



CONSTITUTION & RULES

Reprinted November 2019

1.0 THE GOLF CLUB

- 1.1 The Golf Club shall be 'Aboyne Golf Club' situated at Formaston Park, Aboyne, Aberdeenshire, AB34 5HP
- 1.2 The Golf Club shall have at least 25 members to be properly constituted.

2.0 AIMS OF THE GOLF CLUB

- 2.1 The aim of the Golf Club is to provide golfing facilities for the pleasure and recreation of its members in accordance with the rules and regulations for the game of golf as laid down by the Royal and Ancient Golf Club of St Andrews.



3.0 THE COUNCIL AND OFFICE-BEARERS OF THE GOLF CLUB

- 3.1 The Office-bearers of the Golf Club shall consist of the President, the Vice-President, the Men's Captain, the Seniors' Captain, and the Ladies' Captain who, along with four Ordinary Members, shall constitute the Council.

4.0 TRUSTEES OF THE GOLF CLUB

- 4.1 The Trustees of the Golf Club shall be the President, the Vice-President and the Club Secretary for the time being.

5.0 RULES

5.1 Management

- 5.1.1 The affairs of the Club shall be managed and controlled by the Council, five members of which shall form a quorum. The Council will meet at least once per month for such purpose.
- 5.1.2 The President, Vice-President, Men's Captain, Seniors' Captain and Ladies' Captain and other Members of Council shall be elected by the Golf Club at the Annual General Meeting (AGM). The President, Vice-President, Men's Captain, Seniors' Captain and Ladies' Captain shall be elected for one year and shall be eligible for re-election for a second year. The other Members of the Council shall be elected for three years, but will be eligible for re-election for a second term of three years.
- 5.1.3 A notice of vacancies on Council will be displayed in the Clubhouse at least six weeks before the AGM. The notice will include Council nominations for Office-bearers and will constitute the formal notice of the AGM (see 5.7.3).

All other nominations for Office-bearers must be received in writing by the Club Secretary at least four weeks before the AGM. Each nomination must be signed by the nominee, proposer and seconder. These nominations will be displayed in the Clubhouse at least three weeks before the AGM.

Notice of all nominations will be included with the circular convening the AGM.

Nominations for Council Members will be taken from the floor of the AGM.

- 5.1.4 After two terms in any office a Member shall not be eligible for that office until the expiry of two years. The President may, on giving up office, serve on the Council for a further year and continue to count as a member of Council in addition to 3.1.
- 5.1.5 The President, whom failing, the Vice-President, will preside at all meetings of the Golf Club and Council and shall be entitled to a deliberate and, if necessary, a casting vote.



- 5.1.6 A Member may not be elected to the Council unless they are present at the meeting or has given written notice to the Club Secretary indicating their willingness to serve on the Council.
- 5.1.7 Any position on Council left vacant at the AGM or becoming vacant prior to the next AGM may be filled, at the discretion of the Members of Council, from the Golf Club membership.
- 5.1.8 No Member of the Council and no Manager or employee of the Club shall have any personal interest in the sale of excisable liquors therein or in the profits arising from such sale.
- 5.1.9 The Council shall have the sole right to interpret these Rules and give directions in cases not provided for therein and all Orders, Bye-Laws or Regulations made by them shall be binding on all Members until set aside by a General Meeting. Copies of such Orders, Bye-Laws and Regulations shall be posted on the Notice Board in the Clubhouse.
- 5.1.10 The Club shall be operated on a non-profit making basis, and any profits or surpluses made shall be used to improve the Club's facilities.
- 5.1.11 If, upon the winding up or dissolution of the Club there remains after the satisfaction of all the Club's debts and liabilities any property whatsoever, the same shall be given or transferred to some other organisation or organisations having objects (that is, aims and activities) similar to the objects of the Club, such organisation or organisations to be determined by the members of the Club by Resolution passed at a General meeting at or before the time of the dissolution, and in so far as effect cannot be given to such provision then to some charitable objects. No portion of the income and property shall be paid or transferred directly or indirectly by way of dividend, distribution, bonus, honoraria or otherwise howsoever by way of profit to the members.
- 5.1.12 No member of the Council and no Manager or Officer of the Club, or anyone related to these officers, shall rent or lease land to, provide administration or management services to, or provide other services or goods at greater than open market value to the Club.

5.2 Powers of the Council

- 5.2.1 The Council shall appoint the Club Secretary, the Finance Convenor and any such Office-bearers or Employees of the Club as they may consider necessary. The council shall authorise ladies', men's and seniors' sections to elect committees to oversee their relevant fixtures including matches.
- 5.2.2 The Council may appoint from its Members such Sub-Committees as they may consider necessary. A Sub-Committee shall not incur any expenditure without the previous consent in writing by the Council.
- 5.2.3 A Special Meeting of the Council shall be called only at the instance of the President or of three Members of the Council on written requisition being made to the Club Secretary.



5.3 Membership

Membership is open to all and no application for membership will be refused on other than reasonable grounds. There will be no discrimination on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity, race, religion or belief, sex, sexual orientation, political or other opinion.

5.3.1 Membership of the Club shall be as follows:-

- (a) **Ordinary Members** shall be Members not in any of the special categories that follow.
- (b) **Temporary Members** shall be Members who are temporarily in the district, utilising the Golf Club's facilities and have paid a greenfee.
- (c) **Junior Members** shall be children and young persons as follows:
 - Category I: Under the age of 12 years on the 1st January of the year.
 - Category II: Over 12 but under 16 years on the 1st January of the year.
 - Category III: Over 16 but under 18 years on the 1st January of the year.Junior Members will be offered Young Adult membership upon achieving the Category III upper age limit as defined above.
- (d) **Young Adult Members** shall be young persons who are over 18 but under the age of 30 years on the 1st January of the year or are full time students. There shall be incremental annual membership fees for those aged from 26 to 29 years old.
- (e) **Social Members** shall be Members who are restricted to the privileges of the Clubhouse.
- (f) **Local Temporary Members** shall be Members ordinarily resident in the district and who are admitted from day to day subject to the conditions of rule 5.3.8.
- (g) **Honorary Members** shall be persons who have rendered outstanding service to the Club, or in furthering the game of golf, and shall be admitted on such terms and conditions including the payment of a subscription as the Council may decide and as seen fit by Council.
- (h) **Country Members** shall be Members who are ordinarily resident outwith a radius of 35 miles of the Clubhouse.
- (i) **Family Membership** shall be available to one or two Ordinary Members with two or more Junior Members. The adult Members will have the voting rights of Ordinary Members.
- (j) **Flexible Members** - Any flexible membership category of golfer as agreed by Council.
- (k) **9 holes Members** shall be Members aged over 75 years restricted to playing only 9 holes per round of golf on Mondays through Fridays and restricted to tee times before 9.00 am and from 11.00am to 4.00 pm.



(I) Overseas Members shall be Members having a residential address outside the United Kingdom.

- 5.3.2 Ordinary Members, Country Members, Young Adult Members, Junior Members, Social Members, Flexible Members, 9 Hole Members and Overseas Members shall be admitted on payment of the appropriate annual subscription.
- 5.3.3 Junior Members, Young Adult Members, and Social Members, 9 hole Members, Flexible Members and Overseas Members shall be admitted on payment of the appropriate annual subscription and they shall not be deemed to be Ordinary Members and shall not have a vote in the management of the Club's affairs.
- 5.3.4 Temporary members may be granted the privilege of the Clubhouse and the course on payment of subscriptions as shall be fixed by the Council.
- 5.3.5 On the election of a new member of whatsoever category, the Club Secretary shall notify the same to the Member and request payment of their subscription for the year then current plus Entry Fee and no person so elected shall participate in any advantages of the Club until the same has been paid. In the case of the annual subscription not being paid within one month of the election the Council may cancel the election.
- 5.3.6 On payment of their subscription a Temporary Member shall obtain a ticket of membership which shall state the name and address of the Temporary member and the period of his or her membership. This ticket shall be exhibited on demand to any Official or Employee of the Club.
- 5.3.7 Persons permanently resident in the district may be admitted as Local Temporary members from day to day only subject to the same restrictions and conditions as apply to Temporary members and subject to a further restriction that no excisable liquors shall be sold or supplied to any Local Temporary member.
- 5.3.8 Persons other than Ordinary members admitted to the privileges of the Clubhouse and course under the foregoing Rules shall have no right or interest in the property of the Club. They shall have no voice in the management of the Club's affairs and they shall not be deemed to be Ordinary Members. Temporary members for any period of less than three months shall have no right to introduce visitors to the Clubhouse or course.

5.4 Visitors

- 5.4.1 Ordinary Members may, subject to the provisions of the Licensing (Scotland) Act and to such Bye-laws as the Council may from time to time make, introduce a friend/friends to the Clubhouse as a visitor / visitors. The introducing member shall be responsible for entering his or her own name and the name and address of the visitor/visitors and the date of the visit in the Visitor's Book in the Clubhouse. The visitor/visitors shall not be supplied with excisable liquor except on the invitation of and in the company of a member. The visitor/visitors may remain in the Clubhouse



only so long as accompanied by the Member introducing such visitor/visitors. A Member may introduce a maximum of **five** visitors at any one time.

- 5.4.2 A Member of another club which falls within the description of a club as prescribed in Section 2(1) of the Licensing (Clubs)(Scotland) Regulations 2007 may be supplied with alcohol on the Club premises on producing satisfactory evidence of such membership.

5.5 Entry Money and Subscriptions

- 5.5.1 All subscriptions shall be fixed by the Council and submitted to the AGM for approval.
- 5.5.2 Annual Subscriptions shall be payable on the First day of February in each year for the year to Thirty-first January following or on such other date or for such other period as the Club in General Meeting may decide for categories under 5.3.1 except (j) Flexible Membership where the dates will be set by Council to correspond with the membership type.
- 5.5.3 No Member whose Subscription is in arrears shall be entitled to play on the course or vote at any Meeting after the last day of February following. The Council shall have power to remove the names of those in arrears with their Subscriptions after the Thirty First of March in each year from the Register of members. A member is liable for the payment of his or her Subscription unless he or she has given notice of his or her intention to resign Membership before the First day of February in each year. Any member who uses the Clubhouse or the course after the Thirty First day of January shall thereby be held to have withdrawn any notice of resignation previously given.
- 5.5.4 In case the conduct of any member shall, in the opinion of the Council, be detrimental to the good order of the Club or obnoxious to Members of the Club the Council shall have the power, after having offered such Member full opportunity to explain his or her conduct, to recommend such Member to resign, and if the Member so recommended to resign shall not do so within one month from the date of such recommendation the Council shall have power at once to expel such Member. Any Member so expelled shall not be entitled thereafter to enter the ground or premises of the club provided always that no such recommendation or expulsion shall be made or carried out unless the same shall be agreed to by the Council or by an absolute majority of their number present at a meeting specially summoned for the purpose of considering the conduct of each Member.
- Any rejected application or expelled members have the right of appeal to a body other than that which has made the decision, i.e the next AGM or a disciplinary committee with no member of the body that made the decision.
- 5.5.5 The Council shall be entitled to open, maintain and, if necessary, close an Applicants Holding File for membership of the Club upon such terms and conditions as the Council shall decide, including the payment by applicants of a fee to be fixed by the Council if necessary.



5.6 Resignation of membership

- 5.6.1 Any Member may resign his or her membership provided such resignation is duly intimated in writing to the Club Secretary for the time being and payment made for the Annual Subscription for the year then current, but such resignation shall not relieve him or her of any assessment made by the Council to cover any deficit for that year and any other sums which may be due to the Club by the member so resigning.
- 5.6.2 Members who have withdrawn from the Club in accordance with clause 5.6.1 may rejoin the Club. An ex-Member rejoining will not be required to pay a joining fee.

5.7 General meeting

- 5.7.1 The Annual General meeting (AGM) of the Golf Club shall be held before the First of February in each year at a place and time to be fixed by the Council. Notice of the AGM will be posted in the Clubhouse at least six weeks before the appointed date.
- 5.7.2 Any General Meeting other than the AGM shall be called an Extraordinary General Meeting (EGM).
- 5.7.3 The business of the AGM shall be to receive and consider the Reports of the Council and the Accounts and balance Sheets of the Club, and to elect Members of Council and Office-bearers, to elect an Auditor and to consider any other competent business relative thereto, notice of which competent business shall be given in the circular convening the meeting. In addition business affecting the Constitution and Rules of the Club may be transacted, notice of which shall be given in the circular convening the Meeting.
- The written circular, referred to above, will be sent to all members of the Club by post or by e-mail at least seven days prior to the AGM. All members may attend the AGM, however, only ordinary members may vote.
- 5.7.4 An EGM shall be called only at the instance of the President, whom failing the Vice-President, or of twenty-five Ordinary Members of the Club on written requisition being made to the Club Secretary. Notice shall be sent to all Ordinary Members at least seven days before such meetings and shall specify the business to be transacted. At all meetings the President shall preside, whom failing the Vice-President. In the absence of both the President and Vice-president the chairperson shall be appointed by the meeting.

5.8 Votes

- 5.8.1 An eligible member electing to vote shall have one vote only, must vote personally and not by proxy, and must have paid all monies due to the club.



- 5.8.2 Only Ordinary members may vote on matters relating to the Club's Constitution and Rules (see also 5.14).
- 5.8.3 With the approval of the meeting voting may be affected either by a show of hands or by completion of a ballot paper.

5.9 Accounts and Audits

- 5.9.1 The Financial Convenor shall, subject to the instruction of the Council, oversee the receipt by the Club, and disbursement by the Club, of all monies and the keeping of regular books showing the accounts and transactions of the Club. The Financial Convenor shall oversee the making up of the Accounts of the Club by the Thirty First day of October in each year. An Account of the Income and Expenditure during the preceding year and a Balance Sheet showing the financial position of the Club, certified by the Auditor, shall be submitted for approval to the AGM following. The said Account and Balance Sheet or Abstract thereof, with the Auditor's report shall, in the opinion of the Council, either be printed and circulated to the Members by post or e mail with the circular convening the AGM or lie in the hands of the Financial Convenor for inspection by the Members.

5.10 Sale of Liquors

- 5.10.1 Alcohol shall be sold or supplied only in accordance with the Licensing (Scotland) Act 2005.
- 5.10.2 Alcohol shall be sold and supplied only during the hours permitted in terms of the Operating Plan attached to the Premises Licence.

5.11 Notices

- 5.11.1 A notice may be served by the Club on any Member personally or by sending it through the post or by e mail. Where more than one member of the same family resides at the same address a notice to each may be sent in one cover to all Members at that address.
- 5.11.2 Any notice, if served by post or e mail, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.



5.12 Compliance with Rules

- 5.12.1 A Member by paying his or her entry money or subscription thereby submits to the Rules and Bye-laws of the Club both as to the restrictions enjoined and the penalties imposed, and on these conditions alone is entitled to the advantages and privileges of the Club.

A copy of the Rules and Bye-Laws shall be posted in the Clubhouse, or may be seen in the hands of the Club Secretary, and no member shall be absolved from their effect on any allegation of not having received such copy. The Council may at any time, however, transmit to such member a print of the Rules and Bye-Laws.

5.13 Liability for Financial Deficits

- 5.13.1 The Council members shall be liable for payments of such sums as may be found necessary for liquidating financial losses and outstanding debts upon insolvency of the Club.

5.14 Alteration of Rules

- 5.14.1 No Rules of the Club shall be repealed or altered or new Rule made except at the AGM or at an EGM called for the purpose, and notice of any proposal affecting the Constitution of the Club must be given to the Club Secretary at least one month previous to such Meeting, whether Annual or Extraordinary. A copy of such proposal shall be exhibited in the Clubhouse for at least three weeks prior to any Meeting called for its consideration. Only Ordinary Members may vote on these matters.

5.15 Borrowing powers

- 5.15.1(a) The Club in General meeting may from time to time authorise the Council to borrow or raise any sum, or sums, of money upon bond, disposition ex facie absolute, standard security, debenture stock, mortgage, bill, promissory note, or receipt, or by way of cash, credit or overdraft from any bank, institution or private person, or in any other manner, and to grant security, for all or any such sums and by way of such security, to dispoise, mortgage, pledge, or charge the whole or any part of the property and assets of the Club, or to dispoise, transfer, or convey the same absolutely or in trust, and to give the creditors power of sale and other usual and necessary powers.
- 5.15.1(b) In the event of of insolvency of the Club every Council member of the Club is liable for a pro rata share of all sums borrowed in terms of the Rules, but this liability does



not transmit against their Executors. Should a Council member resign his or her membership in terms of rule 5.6.1 their liability under this Rule shall continue until the expiry of 12 months from the date of their resignation, so far as obligations have been incurred during the period of their Council membership, and cease at that date unless prior to that date the Club determine to wind up or is declared to default. The Council shall have no power to pledge the personal liability of any Member of the Club for repayment of any sums borrowed.

6.0 BYE LAWS

6.1 As to Clubhouse

- 6.1.1 No Member shall take, or permit to be taken, from the Clubhouse any article belonging to the Club without the authority of Council.
- 6.1.2 No Notice or document of any kind shall be placed on the walls of the Clubhouse, or otherwise publicly displayed therein, except by the authority of the Council or one of the Captains of sections.
- 6.1.3 Members shall, before leaving the Clubhouse, defray whatever expenses they may have incurred therein to the Club.

6.2 In Regard to Play

- 6.2.1 The Rules of Golf, as they may from time to time be approved by the Royal and Ancient Golf Club of St Andrews, shall, except where otherwise specially provided in these Bye-laws, be the Rules of the Club.
- 6.2.2 The Local Rules shall be those set forth on the scoring cards of the Aboyne Course or as these may be altered from time to time.
- 6.2.3 The Council shall have power
 - (a) To regulate or restrict play on the course.
 - (b) To decide any question or dispute that may arise in connection with all Club Competitions.
 - (c) To add to or alter these Local Rules by notices displayed on the Notice Boards in the Clubhouse or otherwise.

For any alteration of the foregoing Local Rules and for starting Rules see Notice Board.



6.3 As to Lockers

- 6.3.1 An annual rent fixed by the Council shall be paid in advance by each Member who has a locker allocated to him or her.
- 6.3.2 A Member desirous of resigning his or her locker shall give notice to the Club Secretary and remove all clubs and other property from the locker before 31st December in any year, otherwise he or she shall be held to have re-taken the locker, and will be liable for the rent for the ensuing year.
- 6.3.3 Lockers shall not be transferred by one member to another, or exchanged, but when a locker is resigned the Council shall allot it, and if there be more than one applicant, shall in allotting it, have regard to seniority of membership in the Club.
- 6.3.4 Temporary members shall have the use of any vacant lockers and shall pay for the same as in the case of Members.

6.4 General

- 6.4.1 The handicaps of Members shall be fixed by a Committee of the Council whose decision shall be final.
- 6.4.2 All complaints shall be made in writing to the Club Secretary in order that they may be submitted to the Council or to the appropriate Committee.
- 6.4.3 The penalty for breaking any of the Bye-Laws of the Club shall be fixed by the Council whose decision shall be final.

By Order of the Council

November 2019