

CONSULTATION DRAFT

Proposed changes to Governance documents: Constitution, Bye-laws and Playing Rules

The attached suite of documents arises from the work of an HERCA working group allocated the task of revising the three governance documents named in the title by the Executive Committee.

The task-and-finish group was set up in the light of recent experience, the new affiliation structure, the introduction of universal direct membership achieved in partnership with affiliated organisations and a general need to review the consistency of approach across the three documents.

The Executive Committee has discussed the proposed changes and will recommend approval to a General Meeting. The volume and detail of the changes are such that it is highly likely (depending on total volume of business) that they will be considered together with the changes in Playing Rules from the Rules Committee and we will use the Extraordinary General Meeting normally called for that purpose to give formal approval to changes in all three governance documents.

The Executive Committee has approved the current draft early in the year so that there is time to send it out to affiliated organisations for discussion and comment within their own committees and/or through wider consultation with their members.

The document is long and not easy to read, so the rest of this introduction tries to make the task more straightforward.

There are several layers of changes proposed ranging from simple correction of wording and grammar to major policy issues such as appeals. The final column of the proposed changes to the constitution is intended

to give a brief explanation of the reason for the change. Most - it is hoped - are unproblematic and will not need much or any discussion. What is listed below are those changes where discussion or further explanation might be needed.

Affiliated organisations or individual HERCA members are invited to send comments to Keith Porteous as General Secretary (keithporteousinhull@yahoo.co.uk) by Thursday, 13th March. The proposed changes to the Playing Rules will follow the normal timetable for rule changes.

Constitution

8 (2) (b) This apparently small change is intended to capture what has been a significant (and implemented) development in the way in which HERCA membership is achieved. In the past, paid-up members of clubs were automatically given the status of members of HDCA/HERCA. Now, largely driven by General Protection of Data Regulations, members have applied and will apply to become HERCA members through a process conducted in partnership with affiliated organisations. For the very first time, HERCA can be more confident that it holds names and contact details of its members - something that, as a charity, it is required to do.

9 Termination of membership of the charity. The change to this section is affected by what is explained above. Even if an affiliated organisation ceases to exist, its HERCA members remain HERCA members (but would have to pay the annual individual membership rate) unless they moved to another affiliated organisation. Other clauses under 9 have been simplified.

10 (6) The important clause on how votes of no confidence in the Executive Committee are conducted is not new in its conception. But it has been misplaced under Playing Rules.

11 (6) Annual subscriptions. At the moment annual subscriptions are limited to HERCA team competitions and individuals who do not belong to an affiliated organisation. The wording here allows for the future possibility of introducing an annual affiliation subscription (to replace subscriptions for team competitions), only 'if necessary'.

12 (10) Notice. The change simplifies the notification of general meetings. All HERCA members are equal in status, so it is legally correct to circulate notice to all individually rather than through affiliated organisations. Another consequence of 8 (2) (b).

13 (2) Quorum. This change is one of the most important. It removes the consideration of a percentage of the total membership as a determinant of the quorum. But simultaneously tightens the definition of the minimum quorum which now must include 5 non-trustees.

17 Representatives of affiliated organisations. The change here removes the obstacle to the notion of a junior member attending the Executive Committee as observer. One can envisage a situation where a school may seek affiliation.

34 Disputes. The new clause attempts to remedy the inadequacy of the current clause which talks only of disputes between members and is silent on disputes between affiliated organisations or disputes involving the Association itself. It proposes a specific mechanism for arriving at a resolution: a panel whose membership goes beyond trustees and whose decision on cases not involving the Association as a party in the dispute is subject to appeal. The appeal will be heard by unconflicted trustees sitting as the Executive Committee and the decision will be final. A different process is proposed when the Association is a party to the dispute. A panel consisting of a majority of non-trustees will make a recommendation which will be accepted or not by unconflicted trustees. Their decision will be final.

Bye-laws

Note: Clause 33 of the Constitution covers the broad purposes of bye-laws which is to give more detail on the way in which the Charity governs itself. A good example is the bye-law which lays out the Code of Conduct for Trustees and Officers.

The major changes in the bye-laws are the deletion of the bye-law on new teams (this will be covered in the Playing Rules), the addition of a new section on Affiliation (which is based on wording already agreed in earlier documents) and the transfer of the existing Code of Practice for Trustees and Officers. The Code of Practice for Players will feature as a new section in the Playing Rules.

Lesser changes within the retained bye-laws are explained in the Rationale column.

Playing Rules

The three proposed changes to the Playing Rules (to be endorsed and processed by the Playing Rules Committee) involve the editing of Section 4 on Disagreements and Disputes to bring greater clarity of process, the insertion of the text of the bye-law on new teams as a new clause (8.3) of the Playing Rules, and the addition of a new section which captures the slightly amended Code of Practice for Players.

Proposed changes to the Constitution

	Current Constitution	Amended constitution	Notes
Introductory Statement	There is no introductory statement	<p>INTRODUCTORY STATEMENT</p> <p>The Hull and East Riding Chess Association (HERCA) is an unincorporated charity registered by the Charity Commission (No. 1155858) in 2014 under the then name Hull and District Chess Association. The charity is required to comply with the Charities Act 2011 (or any statutory re-enactment or modification of that provision). The Constitution is based on a template provided by the Charity Commission.</p>	The current constitution is silent on what kind of charity we are (unincorporated) and on its origins.
3. Objects	The advancement of amateur sport by promoting the game of Chess for the benefit of the residents of Hull and District (defined as that area bounded on the south by the River	The advancement of amateur sport by promoting the game of Chess for the benefit of the residents of Hull and the East Riding (“the Beneficiaries”);	The change of name from HDCA to HERCA means that there is no need to define ‘district’.

	Humber, on the east by the North Sea, and inland by the boundary of the County of East Yorkshire), “the Beneficiaries”;		
8. (1) Membership of the charity ¹	(b) Junior membership is open to individuals under 18. Junior membership does not carry any voting rights and does not entitle the junior member to any of the rights and responsibilities associated with Full Membership	(b) Junior membership is open to individuals under 18. Junior membership does not carry any voting rights and does not entitle the junior member to any of the rights and responsibilities associated with Full Membership. Junior members automatically become full members on their 18th birthday.	Additional sentence to clarify that junior members change status after their 18 th birthday.
8 (2)	Affiliated Organisations	Members and Affiliated Organisations	Words added to reflect better the content.
8 (2) (b)	Individual members of affiliated organisations shall be full or junior members of the charity.	Individual members of affiliated organisations have the right to apply to become	For General Data Protection Regulation (GDPR) purposes, consent for HERCA to use

¹ Membership of the HERCA Facebook community is excluded from this constitution. Facebook members are not members of the charity.

		full or junior members of the charity.	personal data cannot be given automatically via a third party. Individuals need to apply to become HERCA members.
8 (5)	Membership is not transferable to anyone else.	Delete. Membership is not transferable to anyone else.	Unnecessary.
8 (6)	The trustees must keep a register of names and addresses of the members.	8 (5) The trustees must keep a register of names and contact details of the members.	Change allows for collection of email addresses.
8 (7)	Copies of the Association's Constitution will be supplied to any club or person, on request, by the General Secretary. A reasonable fee may be payable.	8 (6) Copies of the Association's Constitution, Bye-Laws and Playing Rules will be supplied to any affiliated organisation or person, on request, by the General Secretary. A reasonable fee may be payable.	Changes extends the service to the key governance documents. The response to any request can direct enquirers to the website.
9 Termination of membership of the charity	Membership is terminated if: (1) the member dies or, if its affiliated organisation loses its affiliation or ceases to exist; (2) the Trustees shall have the power to remove an	Membership is terminated if: (1) the member dies or, if its affiliated organisation loses its affiliation or ceases to exist;	Deletion of current (1) and (2), and clause within (3). Since HERCA membership for members of affiliated organisations is no longer automatic, loss of

	<p>organisation's affiliation should it not meet the agreed affiliation criteria.</p> <p>(3) the member resigns by written notice to the charity unless, after the resignation, there would be less than two members; any sum due from the member to the charity is not paid in full within six months of it falling due;</p> <p>[(4) This clause and its subclauses concerns removal of membership by a resolution of the trustees.]</p>	<p>(1) the member resigns by written notice to the charity</p> <p>(2) the Trustees shall have the power to remove an organisation's affiliation should it not meet the agreed affiliation criteria.</p> <p>(3) unless, after the resignation, there would be less than two members; any sum due from the member to the charity is not paid in full within six months of it falling due;</p> <p>(2) the member ceases to maintain registration as a member</p> <p>(3) [No change to existing Clause 9 (4) except numbering]</p>	<p>affiliation is not a reason to terminate HERCA membership.</p> <p>Disaffiliation is covered in proposed new bye-law.</p> <p>New (2) allows for periodic renewal of membership and accepts non-renewal as a form of resignation.</p>
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<p>10 (6) General meetings</p>	<p>Further regulations relating to the calling of an extraordinary general meeting shall be set out in bye-laws of the charity in accordance with subclause 33(2)(d) of this constitution.</p>	<p>Further regulations relating to the calling of an Extraordinary General Meeting (EGM) shall be set out in bye-laws of the charity in accordance with subclause 33(2)(d) of this constitution. (Becomes (7)).</p> <p>New clause (6) If members of the association wish to call for a vote of no confidence in the Executive Committee, this call must be made in writing to the General Secretary, supported by (a) a signed petition of 20 full members detailing names, contact details and signatures, as well as (b) the names of the proposed new officers to replace the serving officers. The vote will be held through a properly convened general meeting.</p>	<p>Renumber current (6) as new (7).</p> <p>The new clause (6) has been transferred from the current Playing Rules 4.10. The call for a Vote of No Confidence in the Executive Committee may arise from circumstances outside the remit of the Playing Rules.</p>

<p>11 (5) Annual General Meeting (AGM)</p>	<p>(5) Consider and vote upon any amendments to the playing rules applicable to the charity's (Playing Rules), unless these have already been considered and voted upon during an EGM during the current winter season, or to the constitution.</p>	<p>(5) Consider and vote upon any amendments to the constitution, the bye-laws and playing rules, unless these have already been considered and voted upon during an EGM during the current winter season.</p>	<p>Added 'bye-laws' to complete key governance documents. Tidying.</p>
<p>11 (6) Annual General Meeting</p>	<p>(6) Determine the annual subscription for individual members and affiliated organisations.</p>	<p>(6) Determine the annual subscription for HERCA team competitions, individual members outside affiliated organisations and, if necessary, affiliated organisations.</p>	<p>Changes recognise current practice</p>
<p>12 (5) Notice</p>	<p>(5) The notice must be given in writing by the General Secretary to the members through affiliated organisation secretaries and to the trustees.</p>	<p>(5) The notice must be given in writing by the General Secretary to the members, to affiliated organisation secretaries and to the trustees.</p>	<p>Giving direct notice to members recognises their independent status as members of the charity.</p>
<p>12 (7) Notice</p>	<p>(7) Members' proposed amendments to the</p>	<p>(7) Members' proposed amendments to the</p>	<p>Application of rule to bye-laws. Separate</p>

	constitution shall be made, in writing, to the General Secretary at least twenty-eight days before the date of the Annual General Meeting	constitution and bye-laws shall be made, in writing, to the General Secretary at least twenty-eight days before the date of the Annual General Meeting	process is already in place for changes in playing rules.
12 (8) Notice	(8) The only exception to the above rule shall be that at general meetings amendments to proposals for rule and constitution changes may be made with the consent of the original proposer and at the Chairman of the meeting discretion. The Chairman of the meeting will determine that an amendment is that and not a new rule.	(8) The only exception to the above clause 12 (7) shall be that at general meetings amendments to proposals for constitution, bye-law and playing rule changes may be made with the consent of the original proposer and at the Chair of the meeting's discretion. The Chair of the meeting will determine that an amendment is that and not a new constitutional clause, bye-law or playing rule.	Application of the principle to all three key governance documents.
12 (10) Notice	(10) The General Secretary shall notify in writing no later than fourteen days before the date of the Annual General	(10) The General Secretary shall notify members in writing of the agenda of the Annual General Meeting [deletion of	Giving direct notice to members recognises their independent status as members of the charity.

	<p>Meeting members through the affiliated organisations, club secretaries, individual members, and the Executive Committee of the agenda of the Annual General Meeting together with details of all proposals for amendments to the constitution or the Playing Rules.</p>	<p>‘through the affiliated organisations, club secretaries, individual members, and the Executive Committee of’] no later than fourteen days before the date of the Annual General Meeting. This will include details of all proposals for amendments to the constitution, bye-laws and the playing rules, unless these have already been considered and voted upon during an EGM during the current winter season.</p> <p>.</p>	<p>Application to all three key governance documents.</p>
<p>12(12) Notice</p>	<p>(12) Unless otherwise resolved, any amendments to the constitution shall take effect from the end of the meeting at which they are approved.</p>	<p>(12) Unless otherwise resolved, any amendments to the constitution and bye-laws shall take effect from the end of the meeting at which they are approved.</p>	<p>Application of rule to bye-laws. Separate process is already in place for changes in playing rules (see 12 (13))</p>

<p>13(2) Quorum</p>	<p>(2) A quorum is:</p> <p>a) fifteen members (excluding junior members)</p> <p>b) one tenth of the total membership (excluding junior members) at the time, whichever is the greater.</p>	<p>(2) A quorum is fifteen members (excluding junior members), of whom five must be non-trustees.</p> <p>b) one tenth of the total membership (excluding junior members) at the time, whichever is the greater.</p>	<p>With total membership increasing, the quorum under sub-clause (b) will likewise increase. The new quorum will give greater chance of a general meeting going ahead. The additional condition helps to ensure that the trustees don't exert an overwhelming influence.</p>
<p>17 Representatives of affiliated clubs</p>	<p>Representatives of affiliated clubs</p>	<p>Representatives of affiliated organisations</p>	<p>Consistency</p>
<p>17 Representatives of affiliated organisations</p>	<p>(1) An affiliated chess club where the majority of its members are full members of the charity may nominate any person to act as its representative at any meeting of the trustees of the charity.</p>	<p>(1) An affiliated organisation where the majority of its members are [delete 'full'] members of the charity may nominate any of its HERCA members to act as its representative at any meeting of the trustees of the charity. The representative shall be entitled to attend in an observing capacity only with</p>	<p>Deletion of 'full' removes discrimination against an organisation that has a strong junior membership. The representative does not have to be a full HERCA member. It opens the possibility of a junior voice at Executive Committee meetings.</p>

		the right to contribute to debates through the Chair.	The final sentence has been transferred from a later clause, 18 (4)
18 (4) Officers and trustees	(4) and one nominated representative member from each affiliated organisation (in accordance with clause 17 (1) shall be entitled to attend, in an observing capacity only at each meeting convened by the trustees with the right to contribute to debates through the chair.	(4) and one nominated representative member from each affiliated organisation (in accordance with clause 17 (1) shall be entitled to attend, in an observing capacity only at each meeting convened by the trustees with the right to contribute to debates through the chair.	This is already covered in 17 (1) - see above. The removal of the current 18 (4) entails the renumbering of subsequent subclauses under 18.
19 (2) Appointment of Trustees	(2) The trustees may appoint any person who is willing to act as a trustee.	(2) The trustees may appoint any person who is willing to act as a trustee, subject to that person not being disqualified from acting as a trustee by virtue of sections 178 and 179 of the Charities Act 2011 (or any statutory re-enactment or modification of that provision).	Legal requirement.
27 Minutes	The trustees must keep minutes of...	The trustees must keep for a minimum of six years minutes of...	Good practice. In some cases, Charity Commission requirement.

<p>28 (1) Accounts, Annual Report, Annual Return</p>	<p>(1) The trustees must comply with their obligations under the Charities Act 2011 with regard to:</p>	<p>(1)The trustees must comply with their obligations under the Charities Act 2011 (or any statutory re-enactment or modification of that Act) with regard to:</p>	<p>There have been modifications to the 2011 Act, with which we must comply.</p>
<p>28 (3) Accounts, Annual Report, Annual Return</p>	<p>No clause 3.</p>	<p>(3) If anyone requests a copy of the charity's most recent annual report in writing and agrees to pay a reasonable fee required to cover the costs (if any), the charity trustees must provide the report within 2 months of the request date.</p>	<p>Annual reports must be made available to the public.</p>
<p>32(3) Notices</p>	<p>(3)A member who does not register an address with the charity or who registers only a postal address that is not within the United Kingdom shall not be entitled to receive any notice from the charity.</p>	<p>(3) A member who does not register contact details with the charity or who registers only a postal address that is not within the United Kingdom shall not be entitled to receive any notice from the charity.</p>	<p>Allows for email addresses.</p>

33 Rules	33 Rules	33 Bye-laws and Playing Rules	To cover all three key governance documents
33 (1) Bye-laws and Playing Rules	(1) The trustees may from time to time make rules or bye-laws for the conduct of their business.	(1) The trustees may from time to time make playing rules or bye-laws for the conduct of their business.	Clarification.
33 (2) (a)	(2) (a) the admission of members of the charity (including the admission of organisations to membership) and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;	(2) (a) the admission of members of the charity (including the admission of organisations to affiliated status) and the rights and privileges of such members, and the entrance fees, subscriptions and other fees or payments to be made by members;	The revised bye-laws include a section on affiliation.
33 (2) (e)	(2)(e) the keeping and authenticating of records. (If regulations made under this clause permit records of the charity to be kept in electronic	Delete. (If regulations made under this clause permit records of the charity to be kept in electronic form and requires a trustee to sign the	Authentication is achieved by formal approval of minutes, whether hard copy or electronic.

	form and requires a trustee to sign the record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)	record, the regulations must specify a method of recording the signature that enables it to be properly authenticated.)	
33(3-5)	<p>(3) The charity in general meeting has the power to alter, add to or repeal the rules or bye-laws.</p> <p>(4) The trustees must adopt such means as they think sufficient to bring the rules and bye-laws to the notice of members of the charity.</p> <p>(5) The rules or bye-laws shall be binding on all members of the charity. No rule or bye-law shall be inconsistent with, or shall affect or repeal anything contained in, this constitution.</p>	<p>(3) The charity in general meeting has the power to alter, add to or repeal the playing rules or bye-laws.</p> <p>(4) The trustees must adopt such means as they think sufficient to bring the playing rules and bye-laws to the notice of members of the charity.</p> <p>(5) The playing rules or bye-laws shall be binding on all members of the charity. No playing rule or bye-law shall be inconsistent with, or shall</p>	Clarification.

		affect or repeal anything contained in, this constitution.	
34 Disputes	If a dispute arises between members of the charity about the validity or propriety of anything done by the members under this constitution, and the dispute cannot be resolved by agreement, the parties to the dispute must first try in good faith to settle the dispute by mediation before resorting to litigation.	If a dispute arises between members of the charity or between affiliated organisations about the validity or propriety of anything done under this constitution and bye-laws (but not including matters relating to Playing Rules) or HERCA operating policies and procedures, the Executive Committee shall attempt to resolve the dispute by agreement. If agreement cannot be reached between the parties, then the Executive will establish an examining panel consisting of three trustees (not conflicted by reason of membership of a particular affiliated organisation) and two unconflicted full members of the charity. The panel's	The new clause provides a process for the resolution of disputes at different levels but outside disputes around playing rules (which are dealt with in the Playing Rules).

		<p>decision will be subject to appeal. Any appeal will be considered by the Executive Committee (excluding those trustees on the examining panel and others conflicted by reason of membership of a particular affiliated organisation). The Executive Committee's decision will be final.</p> <p>If a decision of the HERCA Executive Committee is challenged in writing by an affiliated organisation or an individual HERCA member, then a dispute arises. The trustees, if they are unable to resolve the dispute, will appoint a panel of three impartial trustees, and five other impartial members who are not trustees, to investigate the issue thoroughly and make a recommendation to the</p>	
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		Executive Committee, which may or may not involve a change to the original decision. The recommendation will include a full report on what the panel considers to be relevant evidence. The Executive Committee will give full consideration to this recommendation, and then make a final decision on the matter.	
35 (6) Interpretation	(6) Sections 350 - 352 of the Charities Act 2011 apply for the purposes of interpreting the terms used in this clause.	(6) Sections 350 - 352 of the Charities Act 2011 (as subsequently amended) apply for the purposes of interpreting the terms used in this clause.	Legal requirement.

Proposed changes to the Bye-laws

	Existing Bye Law	Proposed changes	Rationale
Title	THE HULL & DISTRICT CHESS ASSOCIATION	THE HULL & EAST RIDING CHESS ASSOCIATION (HERCA)	Updated name
Extraordinary General Meetings	<p>7. The Written Statement should be comprised of three columns recording respectively:</p> <p>(1) the names of the requisitioning members in block letters;</p> <p>(2) the normal signatures of the above members; and</p> <p>(3) the name of each such member's club.</p> <p>8. The Written Statement should specify clearly the agenda items appear on the agenda of the extraordinary general meeting to be called.</p>	<p>7. The Written Statement should be comprised of three columns recording respectively:</p> <p>(1) the names of the requisitioning members in block letters;</p> <p>(2) the normal signatures of the above members;</p> <p>(3) the contact details of each member.</p> <p>(8) The Written Statement should specify clearly the agenda items to appear on the agenda of the</p>	<p>Detail of club/affiliated organisation is not relevant.</p>

	<p>9. A Written Statement to discuss items previously discussed at an extraordinary general meeting under rule 1(4) of these bye-laws or clause 10(5) of the constitution of the charity requires to be signed by in excess of 50 members of the charity.</p> <p>10. If the Executive Committee fail to call an extraordinary general meeting when requested to do so by means of a validly prepared Written Statement, within 28 clear days of receipt of the same the members may proceed to call an extraordinary general meeting but in doing so they must comply</p>	<p>extraordinary general meeting to be called.</p> <p>(</p> <p>9) A Written Statement to discuss items previously discussed at an extraordinary general meeting under rule 1(4) of these bye-laws, clause 10(5) or clause 10 (6) of the constitution of the charity is required to be signed by in excess of 50 full members of the charity.</p> <p>(10) If the Executive Committee fail to call an extraordinary general meeting when requested to do so by means of a validly prepared Written Statement, within 28 clear days of receipt of the same the requesting members may proceed to call an extraordinary general meeting but in doing so they must comply with the provisions of the constitution of the charity.</p>	<p>Consistency with the constitution. Wording. Junior members cannot vote.</p>
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	with the provisions of the constitution of the charity.		
Team Entry	11. All new teams entering the charity's league shall be placed in the lowest division, unless decided by the Trustees	Delete. 11. All new teams entering the charity's league shall be placed in the lowest division, unless decided by the Trustees	To be moved to the Playing Rules where structure of divisions is already dealt with.
Appeals Procedure	12. Appeals against decisions made by an officer (an Appeal) shall be made in writing to the General Secretary in the first instance, stating the nature of the grievance and naming all other parties directly involved in the dispute from which the appeal has arisen. 13. On receipt of an appeal the General Secretary will inform the president who will appoint a sub-committee of Trustees, consisting on no less than 3 and no more than 5 Trustees who are demonstrably independent of the matter	(11) Appeals that are allowed under the Constitution, the Bye-Laws and the Playing Rules shall be made in writing to the General Secretary in the first instance, stating the nature of the grievance, the grounds of the appeal and naming all other parties directly involved in the dispute from which the appeal has arisen. (12) On receipt of an appeal the General Secretary will inform the Executive Committee who will appoint an appropriate panel and a chair of the panel, taking account of conflicts of interest.	Decisions are not always made by an officer. Grounds of appeal are limited and should be stated explicitly by the appellant. The Executive Committee has the proper authority. Membership of appeal panels will vary according to the nature of the appeal.

	<p>of the appeal. The President should also appoint a Trustee to chair the appeal panel.</p> <p>14. The General Secretary shall set a date for the hearing to determine the Appeal (Appeal Hearing) and inform all interested parties accordingly.</p> <p>15. All parties have the right to attend or be represented at an Appeal Hearing in which they are involved.</p> <p>16. All parties to an Appeal Hearing shall inform the General Secretary of their nominated representatives.</p>	<p>(13) The General Secretary shall set a date for the hearing to determine the Appeal and inform all interested parties accordingly.</p> <p>(14) All parties have the right to attend or be represented at an Appeal Hearing in which they are involved.</p> <p>(15) All parties to an Appeal Hearing shall inform the General Secretary of their nominated representatives.</p> <p>Delete. 17. An officer whose decision is subject to an Appeal may attend but not vote at the Appeal Hearing.</p>	<p>Attendance is covered in new Clause 14 above. Only panel members vote.</p>
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	<p>17. An officer whose decision is subject to an Appeal may attend but not vote at the Appeal Hearing.</p> <p>18. The General Secretary shall inform all parties to the Appeal of the outcome and the grounds on which the decision has been made. However, the decision of the sub-committee is final.</p> <p>19. All parties to the Appeal may accept a verbal report or request one in writing.</p>	<p>(16) The General Secretary shall inform all parties to the Appeal of the outcome and the grounds on which the decision has been made. However, the decision of the panel is final</p> <p>(17) All parties to the Appeal may accept a verbal report or request one in writing.</p>	
<p>Affiliation to HERCA</p>	<p>No existing bye-law</p>	<p>(18) This bye-law addresses the process of affiliation for organisations.</p> <p>(19) To be recognised as an affiliated organisation, the applicant organisation must be based in Hull or the East Riding. It</p>	<p>These clauses are derived from the process of affiliation already agreed and now in operation.</p> <p>The bye law introduces the possibility of appeal against a decision not to</p>

		<p>will be expected to help HERCA achieve its charitable aims as approved by the Charity Commission: firstly, the advancement of amateur sport by promoting the game of chess for the benefit of the residents of Hull and the East Riding; secondly, the provision of facilities for the learning, teaching and playing of chess for the benefit of the beneficiaries with the objects of improving conditions of life. The organisation may do this primarily through its own activities but also through supporting and promoting local chess events organised by the HERCA and its partners.</p> <p>(20) More specifically, an applicant organisation must be able to demonstrate (by written confirmation) that it has adopted identified HERCA policies (or has its own equivalent).</p>	<p>affiliate an organisation or a decision by HERCA to disaffiliate an organisation. It clarifies other circumstances in which affiliation is terminated.</p>
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		<p>(21) It should also be able to provide a valid insurance certificate for its venue to give protection to those taking part in HERCA events (for example, league matches).</p> <p>(22) It should also agree that it will:</p> <ul style="list-style-type: none">• give its paid-up members the opportunity to become members of HERCA (including paid-up junior members) and facilitate the task of the General Secretary who needs to be informed of current membership and individuals' contact details (as a charity HERCA is legally obliged to retain contact details of its members)• pay fees, as agreed at the HERCA AGM for team participation in HERCA leagues, as recommended by the Treasurer• abide by any rulings of the HERCA Executive Committee made within its powers as	
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		<p>outlined in the HERCA Constitution</p> <ul style="list-style-type: none"> • abide by the rules of competition as determined from time to time by HERCA and published in the HERCA playing rules • promote the Code of Conduct for players of the HERCA. <p>(23) Designation of an organisation as affiliated will be a decision of a panel of the Executive Committee, convened by the General Secretary. The reason why any application is not approved will be formally explained to the applicant organisation which has the right of appeal. The appeal will be heard by those trustees not involved in the original decision. The decision of the appeal panel will be final.</p> <p>(24) Affiliation is terminated if:</p>	
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		<ul style="list-style-type: none"> • The affiliated organisation ceases to exist • The affiliated organisation decides formally to leave the Association. • The affiliated organisation is judged by a panel of the Executive Committee convened by the General Secretary to no longer meet the criteria for affiliation or to have behaved in a way that brings the Association into disrepute. Any decision to disaffiliate an organisation on these grounds is subject to appeal. The appeal will be heard by those trustees not involved in the original decision to disaffiliate. The decision of the appeal panel will be final. 	
Code of Conduct	Existing code not included in the Bye-laws.	(25) Trustees/Officers are expected to:	

<p>(Trustees and Officers)</p>		<ul style="list-style-type: none"> • have a sound and up-to-date knowledge of the organisation and its environment • attend meetings and other appointments or give apologies • prepare fully for meetings and for all work for the organisation • actively engage in respectful discussion, debate and voting in meetings • act jointly and accept a majority decision • work considerately and respectfully with all, respecting diversity, different roles and boundaries, avoiding giving offence • respect confidentiality 	
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		<ul style="list-style-type: none"> • act within the governing document and the law • act in the best interests of the organisation as a whole • manage conflicts of interest effectively • not gain materially or financially unless specifically authorised to do so • acknowledge that a substantial breach of the Code can result in removal from trusteeship; in the case of Officers in removal from office. 	
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Proposed changes to the Playing Rules

	Existing text	Proposed text
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<p>4.0 Disputes and Queries</p>	<p>4.1 During a match Team Captains (or their deputy in their absence) are regarded as joint Arbiters. However, players are expected to try to resolve any issue between themselves in the first instance, especially if one or both Captains are also playing in the match. In the event Captains' assistance is required, whilst they are playing a game and if it is their move, then they are entitled to stop their own clock for the duration of dealing with the issue (New - AGM 2019).</p> <p>4.2 If a player completes an illegal move, the opposing player should pause the clock and add 2 minutes to his/her time, in accordance with the Laws. If the player does not know how to add time, he/she should pause the clock and request assistance from one of the Captains. If the illegal move has not been noticed by either player, the Laws of chess apply with the Captains acting as arbiters. (New - AGM 2019)</p>	<p>4.0 Disagreements and disputes</p> <p>4.1 If a disagreement arises during a match (including a suspected breach of the Code of Conduct), the Captains are jointly responsible for a decision as to how to proceed. If a disagreement cannot be settled between the Captains, each Captain must submit a concise written report of the matter to the Tournament Controller who will seek to resolve the dispute.</p> <p>4.2 During a match Team Captains (or their deputy in their absence) are regarded as joint Arbiters. However, players are expected to try to resolve any issue between themselves in the first instance, especially if one or both Captains are also playing in the match. In the event Captains' assistance is required, whilst they are playing a game and if it is their move, then they are entitled to stop their own clock for the duration of dealing with the issue.</p> <p>4.3 If a player completes an illegal move, the opposing player should pause the clock and add 2 minutes to his/her time, in accordance</p>
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	<p>4.3 If the falling of a player's flag isn't noticed by the opposing player, the Laws of chess apply with the Captains acting as arbiters. (New - AGM 2019)</p> <p>4.4 If a player conducts an illegal action (rather than an illegal move), e.g. moving the pieces and pressing the clock with different hands or not writing down the moves when the player has more than 5 minutes left on the clock, the opposing player should mention this to the player. The opposing player should also attempt to mention the offence to both Captains as soon as reasonably possible. Where both Captains agree that a player's actions have been disruptive or allowed them to gain time illegally, the Captains should take immediate action. Repeat offences by a player must be reported in writing to the Tournament Controller by both Captains, who may decide the issue a warning to or sanction the offending player. (New - AGM 2019)</p>	<p>with the Laws. If the player does not know how to add time, he/she should pause the clock and request assistance from one of the Captains. If the illegal move has not been noticed by either player, the Laws of chess apply with the Captains acting as arbiters.</p> <p>4.4 If the falling of a player's flag isn't noticed by the opposing player, the Laws of chess apply with the Captains acting as arbiters.</p> <p>4.5 If a player conducts an illegal action (rather than an illegal move), e.g. moving the pieces and pressing the clock with different hands or not writing down the moves when the player has more than 5 minutes left on the clock, the opposing player should mention this to the player. The opposing player should also attempt to mention the offence to both Captains as soon as reasonably possible. Where both Captains agree that a player's actions have been disruptive or allowed them to gain time illegally, the Captains should take immediate action (such as giving a first caution). Repeat offences by a player in the</p>
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	<p>4.5 If a dispute arises, the Captains are jointly responsible for a decision as to how to proceed. If a dispute cannot be settled between the Captains, each Captain must submit a concise written report of the matter to the Controller, who may submit the matter to the Executive Committee</p> <p>4.6 In the event of the Tournament Controller receiving a claim concerning a team match or individual game, before issuing a decision which may alter the result, the Tournament Controller will request a concise written report from either the captains or the individual players. The Tournament Controller will make a decision within 14 days. (AGM 2009).</p> <p>4.7 If an appeal is lodged against the Tournament Controller's decision, the player must submit a concise written report to the General Secretary, accompanied by a £20 Bond. This must be done within 14 days of the original decision. The Bond will be reimbursed</p>	<p>same game must be reported in writing to the Tournament Controller by both Captains. The Tournament Controller has the authority to issue a second caution and sanction the offending player.</p> <p>4.6 If the Captains cannot agree that a player's actions have been disruptive or gain time illegally, then the circumstances of the disagreement should form part of a written report by both Captains submitted to the Tournament Controller for resolution.</p> <p>4.7 In the event of the Tournament Controller receiving a claim concerning a team match or individual tournament game, before issuing a decision which may alter the result, the Tournament Controller will request a concise written report from all parties involved (captains for team matches or individual players for tournament games). The Tournament Controller will make a decision within 14 days.</p> <p>4.8 If an appeal is lodged against the Tournament Controller's decision, the appellant (organisation or individual) must submit a</p>
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	<p>within 14 days if the original decision is overturned and the appeal is successful. The General Secretary shall then put the appeal before the Executive Committee if a ruling regarding Constitutional matters is required (see constitution rule 34 and bye-laws 12-19). For all other disputes concerning points covered by FIDE rules, the appeal shall be put to an ECF Arbiter. After a ruling is made, at whatever level, there shall be no further right of appeal. (Amended - AGM 2009)</p> <p>Any player found guilty of misconduct by the Hull & East Riding Chess Association Executive Committee may face disciplinary action. This will take effect retrospectively from the AGM of 2012. Any such player will have the right of appeal. (AGM 2013)</p> <p>4.8 Any captain who is unsure of any point covered in these rules or feels that some point has not been covered, should immediately contact the</p>	<p>concise written report to the General Secretary within 14 days of the original decision. The General Secretary shall seek to establish an appeal panel drawn from the Rules Committee. The composition of any appeal panel must take into account conflicts of interest. The decision on the appeal is final.</p>
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	<p>appropriate Tournament Controller or the General Secretary.</p> <p>4.9 All decisions made by the Executive Committee with regard to disputes are final. If members of the association challenge a decision, they must call for a vote of no confidence in the Executive Committee. This is to be made in writing to the General Secretary, supported by (1) a signed petition of 20 members detailing names, addresses and signatures, as well as (2) the names of the proposed new officers to replace the serving officers. (AGM 2010)</p> <p>4.10 In voting undertaken by the Executive Committee, any parties directly involved in disputes (that is, officers and members playing in the teams concerned, and the Tournament Controller of the competition concerned) are not entitled to vote. The chairperson has the casting vote in the case of an unclear result. (AGM 2010).</p>	
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8.0 Promotion and Relegation		8.0 Admission of new teams, promotion and relegation
	No clause on admission of new teams	<p>8.1 All new teams entering the charity's league shall be placed in the lowest division, unless decided otherwise by the Trustees.</p> <p>[Subsequent clauses renumbered.]</p>
9.0 Code of Conduct for Players, Observers and Spectators	<p>The code already exists but does not form part of the Playing Rules</p> <p>Original text reads: 'It is not a set of rules but guidance'. It seems odd to include the code under Playing Rules and then say unambiguously that they are not rules. The new wording suggests that the spirit of the code has more weight than the letter.</p>	<p>This code of conduct applies to all of those who participate in chess games organised by HERCA, whether as players or observers. It is less a set of rules but more like guidance as to what sporting behaviour in chess looks like. It should be read in conjunction with the FIDE Rules of Chess, Article 12.</p> <p>Clubs</p> <p>Clubs should ensure their premises, conditions, and playing equipment are as comfortable and accommodating to the opposition as possible, and that opposing teams are made welcome.</p>

		<p>Clubs, teams, captains and players</p> <p>The responsibility for ensuring fair play resides with clubs, teams, captains, and players. At the start of every match the home captain should welcome all players and remind them about the mobile phone rule, and what's expected when they finish their games.</p> <p>Players should:</p> <ul style="list-style-type: none">• Act with respect towards opponents, opposing teams, and club premises and equipment.• Respect the need for quiet during games and avoid discussions that could distract their opponent or others playing.• Avoid conversations with anyone else while their game is in progress (other than quietly asking about an on-going match score with the Captain).• Not open snack food wrappings, drink cans, etc. at the board.
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		<ul style="list-style-type: none">• Avoid distracting an opponent either verbally or through actions.• Players who have finished their games, other observers, spectators, and other club members present in the playing area should:<ul style="list-style-type: none">○ Adhere to the spirit of the above code for players.○ Ensure that mobile phones are turned off whilst in the playing area.○ Not under any circumstances give advice while the game is in progress.○ Not intervene or interfere in games in progress in any other way.○ Refrain from conversations whilst games are in progress.○ Refrain from discussing any of the games still in play, even amongst themselves.
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		Observers (or spectators) are not allowed to discuss any of the games still in play, even amongst themselves.
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