, the result shall be decided by the drawing of lots.

5.2 The Chairman will have a casting vote in the event of a tie (other than the election of committee members) at all Committee and General Meetings of the Club. If the Chairman is absent from a Committee Meeting, he may nominate a Committee Member to chair the meeting in his place.

RULE 6 - MANAGEMENT

6.1 Committee

The Club shall be managed and controlled by the Committee.

6.2 Finance

The Club shall maintain proper accounting records and the committee shall establish internal controls to ensure that all transactions are recorded and that proper authority is obtained for expenditure.

Annual accounts shall be prepared and be subject to an annual audit. The auditors shall be appointed at the Annual General Meeting.

The Committee shall nominate one of their members to be Treasurer who will ensure that proper records are maintained and that satisfactory controls exist.

6.3 Secretary/Manager

The Committee may engage a full time or part time Secretary/Manager and all other employees of the club as deemed necessary. The Committee shall determine the remuneration and conditions of employment of the secretary/manager and all employees.

6.4 Business

The business and affairs of the Club shall be under the management of the Committee. The Committee may from time to time make regulations governing the use of the Club and other matters not covered by the rules. No member of the Committee nor manager nor employee shall have any personal interest in the sale of excisable liquors therein, or in the profits arising there from.

RULE 7 - ANNUAL GENERAL MEETING

7.1 The Annual General Meeting shall be held in the month of February. Members with voting rights and whose subscriptions for the past year have been paid may attend the annual general meeting.

Notice concerning the meeting must be sent to the members not less than 21 days before the meeting. Notice of any motion for consideration by the Annual General Meeting shall be lodged with the Secretary at least 28 days before the meeting. Nominations for Committee Members must be lodged with the Secretary at least 5 days before the meeting. Simple majority will decide all voting except where otherwise provided in these rules.

7.2 Extraordinary General Meeting

An extraordinary general meeting may be called by the Committee at any time or upon a requisition signed by 30 members. The meeting shall be held within 60 days from the receipt of a request signed by the said 30 members. The requisition for the Extraordinary General Meeting shall specify the purpose of convening the meeting. Notice concerning the meeting must be sent to the members not less than 21 days before the meeting.

RULE 8 - RULES

The Committee have power to amend the rules to comply with any statute.

The rules may be amended or new rules enacted by a general meeting convened for that purpose. A two-thirds majority of those present and voting is required to change an existing rule or to enact a new rule.

Written notice of proposed amendments or new rules must be delivered to the secretary at least 40 days prior to the meeting.

The secretary shall not less than 21 days before the meeting circulate all proposed changes to the general membership.

8.1 Knowledge and Observance

Members are expected to know and to observe all Club rules and Bye-Laws.

8.2 Effective Date

These rules shall be effective from 2016. All subsequent amendments shall come into force following the passing of the amendment unless provided for to the contrary.

RULE 9 - TRUSTEES

The Club shall have three trustees. The trustees shall be ex-officio members of the Committee. The first trustee shall be Mr. Alymer Barrett, Mr Michael Buckley and Mrs Mary Jane Kenefick.

9.1 Authority

The Trustees of the Club at the request of the Committee for the time being are hereby authorised to collect, sue for and recover all subscriptions or other sums of money due under the rules in force from time to time for and on behalf of the Club and to bring all such actions or claims and institute all such proceedings that shall be deemed necessary for the purposes of enforcing claims or rights of the Club. The trustees shall be authorised to defend any proceedings brought against the Club.

9.2 Trustee's Powers

The Trustees at the request of the Committee shall have the power to acquire by purchase, exchange, lease or otherwise either for an estate in fee simple or for any lesser estate or other estate or interest whether immediate or reversionary any lands, tenements or hereditaments of any tenure and to sell, let, alienate, mortgage, lease or charge land, house property and any other property real or personal moveable or immoveable either absolutely or conditionally and to pay for any lands tenements, hereditaments or assets acquired by the Club.

RULE 10 - POLITICS AND RELIGION

10.1 The Club shall be non-political and non-sectarian.

RULE 11 - EXCISABLE LIQUOR

11.1 "The Club Bar may serve liquor only during the hours permitted by the Licensing Acts 1904-2000.

The Prohibited hours are set out as follows: -
Intoxicating Liquor Act 2003 –

Section 3- Section 2 (as substituted by section 25 of the Act of 1988 and amended by section 2 of the Act of 1995) of the Act of 1927 is amended by the substitution of the following subsections for subsection (1):

“(1) Save as otherwise provided by this Act, it shall not be lawful for any person to sell or expose for sale any intoxicating liquor, or to open or keep open any premises for the sale of intoxicating liquor, or to permit any intoxicating liquor to be consumed on licensed premises-

- (a) at any time on Christmas Day or Good Friday;
- (b) on any other day, as specified hereunder, outside the times so specified in respect of it –
 - (i) Saint Patrick's Day: between 12.30 p.m. and 12.30 a.m. on the following day;
 - (ii) the 23rd December: if it falls on a Sunday, between 10.30 a.m. and 11.30 p.m.;
 - (iii) Christmas Eve and the eve of Good Friday: between 10.30 a.m. and 11.30 p.m.;
 - (iv) The eve of any public holiday (other than Christmas Eve):

- (I) if the eve falls on a weekday, between 10.30 a.m. and 12.30 a.m. on the following day, or
- (II) if it falls on a Sunday, between 12.30 p.m. and 12.30 a.m. on the following day;
- (i) any other Sunday (except a Saint Patrick's Day which falls on a Sunday): between 12.30 p.m. and 11.00 p.m.;
- (ii) any other Monday, Tuesday, Wednesday or Thursday: between 10.30 a.m. and 11.30 p.m.; and
- (iii) any other Friday or Saturday: between 10.30 a.m. and 12.30 a.m. on the following day.

(1A) The hours specified in paragraph (b) of subsection (1) in respect of any day specified in that paragraph are in addition to the period between midnight and 12.30 a.m. on that day where that period is included in the hours so specified in respect of the eve of that day.

(1B) In subsection (1), 'public holiday' has the meaning given to it by the Organisation of Working Time Act, 1997."

Section 7 -

The Act of 1927 is amended by the substitution of the following for section 56 (as substituted by section 26 of the Act of 1988 and amended by section 5 of the Act of 1995):

"56-(1) In order that a club may be eligible to be registered under the Registration of Clubs Acts, 1904 to 1999, the rules of the club shall (in addition to the matters mentioned in section 4 of the Registration of Clubs (Ireland) Act, 1904) provide that, subject to the exceptions specified in subsections (2) and (3) of this section, no excisable liquor shall be supplied for consumption on the club premises to any person (other than a member of the club lodging in the club premises) or be consumed on those premises by any person (other than such a member) –

- (a) at any time on Christmas Day or Good Friday, or
- (b) on any other day, outside the hours specified in respect of that day in section 2(1)(b) (as substituted by *section 3 of the Intoxicating Liquor Act, 2000*) of this Act.

(2) Nothing in the Registration of Clubs Acts, 1904 to 1999, or contained, by virtue only of the operation of subsection (1) of this section, in the rules of a club registered under those Acts shall operate to prohibit the supplying for consumption on the club premises of excisable liquor to any person or the consumption of excisable liquor on those premises by any person-

- (a) n Christmas Day, between 12.00 midday and 10.00 p.m., or
- (b) on any other day, for one hour after the expiration of any period in respect of that day during which it is lawful for the club, by virtue of subsection (1)(b), to supply any excisable liquor for consumption on the club premises,

if in each case the excisable liquor is-

- (i) ordered by or on behalf of that person at the same time as a substantial meal is so ordered, and
 - (ii) consumed by that person during the meal or after the meal has ended.
- (3) (a) For the purposes of the Registration of Clubs Acts, 1904 to 1999, the rules of a club which at the commencement of *section 7 of the Intoxicating Liquor Act, 2000*, is registered under those Acts,

shall, during the transitional period, be deemed to be in conformity with this section.

(b) In this subsection, ‘transitional period’ means the period beginning at such commencement and ending-

- (i) when the certificate of registration of the club which is in force two months after that date expires, or
- (ii) when the rules of the club are brought into conformity with this section,

whichever first occurs.”

Section 23 - (1) *Part 2, sections 12, 18, 19 and 22 and section 34A* (inserted by *section 15*) of the Act of 1988 shall apply in relation to a club registered under the *Registration of Clubs Acts 1904 to 2003*, as if references in those provisions to a licensee and to licensed premises were references to the secretary of such a club and to that club’s premises and with any other necessary modifications.

(2) When considering the grant of an authorisation under section 21 (authorisation for extension of club hours) of the Act of 1924, as amended by section 8 of the Act of 1962, the District Court shall have regard to the terms of any resolution adopted by a local authority under subsection (7) of section 5 (as substituted by *section 11*) of the Act of 1927.

RULE 12 - POWERS OF COMMITTEE

- 12.1** The Committee shall have power with the approval of the trustees to borrow for the purposes of the Club by way of overdraft, term loan, loan account or otherwise from the Club’s Bankers with interest in the category or the accommodation granted, such amount of money either at one time or from time to time as it may deem proper and to give security for such borrowing and the interest thereon by the issue of Bills of Exchange, Promissory Notes or other obligations or securities of the Club or by Mortgage or Charge upon all or any part of the property of the Club and thereupon the Trustees shall at the direction of the Committee make all such dispositions of the property of the Club or any part thereof and enter into such agreements in relation thereto as the Committee may deem proper for giving such security.
- 12.2** In exceptional circumstances brought about by a Event of Force Majeure, i.e. an event beyond the control of the General Committee such as an Act of God, a national emergency situation or similar event, the Committee are empowered to act as the Committee deems appropriate to safeguard the Club and its Members for the period of any such emergency.

RULE 13 - VISITORS

Other than junior members, all members and the spouses of family members may introduce Visitors to the Club. Such a Member introducing a visitor to the Club must enter the name and address of the visitor and his own name in the Visitors’ Book, to be kept for this purpose and pay the appropriate fee. Such member introducing a visitor must remain on the Club premises as long as his/her guest remains. The same visitor may not be introduced to the Club more than three times in any calendar year, except with the permission of the Secretary/Manager.