

Prior to the AGM I received a file entitled *Correct Rules and Constitution of League*. Unfortunately far from being correct it just served to show how far into disrepair the documents have fallen.

Before going into detail I shall make some general comments on my views of rules and constitutions.

The phrase rules and constitution rolls off the tongue so readily that it is easy to forget that these are two separate documents which happen frequently to be published together.

The rules regulate the organisations activities, in our case chess competitions. As such they are of interest to all members, recording what they must, may and cannot do. Inaccuracies can lead to disputes between those playing by the rules as written and those playing by the rules as agreed.

The constitution is a multi-faceted document establishing the identity of the organisation and incorporating the vision of its founders. Most of all though it regulates the government of the organisation, which should protect the membership and ideals from the whims of the executive. FIFA, FIDE and any number of pretend democratic states are testimony to the effects of having an executive that regards the constitution as a tool of control rather than as a limit on their powers. Unfortunately by their nature constitutions are somewhat dry documents which are mostly of little interest to many who tend to regard them as a dull appendix to the rules.

Whereas it is right and proper that the rules should change continually to reflect the current wishes of the membership with regards to their activities, changes to the constitution should be resisted. There is likely to be little need to change the identity or vision of the organisation, whilst changing governance at the behest of the executive is dangerous. Indeed making changes weakens the protection provided by the constitution, making it appear acceptable to enact changes whenever its provisions prove inconvenient.

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Onto the NSDCA constitution, which along with its rules underwent a major rewrite in 2004. It is difficult to believe that within a further decade several changes appear to have been made.

Agenda for AGM 2014

13a) Rule 6a(ii) of the constitution to read "a webmaster" instead of " a publicity secretary".

Minutes of 2014 AGM

There was general agreement that the office of Publicity Secretary be abolished and replaced by that of "Webmaster".

But i) the constitution states that all proposals are to be circulated with the notice of meeting, which itself must be circulated at least 21 days in advance of the meeting. The proposals were not circulated within this timescale so all should fail (unless perhaps the late circulation was a deliberate ploy by the Secretary to prevent the passage of proposals he disagreed with, in which case we have a considerable constitutional problem).

ii) the constitution also states that any constitutional changes must first be passed by the executive committee. This was not done.

Thus the proposal falls on two counts - it was not first passed by the executive, and it was not distributed in a timely manner. How was the AGM able to agree it? Even more to the point, the change fails the test of necessity. Steve can style himself the Association's Sugar Plum Fairy if he wishes, but there is no doubt that the constitutional role he has been fulfilling is that of

Publicity Officer.

Whether by design or accident whoever originally came up with the title Publicity Officer made an excellent choice. It does not stipulate whether the publicity is of the Association's activities to its members or of the Association's existence to the outside world, nor does it require the incumbent to be a cub reporter, bulletin editor, webmaster, chief twit, facebook fiend or advertising executive. They all fit, so that when from time to time a new officer is elected no prior change to the constitution is required to allow someone with a different skillset to take on the role.

The proposal should have been encased in several cubic metres of concrete and dumped in Rudyard Lake.

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The constitution has magically acquired clause 4(c), allegedly adopted by the 2012 AGM. This did not go through committee first and so has not been inserted in a constitutional manner. In addition it is not clear that the sentiments expressed belong in the constitution rather than the rules, particularly as a specific figure (£2) is mentioned that inevitably must be subject to change.

An undated change to 4(b) has been made, again without a vote by committee. This too seems a clause that is misplaced, even though the old 4(b) is of no relevance.

The constitution clause 6b appears to have been amended to "The Executive Committee shall meet at least three times a year *or as deemed necessary by the Chairman*" allegedly at the 2008 AGM. I have no memory or documentary evidence of this constitutional change having gone through committee first as required, and there was no proposal to adopt it on the 2008 AGM agenda. It may well be a reasonable amendment so as to stop the committee needing to meet simply for the sake of it, but it has appeared in a non-constitutional manner.

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Which brings us to the dreaded section 10. The rules and constitution were completely redrafted at meetings in the season 2003/4, and agreed at the 2004 AGM. However the dissolution clause (I think of it as a sunset clause) was a bit of an afterthought. By the time the rules and the rest of the constitution had been sorted, there was no committee time left to discuss the wording of a sunset clause, just for an agreement that having one would be a good idea. Consequently the clause was accepted on the basis of being a sticking plaster for one year, with discussion on wording to follow so that a properly agreed sunset clause could be presented to the 2005 AGM for approval. Strangely, although no further discussion of the clause took place, it has been kept in the constitution, even though it has no right to be there.

Should we have a sunset clause? Definitely seems a good idea. This one? No. Whether it has been cobbled together by a couple of grade E A level students in constitutional studies, or plagiarised from some other organisation for which it is presumably suitable, it fails on at least two counts to meet the needs of the NSDCA.

There are several ways in which the Association might end, including a group of sticklers for protocol getting together and saying "Let's end this, how we do so properly?", for which of course the given clause provides an answer. However it seems considerably more likely that any

end will be one of simply fading away. One year there is enough interest for a desultory competition, the next there isn't, and no-one has the energy to jump through all sorts of procedural hoops necessary for a clean kill.

Secondly the the wording given provides that all decisions made at the second EGM be binding. Which means what? Deciding to adjourn to the pub to drown ones sorrows at the loss of a much loved Association? If the Association decides to fold, the only matters that remain are about the disposal of any assets and the settling of any liabilities. It seems incredible that the NSDCA apparently has no view on how it's residual assets should be used after it folds; the sunset clause should surely have a last will and testament element.

Thus I believe that

*The Association will be deemed to be dissolved if a vote to that effect is passed at two consecutive general meetings or if two consecutive full years elapse in which the Association organises no competitions. On dissolution the remaining assets of the Association shall be transferred to the Staffordshire County Chess Association, or donated to the Douglas Macmillan charity if the SCCA no longer exists. Exceptionally, the records of the Association may instead be passed for safe keeping to any local museum, library or historical society that expresses an interest in them.*

represents a better starting point for discussions about the wording of a sunset clause than the clause we nominally have, and that such a discussion is long overdue.

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Finally, before moving onto the rules, a quote from the 2008 AGM minutes: *It was agreed to specify the Financial Year in the League Rules.*

I can't help feeling that the constitution would be a more appropriate place for such specification, which would of course need committee agreement. However I cannot see that this agreement has been acted upon in either document, and although there appears to have been no corresponding proposal on the 2008 agenda this is something I would have hoped the secretary would have followed up on. I'm sure Bill doesn't bite.

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The Rules have fared no better. There are some minor amendments and clarifications made for which there exists no corresponding proposal on the relevant AGM agenda. However as these will presumably have arisen from consideration of officers reports and questions thereon, I think it would be unreasonable to suggest that a further year should have elapsed before their adoption in order that formal proposals could be forthcoming.

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However the second part of Article 2 Rule 3 is given as

*Each player playing in any competition organised by the Association must be at least a bronze member of the English Chess Federation.*

which directly contradicts the proposal passed that

*No player may play more than three graded games in North Staffs competitions unless they are ECF members*

(see minutes 2012)

This clearly is in urgent need of correction.

The 2012 meeting had to deal with the implications of the change to the ECF funding model, and the proposal above arose from discussion of Bill's paper thereon and the implied proposals therein. My memory is that within that discussion it was also confirmed/agreed without separate votes that

a game fee liability would arise for each game played by a non-member, and that the Association would hold the relevant club rather than individual player responsible for payment; fourth and subsequent games played by a non-member will be treated as games by an ineligible player. Note however that the minutes (Andrew Davies?) give *If players do play more than three games, then those games will be recorded locally as defaults*, and these minutes have presumably been voted as correct;

If a player later in the season does join the ECF, then this will remove any game fee liability for games played earlier in the season, but will not remove any penalties applied for playing 4+ games as a non-member.

Could/should any of these be added to the rules? Can we reasonably claim that they were effectively part of the proposal that was voted on or do they need separate proposals before being written into the rules?

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The constitution quite clearly states that any proposed change of rule approved at the AGM shall be written immediately into the Rules. No exceptions given. Yet the changes made when replacing promotion and relegation with grade limited divisions are still absent. To say that this is unacceptable is an exercise in restraint. Certainly it renders these allegedly correct rules useless as a reference work for players, captains and clubs.

It is not difficult to insert these missing rules.

First create space in article 3 by labelling rule 1 as rule 2a, 2a as 2b, and 2b as 2c, with 2c saying *rule 2b* instead of *this rule*.

Rule 1 becomes

"Rule 1a All league and knock-out teams must be constructed in accordance with the grading constraints applying to the relevant competition. For league competition these are:

Div (Boards)	A	B	C	D
1 (5)	unlimited	N/A	135	N/A
2 (5)	725	120	135	N/A
3 (4)	520	105	120	N/A
4 (4)	460	90	105	N/A
5 (4)	400	0	90	125

A: Maximum total grade for all players in the team, after application of the minimum counting grade if appropriate.

B: Minimum counting grade. Players with grades or estimated grades below this value count as this for total team grade purposes. This also applies to defaulted boards.

C: Maximum sideways reserving grade. Players whose grade does not exceed this may play in more than one team in this division.

D: Maximum individual grade

For knock-out competitions see Article 10.

Rule 1b An ineligible side is one that breaches the grading limit for the competition. The penalty for fielding an ineligible side is that the lowest board who, if replaced by a default would result in an eligible side, has their game automatically scored to the opposition.

If no such player exists two points are deducted from the teams match score."

This may not contain the best possible wording, or indeed be the best way of incorporating the changes, but it has the virtue of placing the relevant information in one place, thus being easy to find for reference and easy to excise when/if the Association decides to adopt a new model of competition, and hopefully pretty simple to amend in accordance with the wishes of future AGMs.

Article 8 on ineligible players could also usefully be rewritten so as to clarify the status of players who breach individual constraints:

"The following count as ineligible players:

- A player contravening Article 3 rule 2 except as covered by rule 3 of the same article. (*15 point rule*)
- A player participating in their fourth or subsequent game in NSDCA events whilst not a member of the ECF.
- A player who has appeared for another club, unless so authorised by the general secretary.
- A player whose grade makes them ineligible to play in that team (see article 3 rule 1a columns C and D for league, article 10 for knock-out).

A team including an ineligible player shall have one game point deducted from the team score in that match. This shall be in addition to the game of the ineligible player being scored to his opponent irrespective of the result."

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The 2004 rewrite was justified on the basis that it was not known whether some of the changes prior to that date had been made in a constitutional manner. Were a new top table to be appointed, their first task would be to revisit the rules and constitution as the current official ones are known not to be constitutionally correct. Will history rhyme?