

SANDAKAN GOLF & COUNTRY CLUB

CONSTITUTION

2019

Amended dated 20 Aug 2019

THE RULES OF THE KELAB GOLF & COUNTRY SANDAKAN (SANDAKAN GOLF & COUNTRY CLUB)

SECTION 1 : NAME AND ADDRESS

- (1) The club shall be called Kelab Golf & Country Sandakan (The Sandakan Golf and Country Club).
- (2) The Registered address of the club shall be at Mile 6, North Road, P.O.Box 541, 90706 Sandakan, Sabah and shall not be changed without the prior approval of the Registrar of Societies.

SECTION 2 : INTERPRETATION

- (3) In these Rules unless the context required otherwise:-
 - (i) The club means the Kelab Golf & Country Sandakan (Sandakan Golf & Country Club).
 - (ii) The Committee means the Committee elected annually to manage the club and shall include where appropriate the members constituting the committee;
 - (iii) The Rules means the Rules herein and shall include any amendment thereto for the time being in force.
 - (iv) Extraordinary General Meeting means a General Meeting other than the Annual General Meeting.
 - (v) General Meeting means either an Extraordinary General Meeting or an Annual General Meeting.
 - (vi) Majority means a simple majority of the members present and voting at a General Meeting or at a Committee Meeting.
 - (vii) Month means calendar month.
 - (viii) Residency of Sandakan means the geographical limit or demarcation for the Residency of Sandakan published in any map or plan under the authority of the Government of Malaysia or the State of Sabah).
 - (ix) Voting members means the members of the Club who are entitled to vote at a General Meeting by virtue of the Rules.
 - (x) Unanimous means in the case of a Committee Meeting the concurrence of all the Committee Members who are present and voting in a Committee Meeting and in the case of a General Meeting, the concurrence of all the members who are present and voting in a General Meeting.
 - (xi) Committee Members means the persons enumerated in rule (46a) of Section 13.
 - (xii) Bylaws means the Bylaws promulgated by the Committee under Rule 52 of Section 14.
 - (xiii) Disciplinary action includes suspension or expulsion.
 - (xiv) "Member" shall mean the classes of members as categorised under Section 6(a) to 6(i).
- (4) Words in the singular sense shall include the plural sense and vice versa.
- (5) Words importing the masculine gender shall include wherever appropriate the feminine gender.

SECTION 3 : OBJECTIVES OF THE CLUB

- (6) Primarily to promote, provide and improve golfing activities.
- (7) To construct and improve such premises as may be deemed necessary by the members for the purposes of the activities of the club.
- (8) To acquire, supply, sell and deal in all kinds of liquors, provisions, food and refreshments required or consumed by the members of the Club or other persons authorised to make use of the club.
- (9) To affiliate with or enter into reciprocal arrangements with other Clubs and associations so that members may enjoy the privileges, amenities and facilities of those clubs and associations and vice versa.
- (10) To become a member of any parent golf associations.
- (11) Subject to Rule (6) of Section 3, to promote, provide and improve other sporting facilities.
- (12) To invest monies of the Club that are not immediately required upon such stocks, shares, debentures, debenture stock, fixed deposits and securities and in such manner as may from time to time be determined by the Committee and to hold such securities or to realise the same and to reinvest the proceeds.
- (13) To borrow or raise and give security for money by the issue of and upon bonds, debentures, debenture stock, bill of exchange, promissory notes or other obligations or securities of the Club or by a charge or charges upon all or part of the properties of the Club or in any other manner whatsoever.
- (14) To make donations for patriotic or for charitable purposes and to transact any lawful business in aid of Malaysia in the prosecution of any war or hostilities in which Malaysia is engaged.

SECTION 4 : PROPERTY

- (15) The property of the club shall consist of all its assets, including lands, buildings, equipment, furniture, fixtures and fittings, stocks, magazines, and other things which may at any time be owned, hired or rented on a long term basis by the club and the rights of the club to its property shall be indefeasible against any member. The committee shall have the sole right to acquire any items of property for the club provided that only the members in a General Meeting shall have the right to dispose of, sell or rent out any items of the land or permanent building which forms part of the property of the Club.
- (16) The income and property of the Club shall be applied solely, and in the priority laid down by section 3(6) of the Rules, towards the promotion and attainment of the objectives of the Club, provided that only the members at a General Meeting shall have the right to sell, rent out or otherwise dispose of any land or permanent building which forms part of the property of the Club.

SECTION 5 : APPLICATION FOR MEMBERSHIP

- (17) Any person intending to become a member of the club shall submit his application in the form prescribed and such person shall fulfil all the terms and conditions laid down by the rules provided that the Committee shall have the absolute discretion to reject any application without assigning any reason there for.
- (18) Members in General Meeting may from time to time set the maximum number of members which the Club shall have.
- (19) Only a Life Member/Honorary Life Member or any Ordinary Member of one year standing or more can be a nominator or seconder for the applicant.
- (20) The appropriate entrance fee must accompany all applications and the entrance fee shall be refunded, without any interest, to the applicant if his application is refused.

- (21) An applicant for membership of the Club shall not before the approval of his application for membership be entitled to use and enjoy the privileges or facilities of the Club.

SECTION 6 : CLASSES OF MEMBERSHIP AND PRIVILEGES

Membership of club shall be divided into the following categories:-

- (a) Honorary Life Members
- (b) Life Members
- (c) Ordinary Members
- (d) Foreign Ordinary Members
- (e) Service Members
- (f) Corporate Members
- (g) Associate Members
- (h) Junior Members
- (i) Privileged Members

- (22) Honorary Life Members

A. Eligibility

The Committee may recommend to the members at a General meeting any person who has done valuable service to the Club and such person shall become an Honorary Life member of the Club upon the consent of the General meeting except that the Honorary Life Member is not entitled to vote in or stand for election at all General meeting or other meetings of the Club.

B. Privileges

The Honorary Life Member shall subject to the condition and stipulations laid down by the Rules and Bylaws of the Club be entitled to:-

- (i) Use the Club premises, properties, facilities and amenities;
- (ii) Participate in all functions, competitions and tournaments organised by the Club;
- (iii) Exemptions from payment of all fee, subscription and levies imposed by the Club.

- (23) Life Members

A. Eligibility

Any person upon payment of a sum to be determined by the Committee from time to time shall be eligible for life membership.

B. Privileges

The Life Member shall subject to the conditions and stipulations laid down by the Rules and Bylaws of the Club be entitled to:-

- (i) Use the Club premises, properties, facilities and amenities;
- (ii) Participate in all functions, competitions and tournaments organised by the Club;
- (iii) Attend, vote and stand for election at all General Meetings of the Club;
- (iv) Exemptions from payment of all fees, subscription and levies imposed by the Club.

C. Conversion

- (i) The Life Member may apply to convert the Life Membership to Ordinary Membership.

- (ii) No application for conversion shall be considered by the Committee unless a proper instrument of conversion in the prescribed form has been delivered to the Hon Secretary and all payments due to the club have been fully settled.
- (iii) Monthly subscription applicable to Ordinary Member shall be payable commencing from the date of approval of conversion.

(24) Ordinary Members

A. Eligibility

Any person who has attained the age of 18 and who is a Malaysian citizen and who is not an adjudged bankrupt (including the spouse), may apply in the prescribed form to be an Ordinary Member of the Club.

B. Privileges

The Ordinary Member shall subject to the conditions and stipulations laid down by the Rules and Bylaws of the Club be entitled to:-

- (i) Use the Club premises, properties, facilities and amenities;
- (ii) Participate in all functions, competitions and tournaments organised by the Club;
- (iii) Attend, vote and stand for election at all General Meetings of the Club.

(25) Foreign Ordinary Members

A. Eligibility

Any person who has attained the age of 18 and who is not a Malaysian citizen and who is not an adjudged bankrupt (including the spouse), may apply in the prescribed form to be Foreign Ordinary Member.

B. Privileges

The Foreign Ordinary Member shall subject to the conditions and stipulations laid down by the Rules and Bylaws of the Club be entitled to:-

- (i) Use the Club premises, properties, facilities and amenities;
- (ii) Participate in all functions, competitions and tournaments organised by the Club;
- (iii) Attend and vote at all General Meetings and meetings of the Club except that they shall not be entitled to stand or be elected as a member or official of the Committee.

(26) Service Members

A. Eligibility

- (i) An officer of the rank of Captain and above who is on the active service list of the Armed Forces of the Federation of Malaysia and is posted to serve in the Residency of Sandakan may apply in the prescribed form to be a Service Member of the Club.
- (ii) An officer of the rank of Assistant Superintendent of Police (ASP) and above, who is on the active service list of the Police and is a Member of a Golf Club in Malaysia, may apply in the prescribed form to be a Service Member of the club.

B. Privileges

The Service Member shall subject to the conditions and stipulations laid down by the Rules and Bylaws of the Club be entitled to:-

- (i) Use the Club premises, properties, facilities and amenities;
- (ii) Participate in all functions, competitions and tournaments organised by the Club;
- (iii) Attend and vote at all General Meetings of the Club except that they shall not be entitled to stand or be elected as a member or official of the Committee.

(27) Corporate Members

A. Eligibility

Any company registered under the provisions of the Companies Act, 1965, may apply to become a Corporate Member in the prescribed form.

B. Privileges

- (i) A Corporate Member may at any one time nominate any two employees if it has paid an entrance fee of RM60,000.00; nominate three employees if it has paid an entrance fee of RM90,000.00; nominate four employees if it has paid an entrance fee of RM110,000.00 or nominate five employees if it has paid an entrance fee of RM120,000.00 for the Corporate Member to, subject to the Rules and Bylaws of the Club, exercise and enjoy the privileges accorded to an Ordinary Member. The Corporate member or its nominee employees shall be entitled to vote or stand for election as a member or official of the Committee.
- (ii) All nominations of employees must be in the form prescribed and the committee shall have an absolute discretion to reject any nomination without assigning any reason therefor and the Corporate Member shall in the event of such a rejection substitute a new nominee or nominees until a nominee or nominee is or are accepted by the committee.
- (iii) The first nominations made by the Corporate Member shall be free of payment of any nomination fee but all subsequent nominations shall only be accepted by the Committee if the same shall have been accompanied by the prescribed nomination fee.

(27a) Junior Members

- (i) The general committee may admit any person Male or Female who has attained the age of thirteen (13) and is below the age of fifteen (15) as a Junior Member, on such terms and conditions as the General committee may from time to time prescribe in the Club's Bylaws. However, no person can be admitted as a Junior Member without the written consent of the parent or guardian. The proposer of the application must undertake full responsibility for the behaviour of the member within the club premises, and also indemnify the Club and the Club's professional for all debts incurred by the Junior Member. The applicant must be a child of an Ordinary Member or Life Member of the club.
- (ii) The Junior Member shall have no voting rights until he/she becomes an Ordinary Member.
- (iii) On attaining the age of eighteen (18), the Junior Member shall, without prejudice, become an Ordinary Member provided he/she has been a Junior Member for not less than (3) years.

(27b) Associate Members

A. Eligibility

The spouse and unmarried children under the age of 23 named in the application form of the applicant for any class of membership of the Club described in Section 6 (a) to (e) herein before appearing and the spouse and unmarried children under the age of 23 of the employee named in the nomination form of the class of membership described in Section 6 (f) shall be deemed as Associate Member.

B. Privileges

The Associate Member shall be entitled subject to the Rules and Bylaws of the Club to all privileges accorded to the class of member under which that Member belongs to, but shall not be entitled to vote in or stand for election at all General Meetings or other meetings of the Club.

- (27c) The child of an Ordinary Member or Life Member who is currently an Associate Member may, without prejudice, apply to be an Ordinary Member of the club upon attaining the of 18 but below the age of 23 subject to the payment of an Entrance Fee of RM2,000.00 (Amend ROS 16/06/2010).
- (27d) An ordinary member who has been a member (i) continuously for 25 years and attained the age of 70 OR (ii) continuously for 30 years and attained the age of 65, shall upon request to the General Committee be entitled to become a Privileged Member, who shall be exempted from payment of monthly subscription commencing from the first calendar month of attaining age of 70 or 65, whichever applicable. A privileged Member including his or her lawful spouse, should be entitled to use all the Club's facilities.

SECTION 6A : TRANSFER OF ORDINARY, FOEREIGN ORDINARY AND CORPORATE MEMBERSHIPS

- (a) The Ordinary Membership of the Club subject to Section 6A(b) herein is transferable provided all monthly subscription and other payments due to the Club have been fully settled, the transferee is a party acceptable to the Committee and the payment of the prescribed transfer fee made.
- (b) Notwithstanding the provision of Section 6A(a) hereinabove, Ordinary Membership obtained pursuant to Section 6 Clause (27a) (iii) (27b) C shall not be transferable for a period of four (4) years from the date of obtaining such membership. (Amend ROS – 20/9/02)
- (c) Subject to the approval of the Committee and the conditions set out in Section 6A(a) hereabove, a Foreign Ordinary Member may transfer his/her membership. If the transferee is a Malaysian citizen, the new member will automatically become an Ordinary Member as defined in Section 6 Rule 24.
- (d) A foreigner is allowed to obtain membership from an ordinary member of the Club, provided the transfer fee is 2/10 of the entrance fee applicable to Foreign Ordinary membership. However, the class of membership obtained through this method will still be classified as Foreign Ordinary member. (Amend ROS – 20/9/02).
- (e) Subject to the approval of the Committee, a Corporate Member may transfer its membership. However, in addition to the conditions set out in Section 6A(a) hereinabove, the Committee shall not approve the transfer of this class of membership unless the transferee is also a corporation so that the class of membership is not affected by the transfer applied for.
- (f) No transfer of membership shall be considered and registered unless a proper instrument of transfer has been delivered to the Committee through the Hon. Secretary. The instrument of transfer shall be signed both by the transferor and the transferee (and in case of corporation affixing the Common Seals thereto), and the transferor shall be deemed to remain the holder of the membership until the name of the transferee is entered in the register of members.
- (g) The instrument of transfer of any membership shall be in the prescribed form available at the office of the Club.
- (h) The Committee may in their absolute discretion refuse to register any transfer of membership.
(i) When the proposed transferee is a person or corporation of whom the Committee do not approve.
(ii) When the proposed transferee is an infant or person of unsound mind.
(iii) When the registration of such transfer would or might cause a contravention of Section 12.
- (i) The Committee shall not be obliged to assign a reason for any such refusal to transfer membership unless they shall see fit to do so. If the Committee refuses to register transfer of membership, they shall, within one month after the date of such refusal, send to the transferor notice of refusal.
- (j) Every instrument of transfer shall be accompanied by the membership certificate to be transferred and the appropriate prescribed transfer fees.
- (k) The instrument of transfer shall retained by the Club.

- (l) The following fees shall be charged for each transfer
- (i) Ordinary Membership
 - (a) 1/10 of the entrance fee applicable to new members at the time of transfer or
 - (b) RM500.00 when the transfer is from a parent of age 55 and above to a child of his or hers.
 - (ii) Foreign Ordinary Membership
2/10 of the entrance fee applicable to new members at the time of transfer. (Amend ROS – 6/7/04)
 - (iii) Corporate Membership
2/10 of appropriate entrance fee applicable to new members at the time of transfer (Amend ROS – 6/7/04)
- (m) The relevant parties involved shall be responsible for the payment of any other statutory fees which may be imposed from time to time.
- (n) All new members whether by way of new application or by way of transfer by members are required to pay a development fee of RM2,500.00 upon admitted as a member of the club. (Amend ROS – 24/10/05)

SECTION 7 : ENTRANCE FEES, SUBSCRIPTIONS, FUND & NOMINATION FEES

(28) Entrance Fee

(a) Honorary Life members	RM Nil
(b) Life members	RM50,000.00
(c) Ordinary members	RM20,000.00
(c) Foreign Ordinary members	RM40,000.00
(e) Service members	RM Nil
(f) Corporate members:-	
(i) With power to nominate 2 employees	RM60,000.00
(ii) With power to nominate 3 employees	RM90,000.00
(iii) With power to nominate 4 employees	RM110,000.00
(iv) With power to nominate 5 employees	RM120,000.00 (Amend ROS 14/09/09)
(g) Associate members	RM Nil
(h) Junior members – 20% of current entrance fee applicable to ordinary members	
(i) Immediate family of a deceased member	RM2,000.00 (Amend ROS – 14/7/06)

(29) Monthly subscription

(a) Honorary Life members	RM Nil
(b) Life members	RM Nil
(c) Ordinary members	RM80.00
(c) Foreign Ordinary members	RM80.00
(e) Service members	RM80.00
(f) Corporate members:-	
(i) With power to nominate 2 employees	RM200.00
(ii) With power to nominate 3 employees	RM300.00
(iii) With power to nominate 4 employees	RM400.00
(iv) With power to nominate 5 employees	RM500.00 (Amend ROS 07/08/07)
(g) Associate members – golfing	RM Nil
Associate members – non golfing	RM Nil
(h) Junior members – 20% of current monthly subscription payable by ordinary members.	

(30) Monthly Course & Building Improvement Fund

(a) Honorary Life members	RM Nil
(b) Life members	RM Nil
(c) Ordinary members	RM40.00
(c) Foreign Ordinary members	RM40.00
(e) Service members	RM40.00

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| (f) | Corporate members:- | |
| | (i) | With power to nominate 2 employees RM40.00 |
| | (ii) | With power to nominate 3 employees RM60.00 |
| | (iii) | With power to nominate 4 employees RM80.00 |
| | (iv) | With power to nominate 5 employees RM100.00 (Amend ROS 07/08/07) |
| (g) | Junior members | RM Nil |
| (h) | Associate members | RM Nil |

(31) Nomination fee for Corporate member for every employee RM4,500.00 (Amend ROS 26/10/2011)

SECTION 8 : LIABILITES & DUTIES

- (32) The nominator and seconder of an applicant for membership shall jointly and severally be liable for all debts due to the Club in respect of unpaid bills for golf or other sports equipment, for food and drinks and for all fees, subscription and other levies of the Club incurred by a member after his application for membership has been approved for a period of six months.
- (33) Any member who brings a guest to the Club shall be liable for all debts in respect of unpaid bills for golf or other sports equipment and for food and drinks which may be incurred by his guest.
- (34) A member shall ensure his guest observe and complies with all the Rules and Bylaws of the Club and the member shall be liable for the breach of any Rules or Bylaws of the Club by his guest.
- (35) Every member shall be liable for all debts and in respect of unpaid bills for golf or other sports equipment and for foods and drinks due to the club and incurred by himself and his wife and children.
- (36) A member changing his address shall inform the Honorary Secretary of the change of address.
- (37) Save as herein otherwise provided any correspondence, circular or notice required to be served on a member shall be deemed to have served and received by the member three days after the posting by ordinary mail to his last known address.

SECTION 9 : MEMBERS ACCOUNTS

- (38) Members' statement of accounts shall be rendered to the member as soon as practicable immediately after the end of each month. The accounts of members who are about to leave Sandakan for a lengthy period may be rendered at any time before his departure by the Honorary Treasurer and such accounts shall settled forthwith by the members.
- (39) If any member fails to settle his account within thirty (30) days after the same shall have been posted the Honorary Treasurer shall send by A.R. Registered post to the member a notice to settle the same within thirty (30) days of the date of the said notice and if the said member shall fail to settle the same after the said thirty (30) days the committee shall deal with the said member under Section 10 of the Rules. For the purpose herein the said notice shall be deemed to have been received by the said member on the day of posting if the same shall have been posted by A.R. Registered post to him notwithstanding that the said notice may have been unclaimed.

SECTION 10 : SUSPENSION AND EXPULSION

- (40a) (i) In any disciplinary action against any member of the Club, the Committee, unless there is cogent reason not to, shall adopt whatever recommendation made by the Disciplinary Committee.
- (ii) In respect of members failing to settle their account under rule 39, the Committee alone shall have the power to take whatever actions (including suspension or expulsion) against those members as the Committee sees fit.

- (40b) No member of the General Committee or a Sub-Committee shall, as director and shareholder of a private limited company; a partner of a firm or an individual person, enter into any business or contractual arrangement with the Club, without first having declared his interest involved and absenting himself from any discussion or deliberation of the General Committee or Sub-Committee, as the case may be, of which he is a member. A member who has infringed this rule shall be subject to disciplinary action, including Expulsion. (Amend ROS – 19/7/01).
- (41) The Secretary shall notify any member so expelled or suspended in writing by delivering the same to him or by posting the same by A.R. Registered post and such member shall have the right within fourteen (14) days of the posting of the letter expelling him to give notice to the Honorary Secretary of his intention to appeal against his expulsion to the members at an Extraordinary General Meeting and the Honorary Secretary shall convene an Extraordinary General Meeting to hear the appeal of the member against his expulsion if the said member shall be able to, within thirty (30) days of the giving of the said notice of appeal, present to the Honorary Secretary a requisition for an Extraordinary General Meeting which requisition must contain signatures of at least one-twentieth (1/20) of the total voting member of the Club and the decision by a simple majority of the members at the said Extraordinary Meeting shall be final.

SECTION 11 : RESIGNATION

- (42) Any member may resign from the Club by giving to the Honorary Secretary notice in writing to that effect but such member shall be liable to pay all debts due to the Club including the debts accruing in the month of the resignation.

SECTION 12 : CESSATION OF MEMBERSHIP

- (43) A member shall cease to be a member upon the happening of any of following events:
- (i) his death;
 - (ii) his resignation;
 - (iii) his being adjudged a bankrupt;
 - (iv) his being wound up in the case of Corporate Member; or
 - (v) his expulsion under Section 10 of the Rules;
 - (vi) A member who is expelled for default, except for disciplinary reasons under section 10, may be reinstated within 180 days of expulsion and only upon his full settlement of all dues to the club, and the payment of an administrative charge of 10% of the prevailing entrance fee.
 - (vii) A member whose account has been in default according to the Club's statement of account for over 6 months shall automatically cease to be a member. (Amend ROS 16/06/2010)
- (44) Any person ceasing to be a member of the Club shall continue to be liable for all debts due to the Club and shall have no claim whatsoever against the Club or its property.
- (45) Any member of the deceased's immediate family who has been nominated by the member classified under section 6 (a), (b), (c) and (d) shall be entitled within 180 days of the demise of the member to apply in the prescribed form and manner to be an Ordinary Member of the Club. (Amend ROS – 19/7/01)

SECTION 13 : MANAGEMENT OF THE CLUB

- (46a) The Club shall be managed by a Committee to be elected at the Annual General Meeting each year and the Committee shall consist of the following:-
- (i) The President;
 - (ii) The Vice-President;
 - (iii) The Captain;
 - (iv) The Honorary Secretary;
 - (v) The Golf Secretary;
 - (vi) The Honorary Treasurer;
 - (vii) The Sports Secretary;
 - (viii) The Seven Committee Member.

Only citizens of Malaysia shall be eligible to become a Committee Member.

(46b) No member shall hold the same post enumerated in Section 13 (46a) (i), (ii), (iii), (iv), (v), (vi) and (vii) for more than three consecutive years.

(47) The Committee shall be deemed to be properly constituted upon the election of a president and five other committee members. The President shall in the event that not all Committee posts are filled after the Annual General Meeting, invoke Rule (56) to fill in all vacancies within 21 days.

Election of the committee shall be by secret ballot by the members present at the Annual General Meeting and the candidates having a simple majority of the votes cast shall be elected.

(48) Meetings of the Committee

- (i) The Committee shall meet at least once a month;
- (ii) The President may call a Committee Meeting at any time;
- (iii) Seven days' notice shall be given of all Committee Meetings;
- (iv) The President or in his absence the Vice-President shall chair all meetings;
- (v) In the event of the absence of both the President and the Vice-President the Committee shall elect a Chairman to chair the meeting;
- (vi) Any member of the Committee who is absent from three consecutive Committee Meetings without giving satisfactory reasons or without requesting leave to do so automatically ceases to be a Committee Member;
- (vii) The decisions of the Committee shall be made by simple majority;
- (viii) The Chairman of all meetings of the Committee shall have a casting or second vote; (Amend ROS – 07/08/07)
- (ix) The quorum for a committee shall be any Seven committee members.

(49) Duties of Office Bearers

A. PRESIDENT

- (i) He shall chair all meetings of the club;
- (ii) He shall enforce all resolutions of the Committee and the Members unless otherwise provided. (Amend ROS – 07/08/07)
- (iii) He shall appoint the Chairmen of the Sub-Committees.

B. VICE-PRESIDENT

- (i) He shall exercise the powers and discharge the duties of the President in the absence, incapacity or disqualification of the President.

C. THE CAPTAIN

- (i) He shall supervise the development and maintenance of the golf course;
- (ii) He shall supervise the daily affair and function of the Club;
- (iii) To head the Sub-Committee of Green/Beautification and the Handicap/Competition.

D. THE GOLF SECRETARY

- (i) He shall organise all golf competition whether local, inter-district, national or international;
- (ii) He shall arrange for prizes and prize presentation;
- (iii) He shall appoint a Committee Member to carry out his duties in his absence.

E. THE HONORARY SECRETARY

- (i) He shall take charge of all correspondence;
- (ii) He shall keep a proper record of the minutes of all proceedings of the Committee and the Club;

- (iii) He shall convene meetings as directed by the President;
- (iv) He shall carry out the instruction of the Committee;
- (v) To head the Office Administration Sub-Committee.

F. THE HONORARY TREASURER

- (i) Subject to the following provisions in this rule, the funds of the Club may be expended for any purpose necessary for the carrying out of its objects, including the expenses of its administration, the payment of salaries, allowance and expenses to its office-bearers and paid staff, and the audit of its accounts, but shall on no account be used to pay the fine of any member who may be convicted in a court of law.
- (ii) He shall keep all funds and collect and disburse all monies on behalf of the Club;
- (iii) He shall keep an account of all monetary transactions and be responsible for their correctness.
- (iv) He shall expend not more than RM1,000.00 AT ANY ONE TIME for petty cash on behalf of the Club. Capital expenditure above the sum of RM5,000.00 shall have prior approval of the Committee;
- (v) He shall keep not more than RM5,000.00 cash and any cash in excess of that amount shall be deposited with the banker of the club except the slot machine float which shall be determined by the committee. (Amend ROs – 19/7/01);
- (vi) He shall submit the Statement of Account and Balance Sheet of the Club at the Annual General Meeting;
- (vii) He shall report monthly to the Committee the financial position of the Club;
- (viii) He shall ensure that all cheques drawn on the Club's account are signed by any two of the following person, viz, the President, the Honorary Secretary and the Honorary Treasurer;
- (ix) The date of the commencement of the financial year of the Club shall be from the 1st January and shall end on 31st of December Meeting.
- (x) To head the Slot Machine Sub-Committee.

G. THE SPORTS SECRETARY

He shall organise all sporting competitions other than golf.

H. TRUSTEES

- (i) The Trustees shall hold all immovable property of the Club in trust for the Club;
- (ii) The Trustees must act in accordance with the lawful directions of the Committee and of the members at a General Meeting.

SECTION 14 : POWER OF THE COMMITTEE

- (50) The Committee shall control the finance and administration of the Club.
 - (a) The Committee shall carry out all member resolutions. (Amend ROS – 07/08/07)
 - (b) The Committee shall prepare a Budget for the ensuing year to be adopted by the members at an EGM to be held within 90 days after the AGM. (Amend ROS – 07/08/07)
- (51) The Committee shall have the power to engage, control and dismiss employees of the Club and fix the employee's remuneration or wages.
- (52) The committee shall have the power to make, amend or repeal Bylaws not consistent with these Rules and to prescribe forms regulating the affairs of the club or the use of the facilities of the club which are not otherwise provided for in these Rules.

- (53) The Committee shall for the purposes of carrying out the objectives of the Club have the power from time to time and at all times to impose a payment by all members of a monthly sum of money to be called the Course and Building improvement Fund and the Committee shall also have the power at any time to terminate such payment provided that the amount of the fund referred to in this section so fixed by the Committee shall only be imposed and be effective after the same shall have been approved by the members at a General Meeting.
- (a) The Committee shall have the power to sell the membership of a member who has ceased as a member, as a result of his failure to settle his overdue account. Such proposed sale would be posted on the Notice Board for at least 2 weeks and that the selling price shall not be less than 30% of the entrance fees prescribed for the applicable class of members. Transfer and Development fees under Section 6A(n) shall not apply. (Amend ROS – 19/05/12)
- (54) The Committee shall have the power to appoint sub-committee or subcommittees as the Committee thinks fit and the set terms and conditions in which such sub-Committee may operate.
- (55) The Committee shall have the power to nominate such members, whether a Committee Member or not to sit in the Sub-Committee or Sub-Committees.
- (56) The Committee shall have the power to fill all vacancies occurring in the Committee and such members so appointed shall hold office until the ensuing Annual General Meeting.
- (57) Interpretation of Rules
- (a) Between Annual General Meetings the Committee shall interpret the rules of the Club and when necessary determine any point on which the rules are silent.
- (b) Except where they are contrary to or inconsistent with the policy previously laid down by the general meeting the decisions of the Committee shall be binding on all members of the Club unless and until countermanded by a resolution of a general meeting.

SECTION 15 : MEETINGS

- (58) The Annual General Meeting of the Club shall be held each year before the month of April at such time and place as the Committee shall determine and at the Annual General Meeting the following business shall be conducted:-
- (i) To receive the Annual Report and pass the Accounts of the preceding financial year which ends on December 31st.
 - (ii) To elect members of the Committee for the ensuing year.
 - (iii) To appoint Auditors for the ensuing year.
 - (iv) To transact any other business of which fourteen days' notice has been given in writing to the Honorary Secretary. (Amend ROs – 14/09/09)
 - (v) To elect three Trustees.
 - (vi) To amend, if any, the Constitution of the Club.
- (59) No person shall be elected as a member or official of the committee at an Annual General Meeting unless not less than seven days before the day of the Annual General Meeting there has been delivered to the Honorary Secretary the prescribed nomination form nominating such person to be a member or official of the Committee. All nominations received after 6:00PM on the last day of the 1 week before the day of the Annual General Meeting will not be accepted.
- (60) All nomination form must be signed by the candidate and at least one proposer who must either be a Life Member/Honorary Life Member or an Ordinary Member. All nomination forms shall be fixed on the notice board as soon as they are received. A candidate wishing to withdraw his candidacy can do so before the closing date by submitting a letter in writing which must be duly signed by him to the Honorary Secretary. A member can only be nominated for one post. (Amend ROS – 14/09/09)
- (61) The Committee may call for an Extraordinary General Meeting when any problem of importance shall arise, and be bound to do so on receiving a written requisition signed by at least one-eighth of the total voting members who are Ordinary Members and or Life Member of the Club who shall state therein the purpose of which they desire the meeting to be held.

- (62) A notice stating the time and place of any General Meeting and the business to be transacted there at shall be fixed on the Club notice board for at least fourteen clear days before the meeting is to be held and a copy of such notice shall be sent by post to each ordinary Member and Life Member/Honorary Life Member. In the case of a Annual General Meeting, copies of the Annual Report and the Audited Accounts will also be so sent to the aforesaid members provided that notwithstanding anything herein otherwise stated the omission to send such notice or documents shall not render the proceedings in the meeting void.
- (63) Upon receipt of a requisition under Rule 61 of Section 15 the Honorary Secretary shall send as soon as possible a copy of such requisition to each Ordinary Member and Life Member/ Honorary Life Member by post.
- (64) The President shall be the Chairman of any General Meeting. In his absence the Vice-President shall act as Chairman. Should however the President and Vice-President be absent, the General Meeting shall elect a Chairman from members of the Committee to chair the General Meeting.
- (65) The Chairman of the General Meeting shall have a casting or second vote. (Amend ROS – 07/08/07)
- (66) In any General Meeting, at least half of the total voting members or four times the number of Committee Members, whichever is less, shall form a quorum provided that if within half an hour from the appointed time of the General Meeting a quorum is not present the General meeting shall be dissolved if it, had been convened by the specific requisition of members under Rule (41) of Section 10 or under Rule (61) of Section 15, but in any other case it shall stand adjourned for half an hour, and if by then a quorum is still not present, the members present shall constitute a quorum but they shall not have the power to alter, amend or make addition to any existing Rules.
- (67) (i) Voting at all General Meetings shall be by show of hands
(ii) Despite Sub-Clause (i), voting for the election of Committee Members and when demanded by majority of the members present at the Meeting shall be by secret ballot.
(iii) Only members present at the Meeting are entitled to vote.
- (68) Save as herein otherwise provided the vote of the majority of members present shall be binding on all members.

SECTION 16 : AUDIT

- (69) The accounts of the Club shall be audited annually by an approved accountant or an approved firm of accountants to be appointed at the annual General Meeting and no partners or employees of the firm shall be eligible to sit on the Committee or any Subcommittee related to the finance of the Club.

SECTION 17 : AMENDMENTS OF THE RULES

- (70) Amendment and repeal of the existing Rules of any one of them shall only be made at a General Meeting and fourteen days' notice of any proposed amendment or repeal of the Rules shall be given in writing to the Honorary Secretary prior to the date of such a meeting. **“The amended Rules shall come into force only after Commissioner of Sports or the Registrar of Societies, whichever is applicable, shall have approved the same.”** Provided that any amendment to the Rules resulting in the removal or rewording of Rules (6) Section 3 can only be made and passed by a majority of three-fourths (3/4) of the total voting members of the Club. (Amend ROS 19/05/12)

SECTION 18 : PROHIBITIONS

- (71) (a) Gambling (all games of dice, banker's game and games of mere chance) shall not be played in the premises of the Club, except licenced slot machine as may be approved by the Authority concerned for the purposes of raising funds for the maintenance, upkeep and development of the Club.
- (b) The Club shall not hold any lottery, whether confined to its members or not, in the name of the Club or its office-bearers, committee or member.

- (c) The Club shall not pay out any benefits as defined under Section 2 of the Societies Act, 1966 to any of its members.
- (d) No University student shall be admitted as member of the Club without the prior written consent of the Vice-Chancellor of the University concerned.
- (e) The introduction of addictive drugs and or persons of dubious character are strictly prohibited.

SECTION 19 : DISSOLUTION

- (72) The Club shall not be dissolved except with the consent of not less than three-fourth (3/4) of the voting members of the Club voting at a General Meeting convened for that purpose
- (73) In the event of the dissolution of the Club, the funds of the Club after the discharge of all liabilities and debts shall be distributed in such a manner as the members shall have decided in the General Meeting.

SECTION 20 : DISCIPLINARY COMMITTEE

- (74) (a) There is to be established a Disciplinary Committee consisting of the following members:-
 - (i) A Chairman;
 - (ii) A Secretary;
 - (iii) Three other members.
 - (b) The members referred to in sub-rule (a) shall be appointed by the Committee from among person of not less than 10 years standing as a member of the Sandakan Golf & Country Club and also not a member of the Committee;
 - (c) Three members shall constitute a quorum for any meeting of the Disciplinary Committee;
 - (d) Every member appointed by the Committee shall hold office for a term of two years commencing from the date of such appointment;
 - (e) Provided always that any such member may at any time resign his office by giving notice in writing to the Committee, and that the committee may at any time revoke the appointment of any such member.
 - (f) In the event of any vacancy in the office of any member appointed by the Committee occurring before the expiry of the term of appointment, the Committee may fill the vacancy by appointment a person who is qualified to be a member for the remainder of the term for which his predecessor was appointed.
 - (g) The Chairman of the Disciplinary Committee may convene a meeting of the Disciplinary Committee as and when necessary and at least one week's notice of such meeting shall be given by the Secretary
 - (h) The Disciplinary Committee's address shall be the Sandakan Golf & Country Club at Mile 6, North Road, P. O. Box 541, 90706 Sandakan, Sabah, on which notices, including complaints against members, may be served or made.
- (75a) the duties and functions of the Disciplinary Committee shall be:-
- (i) To consider, examine, scrutinise or enquire into any complaint made against any member aggrieved by any action of the member.

- (ii) In considering the complaint, to take into account the following:-
 - a) Whether or not there has been a breach of the Rules or Bylaws of the Club by the member or
 - b) Whether or not the conduct of the member concerned is detrimental to the interests of the Club;
 - (iii) If upon examination and inquiry into such complaint, the Disciplinary Committee is of the opinion that the same is frivolous and without merit or unsubstantiated, to dismiss the same without taking any further action;
 - (iv) If upon examination and inquiry into such complaint, the Disciplinary Committee finds that the complaint has been bona fide, and that there is strong evidence that disciplinary action should be taken against the member, to make such recommendation to the Committee as the Disciplinary Committee deems fit.
- (75b) The Disciplinary Committee shall have the power to request any person to appear before the Disciplinary Committee to give such evidence or produce such documents as may be required by the Disciplinary Committee.
- (76) (a) The Disciplinary Committee may conduct its inquiry or proceedings at such place as it may nominate or specify from time to time.
- (b) At least seven days' notice in writing shall be given to the complainant and the member against whom the complaint is made in respect of any inquiry, hearing or proceedings before the Disciplinary Committee.
- (c) Unless the Disciplinary Committee so directs, its proceedings shall not be open to the other members at large.
- (d) Minutes of the proceedings shall be recorded and a copy thereof transmitted to the Committee.
- (e) Evidence given by a witness before the Disciplinary Committee may be on oath or affirmation or otherwise.
- (f) If the complainant or member fails to appear before Disciplinary Committee after due notice of inquiry or meeting has been given, the Disciplinary Committee may proceed with the hearing despite the absence of any party.
- (g) The complainant or member shall be entitled to be legally represented at any hearing before the Disciplinary Committee, and shall notify the Disciplinary committee in advance of the name of the Advocate representing him/her and his/her address of service.
- (h) The Disciplinary Committee may decide on any matter or issue before it by majority vote, and in the event of an equality of votes, the Chairman of the Disciplinary Committee shall have a casting vote.
- (i) The Disciplinary Committee may in its discretion refer any difficult issue or question of law to a legal firm for an opinion.
- (77) Except as herein provided, the Disciplinary Committee may regulate its own procedure and proceedings as it thinks fit.
- (78) Despite any Rules herein and if the Committee is not able to fill any or all the position in the Disciplinary Committee with qualified members as provided in rule 74 (b), the Committee is then entitled to appoint any of its member to take up such vacancy or vacancies.
- (79) (i) The Registered Logo shall consist of three colours (Red Flag (pin position), Light and Dark Green background)
- (ii) The name Sandakan Golf & Country Club is stated within the Logo.
- (iii) The image of the Club Logo is largely oval in shape and to appear as follows:- (Amend ROs – 26/10/2011).

