CONSTITUTION
OF
CRICKET MALAWI (CM)

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CONSTIUTTION OF CRICKET MALAWI

ARTICLE 1 **OBJECTS:**

The objects of CM are;

1.1 The promotion and regulation of the game of cricket in Malawi in accordance with the Laws of the game and the universal guide for umpires as from the time amended and published by the International Cricket Council "ICC".

1.2 Studying the agenda and the decision of the ICC and other relevant regional bodies meetings and adopting, as it may deem necessary or expedient, a common attitude to such decisions and meetings.

1.3 Organizing competitions, tournaments, seminars and courses as may be deemed necessary in the interest of promoting the game of cricket subject to prior approval from Council when applicable.

1.4 Promoting and developing the game of cricket in every way possible without racial, religious, economical or any form of unfair discrimination.

1.5 Implementing and promoting the general or specific directions of Council.

1.6 Assuming the complete and executive responsibilities for accepting all invitations for selecting, engaging and training of all cricket teams called upon to represent the Republic of Malawi in tournaments and or national or international competitions.

1.7 Registering CM pursuant to section 19 of the Act and comply with any relevant provision of the said Act.

ARTICLE 2 **POWERS OF CM:**

CM shall subject to the general and specific direction of Council be the sole authority responsible for regulating the game of cricket in the Republic of Malawi and shall have the following powers;

2.1 Responsible for the execution of the policies and the decisions of Council and the ICC.

2.2 To exercise disciplinary control over the game of cricket in Malawi.

2.3 To purchase, lease or otherwise acquire property, real or personal, in connection with the exercise of any its powers or objects.

2.4 To manage, insure, let, sell, alienate, mortgage or otherwise deal with any property of CM as it may deem necessary or expedient. To borrow money from a bank or lending institution for a specific project under particular conditions as may be approved by the board.

2.5 To do or perform any act necessary to, or directed towards the furtherance of its objects as declared by the constitution.

2.6 To receive donations of gifts of monies or other property from any person or body of persons and for the furtherance of its objects, to receive such donations of gifts beneficially, or as the Trustee of any Trust established for the furtherance of such objects.

2.7 To do all things incidental or conducive to the performance of its functions under this constitution.

ARTICLE 3 **MEMBERSHIP:**

3.1 Membership to CM shall be open to all recognized clubs, regional body, educational institutions and individuals in Malawi.

3.2 *(*a) A club, regional body or institution wishing to become a member of CM shall satisfy the board that they are properly constituted/incorporated, audited and shall apply for membership by submitting to the General Secretary, a duly completed membership form, with constitution or certificate of incorporation and audited accounts attached. The board shall thereafter confirm in writing whether the application has been approved or rejected, provided that in the case of rejection, the applicant shall be duly informed of the reasons for the rejection. The membership fee shall be set by the board.

(b) An individual may apply for non-voting membership as in 3.2 above. The membership fee shall be set by the board. A non-voting member is not entitled to vote.

3.3 The board may terminate the membership of a club, regional body, institution or member if it has been proven beyond any element of doubt that the club, institution or member has brought disrepute to CM and the game of cricket.

3.4 (a) A club/regional body shall have a committee to run its affairs.
(b) An institution shall be under the jurisdiction of the Head of the institution.

3.5 (a) A club/regional body shall elect the office bearers to run their affairs.
(b) The Head of the institution shall appoint a committee to run the affairs of its team/s.
(c) A Team Manager and Coach are compulsory for a club, regional body or institution.

3.6 A club, regional body or institution shall pay to CM a membership fee, registration fee for each team and each player as set by the board. The club, regional body or institution shall be responsible for the paying of the membership and registration fees.

(a) There shall be five categories of membership

I. **FULL MEMBER** – Club, Regional Body or Institution that satisfy the CM board that they are properly constituted/incorporated, audited and have junior & senior, male & female teams playing in CM sanctioned tournaments for a minimum of 3 consecutive years. Full Members receive 4 votes

II. **ASSOCIATE MEMBER** – Club, Regional Body or Institution that satisfy the CM board that they are properly constituted/incorporated, audited and have representative teams playing in CM sanctioned tournaments for a minimum of 3 consecutive years, in 3 at least of the 4 categories (Male, Female, Junior Boys & Junior girls). Associate Members receive 1 vote

III. **AFFILIATE MEMBER** – Club, Regional Body or Institution that satisfy the CM board that they are properly constituted/incorporated, maintain financial records and have representative teams playing in CM sanctioned tournaments for a minimum of 3 consecutive years, in at least 2 of the 4 categories (Male, Female, Junior Boys & Junior girls). Affiliate Members are not eligible to vote.

IV. **ORDINARY MEMBER** – Club, Regional Body or Institution that satisfy the CM board that they are properly constituted/incorporated, maintain financial records and have representative teams playing in CM sanctioned tournaments for a minimum of 3 consecutive years, in at least 1 of the 4 categories (Male, Female, Junior Boys & Junior girls). Ordinary Members are not eligible to vote.

Please see table below for voting breakdown & eligibility.

VOTING BREAKDOWN							
MEMBER	SENIOR MEN	SENIOR WOMEN	JUNIOR BOYS	JUNIOR GIRLS	CONSTITUTED / INCORPORATED	AUDITED	TOTAL VOTES
FULL	✔	✔	✔	✔	✔	✔	4
ASSOCIATE	✔	W/T	✔	✔	✔	✔	1
AFFILIATE	✔	W/T	✔	W/T	✔	W/T	N/A
ORDINARY	✔	W/T	W/T	W/T	✔	W/T	N/A
*EACH MEMBER/TEAM MUST PLAY A MINIMUM OF FIVE COMPETITIVE CRICKET MALAWI SANCTIONED MATCHES PER YEAR FOR THREE CONSECUTIVE YEARS							
W/T - WORKING TOWARDS							
N/A - NOT APPLICABLE							

3.7 (a) A club, regional body, team or institution who fails to pay the membership fee will not be allowed to enter or play in any cricket competitions until such a payment is paid in full.

(b) A non-voting member who fails to pay the membership fee may not be allowed to participate in CM activities or benefit from CM's facilities.

3.8 An individual who is under sixteen years of age shall not be eligible for membership as a non-voting member.

3.9 Every member shall be bound by, and be subject to the Constitution and the General Regulations of CM

ARTICLE 4 **ADMINISTRATION:**

4.1 ***Congress:***

The ultimate authority governing CM shall be vested in the Congress.

4.2 The Congress shall comprise of two delegates representing a member, one of whom shall be the Head of the delegation to be named at the opening of the meeting. All member must attend personally.

4.3 The Congress shall be held not later than July of each year and the business shall include;

(a) To receive and to adopt a Statement of the CM's audited accounts for the year ended.
(b) To receive and approve the budget for income and expenditure for the current year.
(c) To receive and approve any alterations to the constitution at least once every four years
(d) To elect once every four years a

1 President
2 Vice President
3 Treasurer
4 General Secretary
5 Technical Director
6 Tournament Director
7 Development Director

4.4 Notice of the Congress meeting shall be sent to all the clubs by the General Secretary not less than twenty-one days before the date of the meeting, and shall be accompanied by the agenda for such a meeting.

4.5 ***Quorum:***

The quorum at a Congress meeting shall be half the number of members of CM who are entitled to vote at a meeting. The decision of a majority of the eligible members presents at such a meeting duly convened and assembled, shall be binding upon all the members.

4.6 The President shall preside over the annual general meeting. In the case of the President's absence, the Vice President shall preside.

4.7 non-accredited persons may attend the meeting as observers only and shall not speak or vote thereat. The President shall have the discretion to allow observers to attend the meeting.

4.8 ***Extra Ordinary Congress Meeting:***

(a) An extra ordinary Congress meeting may be convened by the board as and when it is deemed necessary.
(b) The members may also ask to convene an extra ordinary Congress meeting which must be held within twenty-one days from the date of a requisition in writing, signed by half the number of members of CM who are entitled to vote at the meeting, specifying the object of the meeting or for any of the following purposes;
    (i) To recommend the removal from office of any board member and to fill the vacancies caused and or to amend the constitution.
    (ii) A quorum for an extra ordinary Congress meeting shall be half the number of members of CM who are entitled to vote at a meeting. Any decisions made at such a meeting shall be ratified at the next annual Congress meeting

4.9 ***Congress Meetings and voting procedures:***

(a) Each Member that is not in arrears or suspended from membership may send up to two (2) delegates to the meeting, each of whom must be a member of their respective club's/institution's/regional body's executive committee. One of those two delegates must be designated the head of the delegation, with exclusive authority to speak for and to cast the vote of that member on each resolution put at the meeting.
(b) A suspended member shall not be allowed to attend the meeting.
(c) A member who has not paid the membership fees for the year or is in arrears for previous years may send up to two (2) delegates to the Congress but shall have no right to vote or take part in the deliberations. In such a case the member shall be deemed to be an Observer.
(d) Save where this constitution provides to the contrary, each full & associate member who are properly constituted/incorporated, audited and participate in only CM sanctioned events and tournaments only for a minimum of 3 consecutive years are entitled to vote. Voting by proxy or by letter is not permitted.
(e) An employee of CM cannot represent, influence or vote on behalf of any member.
(f) Voting shall be open unless the meeting decides otherwise. The member's vote on the resolution shall be exercised by the head of that member's delegation to the meeting, provided that a person may only be head of one member's delegation and so may only vote on behalf of one (1) member.

(g) A resolution shall be considered passed by the meeting if it receives the requisite majority of votes in favor (disregarding any abstentions or blanked or spoiled votes), as follows:
- (i) Alterations to this constitution require the support of a Special Majority.
- (ii) Election to the office of President and to the Board requires an Absolute Majority voting in favor of the candidate.
- (iii) Unless otherwise specified in this constitution, all other resolutions require a Simple Majority.

4.10 ***Candidates:***

(a) Candidates standing for elections shall be nominated by a paid-up full or associate member of CM.
(b) Names of such candidates shall reach the General Secretary not less than twenty-one days before the date of the meeting where elections are to take place.
(c) An employee of CM cannot stand for election.
(d) A summary or CV of each candidate seeking elections shall be circulated to all members by CM if this is received within twenty-one days before the date of the meeting where elections are to take place.
(e) Office bearers of the executive board are eligible for re-elections at the end of their term in office.
(f) Each candidate seeking election, must be registered with a CM member club for a minimum 3 consecutive years.

4.11 ***The Executive Board:***

(a) The management of CM shall be entrusted to an executive board consisting of;
1. President
2. Vice President
3. Treasurer
4. General Secretary
5. Technical Director
6. Tournament Director
7. Development Director

4.12 A member of the board cannot be a member of any other CM committee unless it is sanctioned by the board.

4.13 If a vacancy shall occur in the board, then the board shall have the power to appoint one of them to do the duties of the office so vacated, or to co-opt a member as they deem proper.

4.14 An employee of CM cannot be a member of the board

4.15 The board shall meet a least once every quarter, at the request of the members and at such other time it may determine. It shall further meet whenever so required by the President or the General Secretary.

4.16 ***Duties of the Principal Officers:***

(a) The President:

The President shall, subject to this Statute preside at all meetings of the board, provided however that if the President shall not be present then the Vice President shall preside over the meeting. If the Vice President is also not present then the members shall elect from amongst themselves a President for the meeting who will have full powers and a casting vote. The President shall through the board be primarily responsible for the general running and operations of CM.

(b) *The Vice President:*
The Vice President shall assist the President in his duties and in the absence of the President shall act in his place.

(c) *The General Secretary:*
The General Secretary shall be the principle executive officer of CM and as such shall be responsible to the board for the administration and management of its affairs and shall be in charge of all such matters and shall at all times be subject to the direction and control of the board.
The General Secretary shall be responsible to the board, attending board meetings and taking and keeping a record of the minutes of the meetings.

(d) *The Technical Director*
The Technical Director shall assist the board in all technical cricket related matters. Must have first division playing/coaching/administration experience.

(e) *The Treasurer:*
The Treasurer must be a qualified accountant and will be responsible to the board for the management of the finances of CM.

(f) *The Development Director:*
The Development Director shall, subject to the overall directions given by the Executive, Administer the resources that have been developed in Malawi for the development and improvement of Cricket; with the fund under CM.
Make recommendations on how such resources may best be utilized or exploited by Members for the development and improvement of Cricket in Malawi with the fund under CM.

(g) *The Tournament Director*
The Tournament Director shall, subject to the overall directions given by the Executive, including:
Determining the venues, dates and fixtures for the holding of a competition under CM under appropriate program collaboration of ICC being governed by all ICC rules and regulations.
Inspection of facilities to be provided by the Member hosting a competition and ensure that such facilities are sufficient and of a standard required by the competition.
Appointment of the umpires and all other match officials to stand in the competition.
Enforcement of the code of conduct and the level of discipline determined by the Members as applying to the competition, in respect of Members, officials of Members, terms of Members, Officials of those teams and players.

ARTICLE 5: **DISSOLUTION OF THE BOARD**

The AGM by special majority vote shall have the power to dissolve the board in the interest of CM.

ARTICLE 6: **FINANCE:**

6.1 ***Finance Committee.***

The **Finance** Committee shall comprise the Treasurer and at least three members. The Treasurer shall be elected at the Congress meeting and the committee members shall be appointed by the board.

6.2 (a) Finances of CM shall be managed by the Finance Committee.
(b) The committee shall be responsible to the board for managing and keeping of CM's accounts, and shall, present to the board monthly management accounts.
(c) The committee shall at the end of each financial year prepare the annual statement of accounts and balance sheet of CM.
(d) The committee shall advise the board on investment opportunities which ensure CM generates profits from such investments. In addition, the committee shall advise the board on all financial matters relating to CM.
(e) The committee shall keep a full and correct account of all the monies and assets vested, received, sold or otherwise disposed of by CM
(f) The committee shall prepare the CM budget and also assist committees with preparing their budgets.

6.3 The financial year of CM shall be as that of the International Cricket Council from 1St January to 31st December.

6.4 *Bank account and Cheques*:

(a) CM shall maintain a bank account in the name of the "CRICKET MALAWI".
(b) Cheques drawn on the account shall be signed and countersigned by such officers as designated by the board.
(c) Allowances:
(i) Any person shall with prior authority of the board be entitled to be paid allowances in respect of the expenses necessarily incurred in the performance of official duties on behalf of CM.
(ii) The finance committee shall determine the rates for any allowances payable from time to time as it may deem necessary which shall be subject to the board's approval.

ARTICLE 7 **REGIONAL CRICKET COMMITTEES:**

7.1 There shall be a Regional Cricket League Committee in each region of Malawi who would be solely responsible for managing the leagues and any other competition which the board may allocate to it.

7.2 *The committee:*

(a) The office bearers shall be elected at least by members of CM of that region at an annual general meeting and shall hold office for a period of three years. The committee shall comprise of no more than two persons from the same team, club or institution.

(b) Members of CM shall elect the officials and the election process shall be in accordance with this constitution as follows;

1 Chairman
2 Vice Chairman
3 Secretary
4 Treasurer
5 Member
6 Member
7 Member

(c) The quorum for a committee meeting shall be not less than half the number of the members.

(e) The committee shall have the power to co-opt a member should a vacancy occur.

(f) It may for the purpose of carrying out its duties co-opt a maximum number of two persons. Such persons shall have no voting rights.

7.3 Duties:

The duties of a regional committee are;

(a) To prepare the fixtures and organise the venue for matches to be played and also manage any other competition which may be allocated to it.

(b) To ensure that clubs/team are at least registered with CM and fee have been paid.

(c) To ensure all players are registered and the registration fees have been paid and to submit a copy of the list of registered players to the Tournament Director periodically.

(c) To work in liaison with other committees as may be deemed necessary in promoting cricket in the region.

(d) The committee has the power to conduct all the competitions under its control and make any decision that it deems fit and proper and is in the interest of the game.

7.4 Powers of the committee:

(a) The committee has the power to take disciplinary action it deems fit and proper against a player, official or club for misconduct or for any breach of the rules and regulations of the competition under its control. The committee shall also use its discretion as to whether an incident should be investigated by a disciplinary committee.

(b) If a player, or official or club are dissatisfied with the committee's decision then they may appeal to the board within seven days from the date action was taken. An appeal fee should accompany the appeal. The committee should be duly notified of the intention to appeal. The board shall decide to whether to refund or forfeit the fee. Expenses incurred by the board to deal with the appeal shall be borne by the club concerned.

(c) Should the player, club or official still be dissatisfied with the board's decision then it may appeal to Council within seven days from the date of the board's decision. A notice of the intention to appeal must be made known to the board. The decision made by the Council shall be final. Expenses incurred by Council shall be borne by the club.

7.5 Finance:

(a) The committee shall open a bank account as recommended by the board. The Chairman, Secretary and Treasurer shall be the signatories of the account. The Treasurer shall be the compulsory signatory. The Treasurer must be a qualified accountant.

(b) The Treasurer shall be required to submit management accounts quarterly to the CM Treasurer and also at the committee's meetings.
(c) The CM Board shall set a percentage of the membership fees which must be paid to CM. Players' registration fees would be retained by the committee. The registration fees for umpires, scorers and coaches should be paid to the national committees.
(d) At the end of CM's financial year, the committee's accounts must be duly prepared and submitted for Audit and to the CM Treasurer.
(e) The committee must present audited accounts at its annual general meeting.
(f) Allowances:
  (i) Any person shall with prior authority of the committee be entitled to be paid allowances in respect of the expenses necessarily incurred in the performance of official duties on behalf of the committee.
  (ii) The CM Finance Committee shall determine the rates for any allowances payable from time to time as it may deem necessary which shall be subject to the board's approval.

7.6 Disciplinary provisions:

Should the committee deem it necessary to investigate an incident it may appoint a disciplinary committee to conduct the enquiry in accordance with this constitution. The recommendations of the disciplinary committee shall be submitted to the committee who has the power to take appropriate action.

ARTICLE 8: **ZONE COMMITTEES:**

8.1 There shall be zones established in areas determined by the board to expose, promote and develop cricket within the zone. The zone shall be under the control of TCA. Zones will solely be responsible for conducting leagues, competitions, courses etc. for primary and secondary schools. Committee members shall be appointed by TCA

8.2 Duties:

The duties of the zone are;
(a) To plan the fixtures for leagues, competitions and courses within the zone.
(b) To ensure that schools are members of CM and fees have been paid.
(c) To ensure players are registered and registration fees have been paid.
(e) To conduct technical courses in liaison with TCA & the coaching and development committee

8.3 Powers of the committee:

(a) A zone committee has the power to take disciplinary action it deems fit and proper against a player, official or institution for misconduct or for any breach of the rules and regulations of any competition under its control. The zone committee shall also use its discretion as to whether an incident should be investigated by a disciplinary committee.
(b) If a player, or official or institution is dissatisfied with the zone's decision then they may appeal to the board within seven days from the date action was taken. An appeal fee shall accompany the appeal. The board shall decide whether to refund or forfeit the fee. The decision by the board shall be final.
(c) The zone has the power to conduct competitions under its control and make any decisions it deems fit and proper and is in the interest of the game

8.4 Finance:

The zone shall be required to open a bank account which shall be facilitated by TCA. The signatories shall be determined by the committee. The Treasurer shall be a compulsory signatory.

ARTICLE 9: **COACHING AND DEVELOPMENT COMMITTEE:**

9.1 Committee members shall be appointed by CM in partnership with TCA.

9.2 Technical Duties:

(a) Assist the national coaches in identifying potential national players and also assist the national coaches in selecting final squads for national teams.
(b) Identify problems hindering the progress in developing the game and to suggest solutions to the board.

9.3 Duties:

The Committee shall;

(a) Introduce the game of cricket properly in the educational institutions by setting up an efficient infrastructure within the institutions.
(b) Keep a register of the coaches of all the member clubs and institutions.
(c) Ensure there is a proper grading system and a register of graded coaches is maintained at all times.
(d) Identify and recommend suitable coaches to the board to attend ICC courses and other courses deemed credible by CM & TCA
(e) Ensure club and institution coaches are monitored and to assist them as and when necessary.
(f) Appoint properly qualified coaches and umpires to work within the infrastructure.
(g) Select and train representatives of teams of various age groups to represent the country in international competitions.
(h) Present to the board at the beginning of each season a coaching program for clubs and institutions.
(i) Maintain a continuous flow of new coaches.

ARTICLE 10: **UMPIRES COMMITTEE:**

10.1 Committee members shall be appointed by the board.

10.2 Duties:

This committee shall;

(a) Identify and train persons that are mature and of good standing as Umpires
(b) Introduce and implement a grading scheme for umpires.
(c) Keep a register of all Umpires.
(d) Keep a performance record of all Umpires for all matches.
(e) Hold courses and seminar for Umpires.
(f) Present a report to the board prior to its regular monthly meeting for any action the board deems necessary.
(g) Maintain a continuous flow of new Umpires.

ARTICLE 11: **MARKETING & MEDIA COMMITTEE:**

11.1 Committee members shall be appointed by the board.

11.2 Duties:

(a) Fundraising and enhancing the image of cricket.
(b) Seeking sponsorships for development projects and tournaments that is sanctioned by the board
(c) Expose and publicise the game of cricket to the public.

ARTICLE 12: **MEDICAL COMMITTEE:**

12.1 Committee members shall be appointed by the board.

12.2 *Duties:*

(a) Ensure there are proper medical care and support by competent medical officers at all tournaments
(b) Ensure teams have approved medical kits
(c) Provide training on basic First Aid for clubs as an on-going exercise
(d) Update the board on anti-doping rules and regulations as guided by World Anti -Doping Agency
(e) Implement Anti-doping programs that will ensure drug free practice of cricket in Malawi.

ARTICLE 13: **DISCIPLINARY COMMITTEE:**

13.1 The board shall appoint a committee to conduct an enquiry on a specific case where misconduct has taken place. Once a formal report has been submitted to the board the committee shall be deemed dissolved. The board shall appoint a new committee should another case of misconduct arise where there is need for investigation.
The committee shall comprise not more than five persons. The board shall appoint the Chairman of the committee.

13.2 A member of the committee shall not take part in any meeting in which his club is involved or where it is proven or known that the member has interest in it. In such a case the board shall appoint another person.

13.3 *Powers:*

The committee shall be empowered to inquire into any misconduct by players, clubs, club officials, league officials, umpires and spectators as may be deemed necessary by the board or the regional committees. The committee shall submit a report to the board or the regional committees as the case may be of its finding and make recommendations thereof to the board or the regional committees.

13.4 *Inquiry by the committee:*

The committee shall conduct an inquiry upon instructions from the board or the regional committee as the case may be on matters relating to misconduct and also if;

(a) Any provision of this constitution or any relevant By Laws, or Laws of the game as defined by the ICC has been violated. The Secretary shall as soon as possible convene a meeting of the committee for the purpose of conducting an inquiry into the complaint.

(b) The Secretary shall notify the club, club official, player, umpire or spectator in writing, the nature of the complaint and inform them of the date, time and venue of the inquiry. A maximum of seven days' notice shall be given to all the parties involved.

13.5 Representation:

(a) A member who has been summoned by the committee shall be represented by not more than two of its members.

(b) Any person summoned by the committee must attend personally.

(c) The committee shall at every stage of its investigations permit every party against whom a complaint has been made to be heard in person.

13.6 Appeals:

Any party who is dissatisfied with a decision of the board after appealing to it may appeal to Council. The fee which shall be annually set by Council must be enclosed with the appeal and Council shall reserve the right to refund or forfeit the fee.

(i) A notice in writing within seven days from the board's decision must be made to Council. Any appeals after the stipulated time shall not be entertained by Council.

(ii) The appellant may apply to Council for the suspension of the decision of the board until the appeal is determined. Council may grant the same upon such terms and conditions as it deems fit.

(iii) Council may require evidence to be adduced by the appellant or the board at the hearing of any appeal and having heard the evidence if any, Council may confirm, reverse or amend the board's decision and shall without any undue delay cause the ruling to be implemented.

(iv) Council's decision shall be final and binding on all parties concerned and is not subject to further appeal.

13.7 The appellant shall pay for all costs including transport, accommodation and allowances for the Councillors who shall be required to attend the hearing.

13.8 Right to a personal hearing:

(a) Any person or member charged with misconduct shall be furnished with full details in writing of such a charge, which shall be sent by post, by CM to the person concerned. Within seven days from the date of the letter the member who is charged shall send to CM an answer in writing and the disciplinary committee may hear the answer.

(b) On receiving such an application, the board shall advise the committee to deal with the matter and notify the member charged of the details for the hearing.

(c) The person or club which is charged shall attend the hearing and give oral evidence of the facts of the charge and shall answer any questions they may be asked by way of cross examination and shall produce any proof they consider necessary.

(d) The person or club charged shall have the right to give and call evidence to rebuttal of the charge and shall have the right to cross examine any witness who gave evidence in support of such charges.

(e) On completion the hearing shall be closed and recommendations on any disciplinary action the committee finds proper shall be made to the board. The board's decision shall be binding on all parties concerned.

(f) If a person or club fails to attend a hearing, or refuses to attend a hearing, or refuses to answer any questions, or refuses to produce any documents or proof, then the committee shall investigate and adjudicate upon the charge or allegations in a manner and upon such evidence as they deem expedient.

(g) On misconduct being proved to the satisfaction of the board or the regional committee, they shall have the power to impose any disciplinary action as they deem fit and proper.

13.9 Reporting of misconduct:

It is the duty of the board members and officials of the regional committees to report to CM any cases of misconduct that is likely to bring the game into disrepute. All officials of CM must also report any infringements of the rules and regulations without delay

13.10 Publication of decisions:

All decisions of a case may be published in the Press and shall be deemed to have the assent of a player, club, club official, Umpire or spectator.

ARTICLE 14: **TRUSTEES:**

14.1 There shall be no more than seven trustees of CM. The board shall recommend to the Congress names of the trustees for approval. The property of CM shall be vested in them to be dealt with by them in accordance with the Laws of Malawi.

14.2 The trustees shall vacate office only by resignation or are removed from office by the Congress.

14.3 Where removal of a trustee is made the annual general meeting shall be required to appoint a new trustee on the board's recommendation. The trustees shall elect from amongst themselves such office bearers, as they deem necessary for the purpose of efficiently conducting the administration of the trusteeship.

14.4 The trustees shall be confirmed by the annual general meeting every year.

14.5 Incorporation of the trustees:

(a) As soon as possible the trustees under this constitution shall make an application to the proper authorities for incorporation under the Trustees Incorporation Act, 1962 of the Laws of Malawi.

(b) Such application shall be made in the names of the trustees as "Trustees of Cricket Malawi".

(c) At the time of making an application the trustees shall submit to the Minister of Justice for approval a design of a common seal recommended by the board.

14.6 The common seal shall be affixed to all the deeds and other documents required by Law to be executed by the trustees under the seal and shall be affixed in the presence of not less than two of the trustees.

ARTICLE 15: **INTERPRETATIONS OF THE CONSTITUTION & GENERAL REGULATIONS:**

15.1 A Legal Practitioner appointed by CM or the Court or by Council shall be the authority for the interpretation of this Constitution and General Regulations.

15.2 The decision made by the board on any issues effecting CM and which are not provided in this Constitution or General Regulations shall be final and binding on the member

ARTICLE 16: **MEMBERS BOUND BY THE CONSTITUTION & REGULATIONS:**

16.1 Every member shall be bound by, and be subject to the Constitution and General Regulations of CM.

ARTICLE 17: **REVIEW OF THE CONSTITUTION:**

17.1 The constitution shall be reviewed a minimum of every four years and the necessary amendments made in accordance with the constitution.

ARTICLE 18: **LIABILITY OF THE MEMBERS OF CM:**

18.1 No officer of CM shall be personally liable for any act or default of his or of CM which is done in good faith for CM.

ARTICLE 19 **PLAYERS:**

19.1
(a) A player who is under the age of fourteen years can be registered with CM but can only play in school competitions specifically.
(b) A player who is less than sixteen years of age shall be required to obtain written parental consent to play in any senior league or national tournaments. Such a player shall be required to be registered with a member club.
(c) Cricket is an amateur sport as such players must not receive payment from a club to play for the club.
(d) A player must not be paid any fee whatsoever by a club with the object to leave his present club and play for a new club.

19.2 All players must be registered with a club or institution, which is a member to CM.

19.3 Players who are registered with a member club and are citizens of Malawi, have their own valid Malawian passport and participate in only CM sanctioned tournaments and events shall be eligible to represent the country in international competitions.

ARTICLE 20: **ANTI DOPING:**

20.1 CM shall comply with Council's and Malawi Olympic Committee's (MOC) anti-doping rules and regulations which are in accordance with World Anti-Doping Agency (WADA) Code.
(a) Random tests shall be conducted and players are required to comply.
(b) In the case of CM, alcohol and any other substances and practices locally known to have negative effect on the health of an athlete, whether immediate or later in life, shall be punishable as if it was a drug offence and any officials or persons known to influence the start and continuity of use of the substance, practice by an athlete will equally be punished by CM.

(c) In order to promote healthy lifestyle for athletes, officials found to be operating in programs of or sanctioned by CM will be penalised for their behaviour.
(d) Umpires have the authority to remove an official and or player if he is under the influence of alcohol or any other substances.
(e) Players and officials will be suspended for 1 year if he/she is found playing under the influence of alcohol or any other drugs and the club would be penalised.

ARTICLE 21: **DISSOLUTION:**

21.1 CM may be dissolved by a resolution passed at a Congress meeting supported by a special majority or by a Court Order or by the Government

21.2 If CM is dissolved, by a resolution at a Congress meeting the manner of disposing its assets and liabilities shall be decided by the Congress.

ARTICLE 22: **SAVINGS CLAUSE:**

(a) Matters and incidences that arise which are not provided in this constitution and or are beyond anyone's control would be dealt with by the Board in the interest of CM and the game of cricket.
(b) If any provision of this constitution is determined to be unlawful or unenforceable for any reason, the remainder of this constitution will remain intact and enforceable.

GENERAL REGULATIONS

Introduction:

These General Regulations are intended to supplement the constitution and the by-laws issued, in order to ensure the efficient and effective governance, regulation and administration of the sport of Cricket.

They form part of the Regulations of CM and as such are binding on all members, support personnel, and all other entities and individuals (including umpires, tournament officials and team officials) participating in any way in activities controlled and/or sanctioned by CM.

These General Regulations shall continue to be in effect and amended from time to time by the Executive Board. The Bye-Laws and any other texts that cover the same subject-matter as the General Regulations are superseded as from the approved date by these General Regulations.

ARTICLE 1: **MEMBERS:**

CM recognizes the following;
a) Cricket clubs who are members of CM.
b) Institutions who are members of CM.
c) The Cricket Academy Ltd (TCA) - est. 2010 is an incorporated company Limited by Guarantee.
TCA is a Full Member of CM and are officially recognized by CM as the only organization in Malawi that has been established to benefit, as practically and extensively as possible, the development of cricket in Malawi, particularly in

schools and low-income areas. CM also recognize that the structures and pathways implemented for junior and senior, male and female cricket, by TCA for cricket in Malawi is the foundation upon which CM was reinstated to the ICC in 2014. On 26th March 2014 CM executive board has unanimously agreed to make TCA, CM's Official Development Partner and in partnership with CM be responsible for the administration, training of player & support personal for cricket in Malawi. CM will provide any financial support TCA may require to

- Purchase equipment
- Conduct educational and cricket courses
- Conduct high performance programs, cricket clinics, outreach programs and tournaments
- Improve Training and Match facilities
- Put in place structures and programs as per International Cricket Council (ICC) & CM requirements
- To run CM office via TCA offices
- Establish sound pathways for players, coaches, umpires and support staff
- TCA activities and programs will be reported to the CM and the ICC. TCA must submit to the CM detailed quarterly & annual activity reports by 31st January every year and audited annual financial statements by 30th June every year. A member of TCA nominated by TCA Directors and approved by the CM Board, shall sit on the board as an executive member as it's representative.

ARTICLE 2: **CONGRESS MEETING:**

2.1. Chair of meeting:

The chairman of meetings of the Congress meeting shall be the President, save that;

a) The President may ask the meeting to appoint another in his place to act as Chair for all or part of the meeting;
b) In the President's absence, the VP shall open the meeting and ask the delegates to appoint a member of the Executive Board to act as Chairman.
c) The Chairman shall determine any matter of procedure to be followed at the meeting that is not addressed in the Constitution or the Regulations, and shall be responsible for the production of minutes of the meeting to act as an official record of the meeting.

2.2. Business:

The business of a Congress meeting shall include:

a) The President's address
b) Receipt of the report of the Executive Board on its activities since the last meeting
c) Approval of the audited financial statements of CM.
d) Consideration of proposals for alteration of the constitution every four years
e) Election of members of the Executive Board every four years
f) Appoint an active auditing firm having a representation in Malawi to audit the accounts of CM for the ensuing one (1) year
g) Any other business of which proper notice has been given in accordance with the constitution.

ARTICLE 3: **THE EXECUTIVE BOARD:**

Duties:

The primary duties of the Executive Board are to;

a) Manage, control and direct the affairs of CM, make, amend, add, rescind, and replace regulations, manage and monitor the activities of the GS, consider applications for membership to CM, receive reports from the Committees
b) Recognize and enforce suspensions and disqualifications of clubs or individuals declared by Members and ensure that such suspensions and disqualifications are recognized and enforced by all other Members
c) Notify Members of all relevant CM business, including any decisions made at the annual general meeting or the Executive Board.

3.1. Meetings:

a) Ordinarily, the President shall chair meetings of the Executive Board but he may ask the members present at a meeting to appoint a substitute to chair all or part of a meeting in his place. In the absence of the President, the VP shall open the meeting and request the members present to appoint one of their number (other than the VP) to chair the meeting.
b) The chair of the meeting of the Executive Board shall determine any matter of procedure to be followed at the meeting that is not addressed in the Constitution or the Regulations, and shall be responsible for the production of minutes of the meeting to act as an official record of the meeting.
c) The business of the Executive Board is confidential to CM. Members of the Executive Board must not disclose to any third party any details of that business including any details of discussions that take place at Executive Board meetings without the prior permission of the President.

3.2 Elections:

a) Elections at *Congress* shall be dealt with in the following order: President, Members of the Executive Board and any other elections.
b) A summary/CV of each candidate seeking election shall be circulated to all delegates by CM as part of the meeting's papers if received in time.
c) Each candidate is entitled to make a one-minute presentation at the meeting (without visual or electronic aids, unless specifically authorized by the Executive Board).
d) Each Eligible Member present at the meeting shall be entitled to cast their votes for each vacancy and the candidate(s) who receive(s) an Absolute Majority shall be elected.
e) If any vacancy still remains after the first ballot, there shall be a second and subsequent ballots until all vacancies have been filled. In each such ballot the number of remaining candidates shall be reduced by removing those candidates receiving the least number of votes so that there are no more than twice the number of candidates as there are remaining vacancies.

ARTICLE 4: **ALTERATIONS TO THE REGULATIONS:**

a) The Executive Board may propose to amend, add to or rescind any part of the Regulations which must reach the GS not later than 21 days before the date fixed for that meeting.
b) A proposal to amend, add to or rescind any part of the Regulations may be withdrawn in writing at any time prior to the meeting.

ARTICLE 5: **FINANCES:**

5.1. The financial year of CM shall begin on 1 January and end on 31 December. The Executive Board is responsible for managing the finances of CM in a prudent manner that ensures CM can continue to work towards fulfilling its objects.

5.2. **Subscriptions:**
CM shall receive subscriptions from Members in accordance with a proposal made by the Executive Board.

5.3 Subscriptions must be paid no later than June.

5.4. **CM is the sole owner of;**

(a) The media and marketing rights and all other commercial rights relating to the events that it organizes, as well as such other events as are specified by the Executive Board.

(b) All intellectual property rights in the name "Cricket Malawi" and the abbreviation "CM", the CM logo and any other marks developed by or on behalf of CM.

(c) CM reserves the right to organize "international" tournaments and all other events purporting to "international" events or "international" tournaments of Cricket in Malawi.

(d) CM may exercise or authorize others to exercise some or all of such rights. No Member may exploit or authorize others to exploit such rights without the approval of the CM Executive Board.

(e) CM may accept gifts and bequests and seek all other resources enabling it to fulfill its objects. It may also claim payment in respect of rights for organization, participation, supervision or otherwise of events, seminars, courses or other activities as determined by the Executive Board.

ARTICLE 6: **PLAYERS:**

(a) A player who is under the age of fourteen years may be registered with CM but can only play in school competitions specifically.

(b) A player who is sixteen years of age may play in any senior league or national tournaments. Such a player shall be required to be registered with a member club and require parental consent.

(c) All players must be registered with a club or institution, which is a member of CM.

(d) Only citizens of Malawi participating in CM sanctioned events only shall be eligible to represent the country in international competitions. Participation in non-sanctioned/disapproved events will deem all player ineligible for National Team Selection without exception. All Players are responsible for getting their own passports, if they are unable to, CM will loan them funds, which must be paid back by the respective player.

(e) An individual who is not a resident of Malawi shall not play in any CM controlled competitions unless prior approval has been granted by the CM Executive Board.

Registration:

{a} The regional and zone committees shall prescribe the appropriate registration form which must be filled in full and signed by the player and not on behalf of the player. The form with the registration fee shall be submitted to the committee who shall approve or reject the application. A player is deemed not registered until the committee has confirmed the registration.

The form must be sent to the General Secretary of CM who shall keep an appropriate register and shall be in custody and control of this register at all times.

{b} All players must be registered before the start of the season.

{c} A player cannot be registered for more than one club during a season. A player shall re-register in the event he transfers to a new club.

{d} Any dispute between a club and a player shall be dealt with by the committee. Should the player or club be dissatisfied with the decision of the committee they may appeal to the board and the board's decision shall be final.

{e} *Students*:

(i) Priority must be given to the school or school organized activities.

(ii) A club is required to clear the student with the head of the institution so that he may be registered with a particular club.

(iii) A student cannot be transferred to another institution for the duration of his study period at that institution.

(iv) Once a student has either completed his education, or has left the school or was dismissed from the school, he is not allowed to play for that school.

(f) Matters relating to a player not provided in this section shall be dealt with by the board.

ARTICLE 7: **PLAYING SEASON:**

The board shall determine the date on which the playing season shall commence. The board may extend the season as in its opinion or discretion deems fit or necessary or desirable. Any other extension without the board's prior approval or as herein above stated shall be null and void.

ARTICLE 8: **TOURNAMENTS & LEAGUES:**

No member shall arrange to take part in or organize Tournaments, tours or games, which have not received prior sanction from the CM Executive Board.

ARTICLE 9: **TRANSFERS:**

Student:

a) The Head of the school must clear a student if he wants play for a club. He is free to play and must be registered by the club. There is no transfer fee.

b) Once a student leaves school he becomes a free agent and is free to play for a club of his choice.

c) If a student leaves school and enrols at another school he must be cleared by the head of the school he was at. He may play for the new school by registering for his new school. There is no transfer fee.

d) Once a student leaves college he becomes a free agent and can play for a club of his choice. He must be registered by the club. There is no transfer fee.

e) If a player is registered with a club and returns to pursue his education at a college he must be transferred to the college. His club must give him a clearance letter. He is required to be registered by the college.
The transfer fee shall be set by the CM Executive Board.

f) A student may register for a club of his choice and also for his school. However, if there is a club and school tournament being played at the same time then the student must play for the school. The final decision is with the Head of school to permit the student to play for the club.

Club:

g) A Club-to-club transfer fee shall be set by the CM Executive Board and the player must be registered with the new club. A clearance letter must be issued by the club he played for.

h) If a player is registered with a club and does not play for a whole season and was not registered with the club during this period, he is deemed a free agent.

Transfer window:

i) At the close of the season players may seek transfers.

j) The window will close when the season commences.

ARTICLE 10: **NATIONAL COACH & TEAM MANAGER:**

National Coaches, Assistant Coaches and Team Managers will be appointed by the CM Executive Board and they shall hold office until they retire or are removed from office by the board.

ARTICLE 11: **NATIONAL BADGE:**

The national badge shall be worn by a player, coaches & support staff who has represented Malawi

ARTICLE 12: **NATIONAL COLORS:**

The playing colours of the national team shall be the colours of the Malawi flag and must be approved by the CM Executive Board

ARTICLE 13: **INTERNATIONAL REPRESENTATIONS:**

All players must be Malawian Citizens with their own valid Malawian passport.
If any players participate in non-sanctioned or disapproved cricket in or outside Malawi, their participation will make them ineligible for national selection.
If any player selected to play for the country and without good and sufficient cause refuses to play a match, or fails to attend such a match, may be judged by the board to have been guilty of misconduct and may be subject to disciplinary action as the board may deem fit and proper.
If a club or a club official instigates a player to commit a breach of instruction or rule, they shall also be guilty of misconduct. The board shall use its discretion to penalize such person or persons.

ARTICLE 14: **AD HOC COMMITTEES:**

The board may appoint ad hoc committees as it deems fit and proper in its endeavours to achieve the objects as stated in the constitution. Such committees shall not have any representation on the board.

ARTICLE 15: **ENVIRONMENTAL POLICY:**

15.1. In the course of the CM's operations, where applicable, practical and within resource constraints, CM will endeavor to improve environmental performance by;

a) Conserving energy, water, and other natural resources, particularly those which are scarce or non-renewable, while still providing a safe and comfortable operating environment;
b) Reducing waste through re-use and recycling and by using refurbished and recycled products and materials where such alternatives are economical and suitable;
c) Raising awareness about any of its activities which result in undesirable discharges and emissions to air, land and water and assessing what actions are necessary to reduce pollution or the risk of pollution;
d) Encouraging the phasing out of ozone-depleting substances and minimizing the release of greenhouse gases and other substances damaging to health and the environment;
e) Meeting all relevant, current and foreseen statutory regulations and official codes of practice;
f) Communicating diligently on environmental issues including educating and motivating *Members*, partners, staff, and other relevant stakeholders to encourage them to support the MCU's environmental efforts;
g) Encouraging manufacturers, suppliers and contractors through CM contracts and other means to improve or develop environmentally preferable goods and services at competitive prices;
h) Ensuring that buildings occupied by CM are designed, constructed and operated to optimize their environmental performance;
i) Demonstrating that environmental issues are considered when making decisions and when planning and developing policy, programs and projects;
j) The policy statement is underpinned by the actions of CM Committees, members, and partners. Members of these bodies and CM staff have a key role to play in implementing this policy.

15.2. The Executive Board shall be responsible for monitoring progress in relation to this Environmental Policy.

ARTICLE 16: **CODE OF CONDUCT:**

16.1. This Code of Conduct applies to the following;
(a) Members of CM, their officers and staff (including volunteers), Technical Officials all persons appointed by CM to exercise a function in the administration of or in connection with a national or international event.
(b) Each Participant must comply with all of the obligations and requirements applicable to him under the Statutes and Regulations, including the CM Anti-Doping Regulations, ensure that the sport is played and conducted in accordance with disciplined and sporting behavior and not in an unsportsmanlike fashion and not commit serious or repeated infringements of the Laws of Cricket;
(c) He or she must not through his or her acts or omission, bring the sport of Cricket into disrepute;
(d) He or she must accept and observe, and refrain from challenging or criticizing, the authority and decisions of Technical Officials and disciplinary bodies;
(e) He or she must not abuse, threaten or intimidate, or use offensive, insulting, crude or abusive language or gestures towards Technical Officials, other Participants, or spectators, whether on or off the field of play; and not do anything that is likely to intimidate, offend, insult, humiliate or discriminate

against any other person on the ground of that person's race, gender, politics, religion or creed.

(f) Members must ensure that each of its officers, staff (including volunteers) and members complies with this Code of Conduct, adopt procedures to monitor compliance with and take prompt and effective action in respect of breaches of this Code of Conduct by Participants under its jurisdiction and procure that each Athlete and Athlete Support Personnel participating in any CM event on its behalf, and all officials and any other persons involved on its behalf in that Event, agrees to comply with this Code of Conduct and with any specific conduct rules adopted by the Executive Board specifically for that Event.

(g) Accept responsibility for the conduct of all Athletes and Athlete Support Personnel participating in an International Event on its behalf, and of all officials and any other persons involved on its behalf in that International Event. The member shall be jointly liable for fines imposed on its teams and/or on officials or Athletes or Athlete Support Personnel for their conduct while involved with such teams.

(h) Members and organizing committees are responsible for ensuring order, safety and security at all Events which they are responsible for organizing both inside and outside the Event venue, and before, during and after a match.

(i) Unless otherwise specified, breaches of this Code of Conduct are punishable regardless of whether they have been committed deliberately, recklessly or negligently. However, the degree of fault of the Participant will be taken into account in determining the appropriate sanction for such breach, along with all other relevant factors, including any aggravating or mitigating circumstances.

Definition & Interpretation

The name of the Association shall be "CRICKET MALAWI" hereinafter referred to as "CM". The postal address shall be

CRICKET MALAWI (CM)
C/O THE CRICKET ACADEMY (TCA)
PLOT No. MW 175 OLD ZOMBA RAOD,
P.O.BOX 2190,
BLANTYRE, NYAMBADWE/MAGALASI
Website: www.cricketmalawi.org
E-Mail: info@cricketmalawi.org
thecricketacademy@cricketmalawi.org

In the Statutes unless the context otherwise requires:

ACT	means the Malawi National Council of Sports Act {Cap: 10} 1974.
ACA	means African Cricket Association
ABSOLUTE MAJORITY	means more than ½ of those present in the room at the time of the vote and entitled to vote.
BOARD	means the CM executive board.
COMMITTEE	means the committee assigned to perform specific duties.
COUNCIL	means the Malawi National Council of Sports.
GS	means MCU's General Secretary
ICC	means International Cricket Council
INSTITUTION	means education organisations i.e schools, colleges, academies
MEMBER	means any club, regional body or institution that is member to CM
SIMPLE MAJORITY	means more than ½ of the votes validly cast
SPECIAL MAJORITY	means more than ¾ of those present in the room at the time of the vote and entitled to vote
TCA	The Cricket Academy Ltd
TRUSTEES	mean the Trustees of the Cricket Malawi.
ZONE	means a designated area to promote and develop cricket