

COAST CRICKET ASSOCIATION

CONSTITUTION

1. NAME AND JURISDICTION

- (a) The name of the body shall be Coast Cricket Association (hereinafter referred to as “CCA”)
- (b) CCA shall be responsible for the promotion, organization and control of game of cricket in Nakuru and within the Coast Province.
- (c) CCA shall be a provincial association affiliated to Cricket Kenya as provided for in clause 2.5 of the Constitution of Cricket Kenya.
- (d) CCA shall be subject to the provisions of the Societies Act (Chapter 108, Laws of Kenya).

2. HEADQUARTERS

The headquarters of CCA shall be situated at Mombasa.

3. OBJECTS -

The objects of CCA are:-

- (a) To encourage, promote, organise and control the game of cricket in Coast Province on a non-political basis.
- (b) To foster friendly relations among members, officials, players and supporters of CCA through the proper organization and playing of the game of cricket.
- (c) To exercise control on cricket by taking such steps as shall be deemed necessary for preventing infringements of this constitution and/or any regulations and rules made under it.
- (d) To prevent racial, religious or political discrimination or any improper distinction amongst members, players and clubs. All prospective member clubs or bodies when applying to take part in any competition shall give a written undertaking to Association that they adhere to this clause;
- (e) To affiliate to and co-operate with Cricket Kenya as the sole body governing the management control and administration of the game of cricket in Kenya.

4. COMPOSITION OF TYPES OF MEMBERSHIP AND VOTING RIGHTS

- a. Club members

- b. Individual members with no voting rights.
- c. Honorary members with no voting rights.
- d. Life members with no voting rights

CLUB MEMBERS

- (a) Club members shall be cricket clubs, institutions, organisations or bodies which fulfill the following requirements:-
 - i. The club has at least 20 paid-up members
 - ii. The applicant is registered with or exempted from registration by the Registrar of Societies.
 - iii. The applicant has in the opinion of the CCA Council (whose opinion shall be final) had an active cricket section for at least one year prior to its application for club membership.
 - iv. The applicant pays the annual or other periodical subscriptions prescribed by CCA
- (b) A Club Member shall cease to be a Club Member on its failing to or being unable to fulfill or comply with any of the above-mentioned requirements.
- (c) A Club Member shall have three votes at any meetings of the CCA Council as prescribed by Clause 5 of this Constitution.

INDIVIDUAL MEMBERS:

- (a) Individual Members shall be individuals who fulfill the following requirements:-
 - i. The individual concerned is in the opinion of the CCA (whose opinion shall be final) a fit, suitable and desirable person to be an individual Member of CCA.
 - ii. The individual concerned pays the annual or other periodical subscriptions prescribed by CCA
- (b) An Individual Member shall cease to be an individual member on him/her failing to or being unable to fulfill or comply with any of the above mentioned requirements.
- (c) An Individual Member shall have no voting rights whatsoever.

HONORARY MEMBERS

The Council of CCA at the recommendation of the Executive Committee of CCA may invite a distinguished person to become an Honorary Member of CCA. Such Honorary Member shall not have any voting rights and shall not be liable to pay any entrance fee or subscriptions.

LIFE MEMBERS

The Council of CCA at the recommendation of the Executive Committee of CCA may invite a person whose services to cricket are meritorious to become a Life Member of CCA. Such Life Member shall not have any voting right but shall be liable to pay entrance fee or subscriptions.

5. **COUNCIL AND EXECUTIVE;**

The legislative and executive bodies of CCA shall be:-

- (a) The Council
- (b) The Executive Committee

A THE COUNCIL

The Council which shall be the supreme governing body of CCA shall meet not less than two (2) times in each year on fourteen days written notice or such lesser period as may be determined by the Executive Committee.

The Council shall consist of three delegates (nominated in writing by the Club Members whose delegates they are) from each of its Club Members. Officers and members of the Executive Committee shall for this purpose be considered as a delegate of the Club Member they represented when elected.

Individual Members, Life Members and Honorary Members of CCA shall be entitled to attend Council meetings but shall only be permitted to speak thereat with the permission of the Chair.

Club Members shall have voting rights as follows:--

Each Club Member shall have a maximum of three (3) votes to be cast by each of its three (3) delegates.

Individual Members, Life and Honorary Members shall have no voting rights whatsoever.

B THE EXECUTIVE COMMITTEE

The Executive Committee shall consist of:-

1. The Chairman
2. The Vice Chairman
3. The Secretary
4. The Treasurer
5. The Fixtures Secretary
6. Two Ordinary Members
7. The Provincial Sports Officer – who shall have no voting rights

a) The above Office Bearers shall only be elected from amongst the delegates of the club members and from amongst the officers and members of the outgoing Executive Committee at the Annual General Meeting of the Council of CCA **PROVIDED THAT** no Club Member of CCA shall at any elections for the Executive Committee have more than two of its delegates (officers and members of the outgoing Executive Committee shall for this purpose only be considered as a delegate of the Club Member he represented when he was elected as officer or member of the outgoing Executive Committee) elected to the Executive Committee.

Each of the members of the Executive Committee shall hold office till the next elections of the Executive Committee are held subject only to resignation or removal from such office within that period in accordance with articles (e) and (f) below. There shall be no barrier to members of the Executive Committee offering themselves for re-election save and except that a person shall not hold the office of Chairman for more than two consecutive terms. The Executive Committee shall meet as and when necessary for the furtherance of the objects of CCA provided that such meetings shall be held at least once a month.

- b) Subject only to any general or specific directions from the Council the Executive Committee shall have the sole management of the property, policy, and activities of CCA and the right to exercise all or any of its powers under this constitution. The Executive Committee shall be responsible for running the day to day affairs of CCA and for summoning the meetings of CCA in accordance with the provisions hereof. The Chairman or, in his absence, the Vice-Chairman shall preside over all meetings of the CCA Executive Committee.
- c) The Executive Committee may from time to time appoint such persons to the Executive Committee and Council of Cricket Kenya and appoint such other Committees or Sub-Committees with respective delegated powers and duties

as may from time to time seem necessary or desirable. Any such Committee or Sub-Committee as may be appointed must consist of persons who are members of a Club Member of CCA or co-opted for this purpose by the Executive Committee of this Association provided that no Executive power shall be delegated to any Committee or Sub-Committee which does not have a Chairman and at least one member who is a member of the Executive Committee and provided further that such persons Committees and Sub-Committees as may be appointed under this provision must function and operate within the limits of the mandate granted to it by the Executive Committee of this Association.

- d) The Executive Committee shall have power to co-opt any Honorary Member or Individual Member who may be able to assist them in their duties. Such persons may attend meetings of Executive Committee as required but shall have no voting rights.
- e) Any member of the Executive Committee who fails to attend more than three consecutive meetings without good cause shall automatically lose his/her seat.
- f) Any member of the Executive Committee may resign by giving notice in writing to the Secretary and thereupon his/her seat shall be vacant. A member who so resigns shall not thereby be disqualified from being re-elected at any time thereafter.
- g) Should a vacancy occur in the Executive Committee for whatever reason, the Executive Committee shall have power to fill such vacancy subject only to ratification by the Council at the next meeting of the Council.

6. ANNUAL GENERAL MEETING

- a. The Annual General Meeting of CCA shall normally be held in the month of March every year but shall not be held later than fifteen months from the date of the previous Annual General Meeting provided that not less than 14 days written notice convening such meeting shall be given to members.
- b. The purpose of every such Annual General Meeting shall be:-
 - i. To read the notice convening the meeting.
 - ii. To confirm Minutes of the previous Annual General Meeting.
 - iii. To receive and consider:-
 - The report of the Chairman
 - The report of the Treasurer, the Annual Accounts and the Financial Statements of the Association.
 - iv. To elect members of the Executive Committee (every 4 years)

- v. To appoint the auditors of CCA.
- vi. To discuss any business in respect of which at least seven days written notice has been sent to the Secretary.
- c. Names of the bona fide representatives shall be sent to the Hon. Secretary by the secretaries or other official of Member Clubs seven days before the meeting. For Annual General Meetings fourteen clear days notice shall be given to all members and such notice shall specify the place, day and hour of the meeting but accidental omission to give notice to a member or the non-receipt of such notice by any member shall not invalidate the proceedings of the meetings.

7. **SPECIAL GENERAL MEETING**

This shall be called at any time either by way of a written resolution presented and signed by at least 70% of the Member Clubs or at the discretion of the Executive Committee in order to discuss business of any urgent nature relating to the amendment or alteration of any provision of the constitution rules and regulations of CCA or any other important matter concerning CCA. The Secretary of the Executive Committee shall give 14 days notice of the meeting and in writing, of the items to be discussed, to all members and shall specify the time, place and date of the meeting but accidental omission to give notice to a member or the non-receipt of such notice by any member shall not invalidate the proceedings of the meeting. Only such items as are specified on the Agenda which shall accompany the notice of the meeting shall be discussed.

8. **QUORUM**

The Quorum at any meeting of CCA Council shall be constituted by representation from at least 60% of Club Members but if at any meeting a Quorum is not present within thirty minutes after the time for its commencement, it shall stand adjourned to another date of which notice shall be given to all members as provided elsewhere in this constitution, and at such adjourned meeting the Club Members then present shall constitute a Quorum.

9. **VOTING AT GENERAL MEETINGS OF THE COUNCIL**

- a. Attendance at General Meetings of the CCA Council shall be open to 3 nominated delegates from each of the Club Members and to all Individual Members, Life Members and Honorary Members and voting rights at such meetings shall be as prescribed by Clause 5 A above
- b. Voting shall be by secret ballot or by show of hands as the Council may in its discretion decide and no voting by proxy shall be allowed.

10. **PROCEDURE AT MEETINGS**

- a. At all meetings of the Council the Chairman, or in his absence the Vice-Chairman, or in the absence of both these officers, a member selected by the meeting shall take the chair.

- b. The Chairman may at his discretion limit the number of persons permitted to speak in favour of and against any motion.
- c. Resolutions shall be decided by simple majority by a secret ballot or show of hands. In the case of equality of votes the Chairman shall have a second or casting vote.

11. **PAYMENT OF FEES**

- a. The Council shall have power to prescribe fees to be paid by all members, including registration, annual and entrance fees.
- b. All fees shall be paid not later than 31st January each year.
- c. The council shall have power to waive the whole or part of any fees so prescribed at its discretion.
- d. No member or representative body, which has not paid its fees, shall be eligible to vote or attend the Annual General Meeting.

12. **DUTIES AND POWERS OF THE EXECUTIVE COMMITTEE**

The Executive Committee shall have the following powers;-

- a. To recommend to the Council for the laying down or rectification of rules and regulations of competition. Any proposal to alter the rules, or regulations of competition shall be made to the Secretary in writing at least seven days before the next meeting of the Council or General Meeting. The Secretary shall place such proposal at the next meeting of the Council or General Meeting.
- b. To suspend for a stated period, indefinitely or permanently any player or official found guilty of misbehaviour or unfair practices provided that such suspended player or official shall have right of appeal to Cricket Kenya against his/her suspension.
- c. To recommend to the Council suspension, imposition of fine or expulsion from CCA of any member who/which shall be deemed guilty of;
 - (i) Infringing the constitution, rules or regulations or
 - (ii) Misbehavior or unfair practice of any kind.
- d. To enforce this constitution and any rules and regulations made under it.

13. **DUTIES OF THE OFFICERS OF THE EXECUTIVE COMMITTEE**

1. **The Chairman**

The Chairman shall, unless prevented by illness or other sufficient cause, preside over all the meetings of CCA and its Executive Committee.

2. **The Vice Chairman**

The Vice-Chairman shall perform duties of the Chairman in his absence.

3. **The Secretary**

The Secretary shall deal with all correspondence of CCA under the general direction of the Executive Committee. He shall issue notices convening all meetings of the Executive Committee and the Council and shall be responsible for keeping minutes of all such meetings and for the preservation of all records or proceedings of the Executive Committee and CCA including a record of the members of CCA.

4. **The Treasurer**

- a. The Treasurer shall be responsible for maintaining the books account of CCA and for entering therein details of all monies received and payments made on behalf of CCA he shall also be responsible for the safe custody of all monies, movable property and assets and accounting for the same. He shall render to the executive a financial statement as and when required.
- b. He shall be responsible for the preparation and submission to the Executive Committee for approval before the Annual General Meeting, an income and expenditure account covering CCA last financial year ending on the proceeding 31st December and a balance sheet of its assets and liabilities as at that date. Such annual accounts shall be duly audited by an approved auditor. After the accounts have been approved and signed by the Chairman, Treasurer and Secretary, they shall be laid before the members of CCA.
- c. The books of account and all documents relating thereto together with the register of members of CCA referred to hereinbefore, shall be available for inspection by any member of CCA at all reasonable times on giving seven days notice in writing, to the Secretary.
- d.
 - (i) He shall keep separate accounts for each competition for which CCA is directly responsible and for international and representative matches.
 - (ii) He shall keep a general account for all other receipts and payments by CCA. If any doubt arises as to the apportionment of any item to any particular account, the Executive Committee shall settle such doubt.

5. The Fixtures Secretary

The Fixtures Secretary shall be responsible for CCA fixtures and shall be responsible for such other matters as the Executive Committee shall decide from time to time.

14. AUDITORS

- a. An auditor shall be appointed by the Council. All CCA's accounts, records and documents shall be open to the inspection of the Auditor at any time. The Auditor shall examine such annual accounts and statements and either certify that they are correct, duly vouched and in accordance with the law or report to CCA in what respect they are found to be incorrect, unvouched or not in accordance with the law.
- b. A copy of the auditors report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the annual general meeting is sent out. An Auditor may be paid such honorarium for duties as may be resolved by the Council appointing him.
- c. No Auditor shall be an office bearer or member of the Executive Committee.

15. FUNDS

- a. The funds of CCA shall only be used for the purpose of promoting, controlling or co-ordinating the game of cricket.
- b. All monies and funds shall be received by and paid to the Treasurer and shall be deposited by him in any bank or banks approved by the Executive Committee.
- c. No payment shall be made out of any bank account maintained by CCA without a resolution of (or ratification by) the Executive Committee authorising such payment and all cheques on such bank account shall be signed by any two of the following officers:-
 - (i) The Chairman
 - (ii) The Vice Chairman
 - (iii) The Secretary
 - (iv) The Treasurer
- d. Except for payment of water, electricity, conservancy, staff wages and any other matters provided for in the bye-laws and rules, no expenditure shall be incurred without the prior sanction of the Executive Committee with the exception of petty

sums not exceeding Ksh.3000/- which may be expended on the authority of the Treasurer.

- e. The Council shall have power to remove any office bearer who it has reasonable cause to believe is not properly accounting for any funds or property of CCA and shall have power to appoint another eligible person in his place.
- f. The financial year of CCA shall be from 1st January to 31st December of each year.

16. **INDEMNITY FOR MEMBERS OF THE EXECUTIVE AND COUNCIL**

The members of the Executive Committee and the Council shall be indemnified out of the funds and property of CCA from and against all costs, losses, damages, which any of them shall incur in the bona fide exercise of their power or duties as members of the Executive or Council.

17. **ARBITRATION**

All disputes or differences whatsoever arising out of the provisions of this Constitution or any disputes arising between the Association and or its provincial affiliates on any matters relating to cricket shall be referred to arbitration. The decision of the arbitrator shall be final and binding. The arbitrator shall be appointed by the Trustees of the Association by a simple majority. The cost of arbitration shall be borne by the parties to the dispute in accordance with the Arbitration Act 1995 of the Laws of Kenya.

Should any party request for such an arbitration that party shall deposit Kshs.10,000 with the Association at the time of the request.

18. **DISSOLUTION**

- a. CCA shall not be dissolved except by a resolution passed by a majority of 75% of votes of the delegates present and entitled to vote at a General Meeting of the Council of which due notice of the meeting and the resolution to be passed has been given or with the approval of the Registrar of Societies.
- b. Upon dissolution all the assets and liabilities of CCA shall be dealt with, (in the absence of any determination required to be made by the Registrar of Societies or as may otherwise be prescribed by the Societies Act) as decided upon by the Council which shall determine on how to dispose of any assets of CCA and on how to deal with any liabilities which will have been incurred.

19. **INTERPRETATION**

The Executive Committee of CCA shall determine the questions of interpretation of the constitution, the rules and regulations and may rule on any occurrence if not otherwise catered for herein. If there is not a clear majority of the members of the Executive committee in agreement on any question of interpretation, then the question shall be referred to the Council for determination. A clear majority shall mean more than half the members of the Executive Committee.

20. **PROPERTY OF CCA**

All Property of CCA whether movable or immovable shall be vested in the name of CCA.

21. **PROFESSIONAL SERVICES**

The Association may engage professional consultants whose services shall be rendered gratis or on such reasonable terms of remuneration as the Executive Committee may in its discretion decide. Such person so engaged may be invited to attend the Executive Committee meetings as deemed necessary by the Executive Committee.

22. **BORROWING POWERS**

The Executive Committee may, provided the Council has given it the express authority to do so, exercise all the powers of the Association to borrow money, and to mortgage and charge its undertaking and property, or any part thereof whether outright or as securities for any debt, liability or obligations of the Association.

23. **RESIGNATION**

A member of the Executive Committee may at any time by giving notice in writing to the Secretary of CCA resign his/her membership of the Executive Committee such notice to be copied to Cricket Kenya

An Individual member or a Life Member may at any time by giving notice in writing to the Secretary of CCA resign his membership of the CCA.

24. **RE-ADMISSION**

Any member having resigned or having been removed from the CCA provides a satisfactory explanation, such member may at the sole discretion of the Council and upon payment of any arrears, be re-admitted to membership.

25. **PATRON**

The Council may appoint as its patron any person of outstanding reputation after consultation with the person concerned.

26. **TRUSTEES**

All the immovable property of CCA shall be vested in CCA's trustees (hereinafter referred as "Trustees"). The number of Trustees shall be appointed by the CCA Council and shall not be more than seven nor less than three in number. They shall deal with the property of CCA as directed by resolution of the Council;

Trustees shall not be members of the CCA Council and shall hold office for a period of Four (4) years or unless they or any one of them resigns or is removed from office by a resolution of the Council. Trustees shall be eligible for further reappointments;

The Council may by a two-thirds majority of those present and voting remove any one or more of the Trustees and shall have the right upon any such Trustee or Trustees being removed to appoint another or others in his or their place;

The Trustees shall have the right at any time to retire by giving notice in writing to the Council of their intention to do so. Any Trustee ceasing to be a member of CCA shall also cease to be a Trustee.

The Trustees shall appoint an arbitrator as provided for in Article 17 herein above.

Amendments

Following amendments done on Special General Meeting held on 9th May'2012 at Coast Gymkhana

Clause 5(A) & 5(B) (7c)