

# DANIEL STEWART'S AND MELVILLE COLLEGE CLUB



## CONSTITUTION AND RULES

As adopted at the Annual General Meeting on 20<sup>th</sup> October 2015

### 1 NAME

The name of the Club shall be DANIEL STEWART'S AND MELVILLE COLLEGE CLUB.

### 2 OBJECTS

The objects of the Club shall be to promote the interests of Daniel Stewart's and Melville College, to form a bond of union among the pupils, past and present, to encourage and maintain co-operation between former pupils and Daniel Stewart's and Melville College in all matters relative to the welfare of the College, to encourage the pursuit of sport in every form, to promote cultural interests and to act as the parent Club to all Daniel Stewart's and Melville College Clubs of the United Kingdom and Overseas (hereinafter referred to as Branch Clubs) and the sport and cultural Clubs which are or may be affiliated therewith (hereinafter referred to as Affiliated Clubs).

### 3 COLOURS

The Club colours, tie, blazer and pocket badge to be worn by Ordinary Members shall be those approved by the Club and where competent registered in the name of the Club.

### 4 MEMBERSHIP

The Club shall consist of ORDINARY MEMBERS, HONORARY MEMBERS, ASSOCIATE MEMBERS, and HONORARY ASSOCIATE MEMBERS, all of whom must be at least 18 years of age, and JUNIOR MEMBERS, who must be at least 14 years of age. The Club shall contain a minimum of twenty five Ordinary Members. The total number of Honorary, Associate and Junior Members shall be determined at the discretion of Council.

(a) (i) ORDINARY MEMBERSHIP shall be open to former pupils of Daniel Stewart's College, Melville College (formerly Edinburgh Institution) and Daniel Stewart's and Melville College who have paid Annual Subscriptions up to 1/12/2015 or (Decadal) Subscriptions **whilst** in attendance at the School and to past members of staff of Daniel Stewart's College, Melville College and to past and present members of staff of the College.

(a) (ii) ORDINARY MEMBERSHIP shall be open to former pupils of Daniel Stewart's College, Melville College (formerly Edinburgh Institution) and Daniel Stewart's and Melville College who have **NOT** paid Annual Subscriptions up to 1/12/2015 or (Decadal) Subscriptions whilst in attendance at the School for a one-off payment, or instalments, at the going rate.

(b) HONORARY MEMBERSHIP. At the Annual General Meeting of the Club the Council may recommend for election as an Honorary Member any gentleman or lady who has rendered special service to the College or the Club. Honorary Members shall be entitled to all the privileges of Membership with the exception of voting at Meetings. The Master of the Merchant Company, the Principal of the College and the Chairman of the Erskine Stewart's Melville Governing Council shall be Honorary Members during their terms of Office.

(c) ASSOCIATE MEMBERSHIP shall be open only to the following:

- (i) Members of the Mary Erskine Guild.
  - (ii) Parents of past and present pupils at a school administered by the Erskine Stewart's Melville Governing Council.
  - (iii) Former pupils of schools whose school is a member of the Headmasters Schools Conference and who is a member of that school's Former Pupil Club.
  - (iv) Spouses, Widows or Widowers of Ordinary Members.
  - (v) Members proposed as Playing Members of an Affiliated Club not exceeding forty per cent of that Affiliated Club's Playing Membership at the time of election who do not qualify for membership as Ordinary or Associate Members as hereinbefore defined and who are elected in accordance with the Constitution of the proposing Affiliated Club.
  - (vi) Non-playing members of the Affiliated Club being those members as in category (v) hereof who have retired from playing.
  - (vii) Parents of children who do not attend a school administered by the Erskine Stewart's Melville Governing Council and who are Members of the Mini/Midi Rugby Section of the Rugby Club.
  - (viii) Residents of houses standing on the Ferryfield Estate, the former playing fields of Melville College.
  - (ix) Such other persons, as determined by Council, not exceeding a maximum of twenty.
  - (x) Employees of the Club and/or Affiliated clubs, during their period of employment.
- Associate Members shall be entitled to attend Meetings but shall not be entitled to vote.

(d) HONORARY ASSOCIATE MEMBERSHIP shall be given to:

- (i) The Treasurer and Secretary of the Merchant Company, Members of the Merchant Company Education Board and members of the Erskine Stewart's Melville Governing Council.
- (ii) Present Members of the Teaching Staff and full-time Members of the Non-teaching Staff employed at a school administered by the Erskine Stewart's Melville Governing Council.

Honorary Associate Members are not entitled to attend Meetings.

(e) JUNIOR MEMBERSHIP shall be open only to former pupils of Daniel Stewart's and Melville College and Members of Affiliated Clubs over the age of 14 years. Junior Members automatically become Ordinary Members or Associate Members on their 18<sup>th</sup> birthday.

## 5 OFFICE BEARERS

The Office Bearers shall consist of President, Vice-President, Secretary and Treasurer, all of whom shall be Ordinary Members and shall be elected annually by the general body of Ordinary Members at the Annual General Meeting as in Clause 10 hereinafter provided. The holders of all these offices will retire annually but shall be eligible for re-election, save that the President's and Vice-President's terms of office will be restricted to a maximum consecutive period of two years. They shall ex officio be members of all Special Committees as in Clause 7 hereinafter provided.

## 6 COUNCIL

The management, direction and control of the affairs of the Club shall be vested in a Council which shall consist of:

- (a) The Office Bearers,
- (b) Six Members of the Club, not more than two of whom are Associate Members; these Members shall be elected annually by the general body of Ordinary Members at the Annual General Meeting and will be eligible to serve for a maximum consecutive period of five years,
- (c) One representative nominated by each of the Affiliated Clubs in the City of Edinburgh who will be eligible to serve for a maximum consecutive period of two years but, though entitled to speak at Council Meetings, shall have no vote therein. In the event of an Affiliated Club representative being unable to attend a Council Meeting he should appoint a substitute.
- (d) The Principal of the College, or his appointed substitute, and F.P. Editor of the College Magazine, shall ex officio be members of the Council, but, though entitled to speak at Council Meetings, they shall have no vote therein.

Council shall have power to fill any vacancy in categories (a) and (b) above and the person appointed shall serve for the remainder of the term of office of the elected member whose place he is filling. For the purpose of conducting the affairs of the Club, Council shall meet at least four times in each year.

## 7 SPECIAL COMMITTEES

Council may appoint Special Committees which shall carry out such duties as may be assigned to them by Council. In the absence of the President, each Special Committee shall be presided over by a Convener to be appointed by Council. A majority of the Members of each Special Committee shall be Ordinary Members of the Club.

## 8 BRANCH CLUBS

With the sanction of Council, Branch Clubs consisting of not less than five members of the parent Club may be formed in the United Kingdom or any other part of the world provided that their objects are similar to and not inconsistent with those of the parent Club. The Constitution and Rules of each Branch Club shall be subject to the approval of Council.

## 9 AFFILIATED CLUBS

In addition to the Affiliated Clubs at present existing other Affiliated Clubs may be formed subject to the approval of Council. Membership of an Affiliated Club shall be open to:

- (a) Ordinary and Junior Members of the parent Club.
- (b) Associate Members of the parent Club who are members of the Mary Erskine Guild.
- (c) Associate Members of the parent Club if so permitted by the Constitution of the Affiliated Club.

The Secretary of each Affiliated Club shall submit annually a list of members and a copy of the audited accounts of that Affiliated Club, these to be laid before Council. Officials shall be appointed and Rules shall be drawn up by each Affiliated Club and the said rules shall be subject to the approval of Council and in the case of those formed for the pursuance of a particular sport or activity shall conform to the rules and regulations laid down by the body governing the sport or activity in question. It shall be the duty of each Affiliated Club to nominate a representative or representatives to attend meetings of the body governing that particular sport or activity.

## 10 ANNUAL GENERAL MEETINGS

A General Meeting of the Club shall be held in the month of October or November each year. At that Meeting a Report by the Council and a Financial Statement with the Auditor's Report thereon for the year ending 31<sup>st</sup> August preceding shall be submitted, the Office-Bearers, Members of Council and an Auditor elected or re-elected for the ensuing year and any other competent business transacted. The Notice calling such Meeting shall be sent to each Ordinary, Honorary or Associate Member not less than seven days prior to the date thereof and such Notice shall specify the business to be transacted at the Meeting. Copies of the Report, Financial Statement and Auditor's Report will be available to Members attending the Meeting. If the business is not completed, the Meeting may be adjourned.

## 11 EXTRAORDINARY GENERAL MEETING

The Secretary shall call an Extraordinary General Meeting of the Club at the request of Council or on a requisition in writing signed by not less than thirty Ordinary Members of the Club. The purpose for which the Meeting is called shall be as specified in the requisition and the Notice calling the Meeting, which Notice shall be sent to each Ordinary, Honorary or Associate Member of the Club not less than seven days prior to the date of the Meeting. No other business shall be transacted at the Meeting.

## 12 QUORUM

At all General Meetings of the Club, fifteen Ordinary Members shall form a Quorum and at any Meeting of Council six Members with voting rights shall form a Quorum.

## 13 CHAIRMAN'S VOTE

At General, Council and Special Committee Meetings of the Club the Chairman shall, in cases of equality, have a casting as well as a deliberative vote.

## 14 PAYMENTS

Members may make payments annually at a date (currently 1<sup>st</sup> December) and, at rates to be determined at the Annual or at an Extraordinary General Meeting, in order to:

- (a) Receive all communications by e-mail and access FP News online for currently nil payment  
or
- (b) Receive a copy of FP News by post with all other communications by e-mail.  
or
- (c) Receive all communications including FP News by post.

## 15 APPLICATION FOR MEMBERSHIP AND LIST OF MEMBERS

Application for Membership shall be made on the appropriate form to be obtained from the Secretary, who may submit the application to the Council for approval. The current membership list is obtainable from the Secretary on request.

## 16 MEMBERSHIP OPTION FOR PUPILS

When payments are made for a pupil in attendance at the College on a termly basis, collected by the Bursar of the College for the first nine terms of the pupil's time in the Senior School, the sum to be paid is determined at a meeting of the President, Secretary and/or Treasurer with the Principal of the School. This meeting shall be held before the end of April each year. When the pupil leaves the College he automatically becomes an Ordinary Member of the Club.

## 17 REFUSAL OF MEMBERSHIP

Council shall have power to refuse any application for membership, without assigning reason.

## 18 EXPULSION

Any member whose conduct is, in the opinion of Council, prejudicial to the interests of the Club shall be liable to expulsion. The motion for expulsion shall be brought up at the Annual General Meeting or at an Extraordinary General Meeting called for the purpose and shall not be carried unless supported by not less than two-thirds of the Ordinary Members present and voting.

## 19 SUSPENSION

Council shall have power to suspend a Member whose subscription to the Club is in arrears. Any member who has been suspended by Council shall be entitled at any time to apply for re-instatement and if accepted shall pay such sum (not exceeding the total arrears of his annual subscriptions) as Council may determine.

## 20 FUNDS AND INVESTMENTS

Proper books and accounts shall be kept, showing the financial state and intromissions of the Club, including the Bar accounts and the stock of liquor held at the Club premises. The Funds of the Club shall be kept in the name of the Club in such Bank as Council may determine and the Treasurer, whom failing the Secretary and such other persons as authorised by Council, shall have power to operate upon the Account or Accounts kept thereat. All investments shall be in the names either of Trustees for the Club nominated by Council or of the Nominee Company of the Bank with which the Club Account is kept.

## 21 BORROWING POWERS

Council shall have power to borrow any monies required for the purposes of the Club, with or without security, on such terms and conditions as Council may determine and to charge any property, heritable or moveable, belonging to the Club with repayment for the money so borrowed and to authorise the Trustees for the Club to grant on behalf of the Club all Deeds and Documents that may be necessary in respect of such borrowings.

## 22 EMPLOYEES

Council shall have power to employ on such terms and conditions as may be thought best such assistance as they deem necessary for the more efficient working and administration of the Club. All employees will be subject to an annual review of conditions and salary to be effective from 1<sup>st</sup> April.

## 23 PROPERTY

Council shall have power to acquire by purchase, lease or hire such property, heritable or moveable, as is deemed necessary.

## 24 POWER TO SUE

Council shall have power to sue for and recover debts due to the Club or any of its Affiliated Clubs and a receipt for any such debt signed by the Treasurer shall be sufficient evidence of the payment thereof.

## 25 ALCOHOLIC LIQUORS

- (a) The hours during which alcoholic liquor may be sold or supplied shall be in accordance with the provision of the Licensing (Scotland) Act 2005 or any subsequent amendment thereto.
- (b) Alcoholic liquors shall not be sold or supplied for consumption outside the premises of the Club.
- (c) Alcoholic liquors shall not be sold or supplied to any person under eighteen years of age.
- (d) No Member of Council or other official of the Club shall have any personal interest in the sale of alcoholic liquors in the Club premises, or in the profits arising from such sales.
- (e) Profits from activities within the Club premises shall be distributed to the Affiliated Clubs or retained within the Club at the discretion of Council.

## 27 ALTERATION OF CONSTITUTION

No alteration in or addition to the Constitution shall be made except at the Annual General Meeting or at a Special General Meeting called for the purpose, and notice of such proposed alteration or addition shall be issued by the Secretary to the Ordinary, Honorary or Associate Members not less than seven days prior to the date of the Meeting. No such alteration or addition shall take effect unless with the consent of at least two-thirds of the Ordinary Members present and voting at the Meeting.

## 28 COUNCIL'S POWERS

Council shall have full power to deal with any questions arising as to terms or construction of the Constitution and with any matters not therein provided for.

### **APPENDIX**

The rights of Members of the Club are the right to:

- (a) Use the facilities of the Club premises at Inverleith;
- (b) Purchase and/or consume alcoholic liquor;
- (c) Book the Clubhouse for a private function;
- (d) Access all communications from the Club including FP News online;
- (e) Attend all General Meetings of the Club;
- (f) Join Affiliated Club(s);
- (g) Join Branch Club(s);
- (h) Vote at General Meetings.

Ordinary Members are entitled to all of the above rights.

Honorary Members are entitled to all of the above rights except (h).

Associate Members are entitled to rights (a), (b), (c), (d), (e) and (f).

Honorary Associate Members are entitled to rights (a) and (b).

Junior Members are entitled to rights (a) and (f).