

# **ENGLAND & WALES CRICKET BOARD ASSOCIATION OF CRICKET OFFICIALS**

## **DRAFT NEW CONSTITUTION – November 2016**

This document is the constitution of the England & Wales Cricket Board Association of Cricket Officials (the 'Constitution').

**N.B.** It should be noted that anywhere in this document;

- Any reference to a person in the male gender refers equally to the female gender. It should be understood that this expression is not discriminatory and is used only for the sake of brevity.
- The term 'in writing' is deemed to include, but not be limited to, email, publication on the England & Wales Cricket Board Association of Cricket Officials' website, publication in the England & Wales Cricket Board Association of Cricket Officials' newsletter, or notification by post.

### **Definitions:**

Within this document the following definitions shall apply:-

ACO	England & Wales Cricket Board Association of Cricket Officials
Core Volunteer Workforce	a group consisting of the ACO officers in each County and appointed officers in each Region.
County	one of the organised Counties as defined in Appendix 4
County ACO	an association that has been established within a County to further the aims and objectives of cricket officials
County Board	the body recognised by ECB as responsible for recreational cricket within a County
ECB	the England and Wales Cricket Board
First Class Counties	Counties designated First Class by ECB
First Class Scorers	Scorers engaged by First Class Counties
First Class Umpires	Umpires employed by ECB
Head of ACO	The Chief Executive of ACO
Laws	The Laws of Cricket
MCC	Marylebone Cricket Club
Management Committee	The group as defined in Paragraph 5 below which has the responsibility for the affairs of the ACO

Region	One of the organised Regions as defined in Appendix 4
Regional Representative	Management Committee member for one of the Regions
Sub-Committee	A group established by the Management Committee for a specific purpose
Task Force	A group established by the Management Committee or Sub-Committee to further a specific objective as defined at Paragraph 9 of the Constitution

**1. Title      England & Wales Cricket Board Association of Cricket Officials**

**2. Structure**

- 2.1    ACO is a Members' organisation with County ACOs in each County Board area in England and Wales and each member country in ICC Europe.
- 2.2    There are eight Regions, 7 within England and Wales, and ICC Europe.
- 2.3    ACO is led by a Management Committee with an independent Chairman.
- 2.4    ACO operates under the protection and with the support of ECB.

**3. Aims and Objectives**

- 3.1    To promote the interests of cricket officials in England, Wales and ICC Europe in particular, and elsewhere in the world where appropriate.
- 3.2    To promote the development of cricket officials through education, training, appointments and continuous professional development.
- 3.3    To serve the game in accordance with the Spirit of Cricket as defined in the Laws.
- 3.4    To take account of and use reasonable endeavours to apply all relevant ECB directives, regulations and guidance.

**4. Membership**

- 4.1    Membership of ACO shall be open to any person interested in furthering the Aims and Objectives of ACO.
- 4.2    Membership shall commence from the date of issue in writing of confirmation after receipt and acceptance of an application form and verification of all associated documentation and payment of an annual subscription laid down from time to time by the Management Committee.
- 4.3    Any Member not paying the renewal of an annual subscription and providing verification of relevant documentation within 60 days of his membership renewal date shall be deemed to be lapsed and his membership and all benefits of ACO shall cease.

4.4    Membership shall comprise:

4.4.1. Honorary Life Member

The Management Committee shall be empowered to nominate any individual, whose services to the ACO have been such that it considers he is worthy of Honorary Life Membership. Honorary Life Members shall be elected at an Annual General Meeting and shall have the rights and privileges of Full Members. They shall be free of financial obligations to ACO.

4.4.2 Full Member (England & Wales)

Any Member residing in England or Wales and participating in cricket or any activity organised or administered by ACO. A Full Member (England & Wales) must maintain relevant documentation, as required by ECB, for the duration of his membership.

#### 4.4.3 Full Member (ICC Europe)

Any Member residing in ICC Europe (as defined in Appendix 4) and participating in cricket or any activity organised or administered by ACO. A Full Member (ICC Europe) must maintain relevant documentation, as required by the National Governing Body for cricket of the country in which he resides, for the duration of his membership.

#### 4.4.4 Full Member (Honorary)

Any member, participating in cricket or any activity organised or administered by ACO, who is elected on an annual basis by the ACO Management Committee (e.g First Class Umpires or First Class Scorers). They shall be free of financial obligations to ACO for the specific year.

#### 4.4.5 Overseas Member

Any Member residing in a country outside England, Wales & Europe, participating in cricket or any activity organised or administered by ACO. An Overseas Member must maintain relevant documentation, as legally required by the National Governing Body for cricket of the country in which he resides, for the duration of his membership.

#### 4.4.6 Young Official

Any Member under the age of 25 participating in cricket or any activity organised or administered by ACO. A Young Official must maintain relevant documentation, as required by the National Governing Body for cricket of the country in which he resides, for the duration of his membership.

#### 4.4.7 Associate Member

Any Member who is involved only in social activities of ACO.

- 4.5 A Member wishing to resign from ACO shall notify the Head of ACO in writing. His resignation will come into effect when it is received by the Head of ACO and all his benefits and entitlements of ACO membership shall cease with immediate effect.
- 4.6 The Disciplinary and Appeals Procedure prescribed by Appendix 3 shall apply to all Members of ACO who the Management Committee considers to have behaved in such a way as to bring the ACO or the game of cricket into disrepute, or about whose conduct in connection to ACO or the game of cricket a complaint is made to ACO.
- 4.7 All Members of the ACO, who are based in England and Wales, shall be registered with a County ACO. For the avoidance of doubt a Member may only be registered with one County ACO at any one time. All Members in Member Countries of ICC (Europe) must be affiliated to their National Cricket Association.

## **5. Management Committee**

5.1 The ACO and its assets shall be administered by a Management Committee consisting of:

Chairman  
Deputy Chairman (if appointed)  
Regional Representative for East (or his nominated deputy)  
Regional Representative for East Midlands (or his nominated deputy)  
Regional Representative for London (or his nominated deputy)  
Regional Representative for North (or his nominated deputy)  
Regional Representative for South Central (or his nominated deputy)  
Regional Representative for South West and Wales (or his nominated deputy)  
Regional Representative for West Midlands (or his nominated deputy)  
Regional Representative for ICC Europe (ex officio) (or his nominated deputy)  
Head of ACO  
ECB Chief Operating Officer (or his nominee)  
Representative of MCC  
ECB Umpires' Manager (or his nominee)

- 5.2 The Management Committee may appoint, or co-opt, other members, who may be independent of ECB and ACO, and who shall have no voting rights at any meeting of the Management Committee.
- 5.3 The Management Committee may appoint a Deputy Chairman from amongst the ACO membership.
- 5.4 At any meeting of the Management Committee the quorum shall be eight voting members of whom a minimum of four must be Regional Representatives or their nominated deputies.
- 5.5 The Management Committee shall administer the affairs of ACO and shall meet at least four times annually.
- 5.6 At a meeting of the Management Committee, all Management Committee members as defined in Paragraph 5.1 of this Constitution shall have one vote, except the chairman of the meeting, who shall have only a casting vote.
- 5.7 Sub-Committees, as appropriate, may be established and may include members other than Management Committee members.
- 5.8 The Management Committee shall be notified of Management Committee meetings at least 28 days in advance.
- 5.9 Items to be presented to the Management Committee shall be in writing and shall be circulated to the Management Committee members at least seven days before the date of the meeting. These items may be raised at the meeting at the discretion of the Chairman.
- 5.10 All contracts, renewals and other legally binding documents which affect ACO shall be put to the Management Committee for ratification before signature. The Management Committee, at its discretion, may delegate powers to such other body or individual(s) as it deems appropriate.

- 5.11 A member of the Management Committee shall cease to hold office if:
- a) he, at the Management Committee's discretion, becomes incapable by reason of mental disorder, illness or injury of managing or administering his own affairs;
  - b) he is absent from three consecutive meetings without reason acceptable to the Management Committee; or
  - c) he notifies in writing to the Management Committee a wish to resign.

5.12 Appointment of Management Committee

5.12.1 The Chairman shall be appointed by the Management Committee.

5.12.2 The following Management Committee members shall be appointed by agreement between ECB, the Head of ACO and the Chairmen of the County ACOs within the Region:-

- Regional Representative for East
- Regional Representative for East Midlands
- Regional Representative for London
- Regional Representative for North
- Regional Representative for South Central
- Regional Representative for South West and Wales
- Regional Representative for West Midlands

## **6. Roles and Responsibilities of the Management Committee**

6.1 The responsibilities of the Management Committee are outlined in Appendix 1.

6.2 Chairman

- a) To conduct each meeting in accordance with good practice
- b) To represent ACO nationally and worldwide
- c) To authorise the agenda for Management Committee meetings
- d) To authorise minutes of Management Committee meetings before distribution

6.3 Deputy Chairman (if appointed)

To act as deputy for the Chairman when he is not available

6.4 Regional Representative

- A) To represent the Members and their views
- b) To implement ACO strategy in their Region
- c) To represent the Management Committee on selected Sub-Committees
- d) To establish and manage a Regional Committee
- e) To organise and chair Regional Meetings
- f) To be responsible for an annual budget for his Region
- g) To ensure that the Region and its County ACOs adopt the ACO Constitution and any model rules for Regions as prescribed from time to time by the Management Committee

6.5 Head of ACO

- a) To co-ordinate and manage ACO and ECB staff members engaged in ACO activities
- b) To manage all correspondence
- c) To notify all Management Committee members of Management Committee meetings
- d) To be responsible for all matters relating to meetings of the Management Committee and its Sub-Committees including the production and distribution of the minutes
- e) To provide reports from all Sub-Committees to the Management Committee
- f) To be responsible for the production and editorial content of ACO's Newsletter and website
- g) To act as archivist for ACO

6.6 ECB Chief Operating Officer (or nominee)

To communicate to the Management Committee all relevant initiatives and information from the ECB

6.7 Representative of MCC

To communicate to the Management Committee all relevant initiatives and information appertaining to the Laws of Cricket and enhance the relationship between ACO and MCC

6.8 ECB Umpires' Manager

To act as liaison in all relevant matters and report on the development of the pathway opportunities

**7. Indemnity**

7.1 Each and any member of the Management Committee and any Member to whom responsibility for ACO business has been delegated by the Management Committee shall be indemnified out of the assets of ACO against any and all losses or liabilities which he may sustain or incur in or about the execution of the duties of his office or otherwise in relation thereto, including any loss or liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is ultimately given in his favour or in which he is acquitted by a recognised and empowered tribunal. No member of the Management Committee or any Member to whom responsibility has been delegated by the Management Committee shall be liable for any loss, damage or misfortune which may happen to be incurred by ACO in the execution of the duties of his office or in relation thereto, save in relation to circumstances where such loss, damage or misfortune arises out of an act of fraud or criminal activity on the part of the member of the Management Committee or Member for which he is subsequently convicted or found guilty by any duly authorised tribunal.

7.2 The members of the Management Committee shall have the power to purchase and maintain out of the assets of ACO, for any member of the Management Committee, and for any Member to whom responsibility has been delegated by the Management Committee, insurance against

personal liability for acts properly undertaken by him in breach of trust but under an honest mistake.

## **8. General Meetings**

### 8.1 Annual General Meeting

8.1.1 An Annual General Meeting shall be held:

- a) To receive the report from the Chairman of the Management Committee
- b) To receive the report from the Head of ACO
- c) To receive a financial statement
- d) To receive and announce the result of any postal ballot and/or to hold a ballot of Members present
- e) To transact other business of which proper notice has been given

8.1.2 Members shall be given notice in writing of an Annual General Meeting, together with the agenda including notice of any known motions for debate, not less than 56 days before the date of the meeting.

8.1.3 Further motions to be submitted to the Annual General Meeting, unless proposed by the Management Committee, may be proposed by any Members of ACO. Such motions must be seconded by at least one Member of ACO and must reach the Head of ACO, or his nominated representative, in writing not later than 28 days before the date of the meeting.

8.1.4 Such further motions shall be notified to members not later than 21 days before the meeting

8.1.5 Any motion to dissolve ACO will only be put as an Extraordinary Motion as defined at Paragraph 8.2 of this Constitution.

8.1.6 Any motion on the agenda for the Annual General Meeting may, at the discretion of the Management Committee, be decided by a postal ballot. In such cases ballot papers shall be circulated to all Members of ACO with the agenda. The rules governing postal ballots are at Appendix 2.

8.1.7 At an Annual General Meeting, the quorum shall be 50 Full Members of ACO, of whom no more than half shall be registered in the same Region.

8.1.8 At an Annual General Meeting all Full and Honorary Life Members of ACO present shall have one vote.

8.1.9 At an Annual General Meeting a simple majority of those Full and Honorary Life Members voting shall be required to carry a motion, subject to Paragraph 8.1.10 of this Constitution.

8.1.10 For a change to the Constitution to be carried, at least two-thirds of the votes cast by Full and Honorary Life Members need to be in favour.

### 8.2 Extraordinary Motion

8.2.1 A motion for consideration outside the Annual General Meeting, known as an Extraordinary Motion, may be put by the Management

Committee or on the written request of at least 50 Full or Honorary Life Members of ACO, of whom no more than half the proposers shall be registered in the same Region.

8.2.2 An Extraordinary Motion may, at the discretion of the Management Committee, be decided either by a postal ballot or at an Extraordinary General Meeting.

8.2.3 In the event of a postal ballot, ballot papers shall be circulated to all Members of ACO entitled to vote. The rules governing postal ballots are at Appendix 2.

8.2.4 The rules for calling an Extraordinary General Meeting and for the quorum at such a meeting shall be the same as those for an Annual General meeting.

8.2.5 The rules for the conduct of a postal ballot are at Appendix 2.

8.2.6 For an Extraordinary Motion to be carried, at least two-thirds of the votes cast need to be in favour.

## **9. Sub Committees & Task Forces**

9.1 The Management Committee shall nominate a chairman for each Sub-Committee established under the terms of paragraph 5.7 above. He shall be appointed at the first Management Committee meeting after the Annual General Meeting.

9.2 At a meeting of any Sub-Committee or Task Force the appointed members who are present at the meeting shall each have one vote. In the event of an equal number of votes the chairman of that meeting shall have a second and decisive vote.

9.3 Any other Management Committee member shall be entitled to attend any of the Sub-Committee or Task Force meetings as an observer but shall have no voting rights at that meeting.

9.4 The minutes of all Sub-Committee meetings shall be lodged with the Head of ACO for distribution to Management Committee members.

## **10. Interpretation**

The Management Committee shall be responsible for the interpretation of this Constitution and shall decide on any matter on which this Constitution is silent.

## **11. Dissolution/Disposal of assets**

Should, for any reason, the Members of ACO agree and vote that ACO should be dissolved, then a duly convened meeting of Members present and voting shall decide on how the assets of ACO shall be disposed of, provided always that the assets are used for the purposes of the benefit of cricket officiating, and in the best interests of the game of cricket. For the dissolution of ACO to take place, and for deciding on the disposal of its assets, at least two thirds of the votes cast need to be in favour.

## **12. Property**

The property and all funds of ACO remain vested in the members of ACO, and must be used solely for promoting the Aims and Objectives of ACO.

## **Appendix 1**

### **Responsibilities of the Management Committee**

1. To promote ACO's Aims and Objectives in accordance with Section 3.

This should articulate ACO's goals, means, and primary constituents served. Each individual Management Committee member should fully understand and support these Aims and Objectives.

2. To work with ECB to select the executives

The Management Committee must reach consensus on the ACO executives' job descriptions and work with ECB to find the most suitable individuals for the posts

3. To support the Executives and ensure their performance is reviewed

The Management Committee should ensure that the ACO executives have the support they need to further the goals of ACO. The Chairman should meet ECB senior staff to evaluate the performance of the Head of ACO each year.

4. To ensure effective organisational planning

The Management Committee must participate actively with the executives in an overall planning process and assist in implementing the plan's goals.

5. To ensure adequate resources

One of the Management Committee's foremost responsibilities is to take all reasonable measures to provide adequate resources for ACO to fulfil its Aims and Objectives.

6. To manage resources effectively

The Management Committee must ensure that proper financial controls are in place so that expenditure is provided for in the annual budget.

7. To enhance the ACO's public image

The Head of ACO shall provide the primary link to the media, the community and the public, clearly articulating ACO's mission, accomplishments and goals, as well as gathering support from important members of the community. Members of the Management Committee and the Core Volunteer Work Force shall use their best endeavours to further these aims.

8. To assess its own performance

The Management Committee will be responsible for evaluating its own performance and agreeing on which areas need to be improved.

## **Appendix 2**

### **Rules for Postal Ballots (see Constitution paragraph 8.2.5)**

1. The Management Committee shall appoint a Scrutineer to conduct each postal ballot.
2. A member wishing to exercise his/her vote should complete the postal ballot form (no other form or photocopy thereof is permitted to be used for this purpose) and send it to the Scrutineer. Envelopes containing postal ballot forms, if sent by courier/registered post at the expense of the member or delivered by hand to the Scrutineer will also be accepted.
3. The member's support for, or opposition to, the proposal shall be clearly marked by placing a cross in the appropriate box.
4. The postal ballot form should be completed, dated and signed by the member.
5. The right of voting by postal ballot shall not be exercised by a proxy.
6. A self-addressed envelope bearing the name of the Scrutineer appointed by the Board shall be provided to each member. The duly completed postal ballot forms should reach the Scrutineer by the advertised time and date. Postal ballot forms received after this date shall be strictly treated as if the reply from the member has not been received.
7. A member may request a duplicate postal ballot form, if so required. However, the duly completed postal ballot form should reach the Scrutineer not later than the date specified in 6 above.
8. There will be one postal ballot form for every member of the Association entitled to vote.
9. The Scrutineer is responsible for conducting the postal ballot process in a fair and transparent manner.
10. Only the completed ballot paper may be sent to the Scrutineer.
11. Members must complete the postal ballot form in ink.
12. Votes will be considered invalid on the following grounds:
  - (a) if the member does not enter his current valid ACO membership number;
  - (b) if the postal ballot form is unsigned or incomplete;
  - (c) If the vote is in pencil;
  - (d) If any extra papers are included with the ballot paper; or
  - (e) if the postal ballot form is received torn or defaced or mutilated to such an extent that it is difficult for the Scrutineer to identify either the member or whether their vote is in favour or against the proposal

The Scrutineer's decision on the validity of a postal ballot form will be final

### **Appendix 3**

#### **Discipline and Appeals Procedures (see Constitution Paragraph 4.6)**

1. The disciplinary procedure outlined below applies only to Members and those who wish to become Members.
2. All Members are expected to uphold the Aims and Objectives of ACO at all times.
3. If any Member or person wishing to become a Member is considered by the Management Committee to have brought ACO or the game of cricket into disrepute or has been the subject of a complaint, he shall be subject to the disciplinary procedure set out below.
4. Any complaint regarding the behaviour of a Member or person wishing to become a Member must be lodged in writing to the Head of ACO.

#### **Disciplinary Committee**

5. The Head of ACO shall be responsible for proposing to the Management Committee
  - A panel of Members from whom Disciplinary Committee Chairmen be drawn;
  - A panel of Members from whom a Disciplinary Committee can be drawn;
  - A panel of Members from whom Appeals Committee Chairmen be drawn;
  - A panel of Members from whom an Appeals Committee can be drawn
6. The Disciplinary and Appeals Committee Chairmen and members may not be Members of the Management Committee.
7. The Management Committee shall endorse these appointments.

#### **Disciplinary procedure**

8. If any Member is subject to the Disciplinary Procedure (see paras 3 and 4 above), a Disciplinary Committee Chairman shall be appointed by the Head of ACO from the panel of Chairmen described in para 5 above, and shall consider within 7 days whether
  - to take no further action, record the complaint and notify the Member and the complainant of the outcome; or
  - to refer the matter to a disciplinary hearing, and to notify the complainant and the Member of that decision.
9. The Head of ACO shall be responsible for setting up any Disciplinary hearing within 30 days of the parties having been notified that a hearing will take place. In exceptional circumstances the hearing may be delayed, subject to the discretion of the Disciplinary Committee Chairman. The Disciplinary Committee Chairman shall draw two panel members from those described in para 5 above.
10. The accused Member may
  - Submit written statements to the hearing;
  - Attend in person to state his case;
  - Be legally represented or assisted by a colleague; and
  - Call witnesses.

11. Any Member called before a Disciplinary hearing shall be responsible for his own costs and other expenses.
12. The case shall be decided on the balance of probabilities.
13. The outcome of any hearing, including any penalties, shall normally be announced immediately after the hearing.

### **Penalties**

14. The Disciplinary Committee may impose any of the following penalties on any Member found guilty of an offence:-
  - Suspension from appointment to specified types of cricket match;
  - Suspension from membership for a specified period; or
  - Expulsion from membership for a specified period, up to and including life.

### **Appeals Committee**

15. If a Member called to a Disciplinary hearing feels he has grounds for appeal against either the verdict or any penalty imposed, he shall have the right to submit an appeal. He must do so in writing to the Head of ACO within 7 days of the end of the outcome of the Disciplinary hearing being announced. Appeals shall not normally be founded on the facts of the case as decided by the Disciplinary Committee, but may be based on procedural or legal grounds.
16. The Member must submit any appeal in writing to the Head of ACO, stating the grounds for the appeal. The appellant Member must also lodge a deposit of £100 with the Head of ACO.
17. The Head of ACO shall be responsible for setting up any Appeals hearing within 14 days of the parties having been notified that a hearing will take place. In exceptional circumstances the hearing may be delayed, subject to the discretion of the Appeals Committee Chairman. The Appeals Committee Chairman shall draw two panel members from those described in para 5 above. Neither the Appeals Committee Chairman nor the members of the Appeals Committee may have been involved in any way in the Disciplinary hearing.
18. The appellant Member may attend the hearing and make representations. He will only be permitted to call witnesses in exceptional circumstances. He may be represented by a lawyer or assisted by a colleague.
19. The Appeals Committee shall have the power to uphold, reduce or increase any penalty and shall have absolute discretion as to whether the appellant's deposit shall be returned or retained by ACO.
20. The decision of the Appeals Committee shall be binding and final on all parties with no further right of appeal.

## **Appendix 4**

### **The ECB ACO Regions and Counties and Member Countries of ICC Europe**

#### **East (7)**

Bedfordshire  
Cambridgeshire  
Hertfordshire  
Huntingdonshire  
Norfolk  
Suffolk

#### **East Midlands (5)**

Derbyshire  
Leicestershire and Rutland  
Lincolnshire  
Northamptonshire  
Nottinghamshire

#### **London (4)**

Essex  
Kent  
Middlesex  
Surrey

#### **North (6)**

Cheshire  
Cumbria  
Durham  
Lancashire  
Northumberland  
Yorkshire

#### **South Central (6)**

Berkshire  
Buckinghamshire  
Hampshire  
Isle of Wight  
Oxfordshire  
Sussex

#### **South West and Wales (7)**

Cornwall  
Devon  
Dorset  
Gloucestershire  
Somerset  
Wales  
Wiltshire

#### **West Midlands (5)**

Herefordshire  
Shropshire  
Staffordshire  
Warwickshire  
Worcestershire

#### **ICC Europe (33)**

Austria  
Belgium  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Gibraltar  
Guernsey  
Hellas (Greece)  
Hungary  
Ireland  
Isle of Man  
Israel  
Italy  
Jersey  
Luxembourg  
Malta  
Netherlands  
Norway  
Portugal  
Romania  
Russia  
Scotland  
Serbia  
Slovenia  
Spain  
Sweden  
Turkey