CHAPTER I

NAME AIMS
COMPOSITION
AFFILIATIONS
OFFICIAL ADDRESS

ARTICLE 01 NAME

The Association referred in this statute shall be called the „MALTA BASKETBALL ASSOCIATION" (referred to as MBA).

ARTICLE 02 AIMS

The aim of the MBA is to promote, regulate and develop the game of basketball in the Republic of Malta and its dependencies.

ARTICLE 03 COMPOSITION

The MBA is made up of the Sports Clubs and Associations that practice the game of basketball and of those constituted bodies or persons who take part in the game either competitively, technically or in an organizational capacity.
Appropriate rules and regulations shall cover the Method of affiliation of clubs with the MBA and the system of registration of the players, coaches and technical staff, referees and administrators.
The affiliated Sport Associations and all other constituted bodies and registered individuals on becoming members of the MBA shall assume the obligation to observe its Statute and its Rules and Regulations.

ARTICLE 04 AFFILIATIONS

The MBA shall be affiliated with the MALTA OLYMPIC COMMITTEE (or any other name by which this body may be known).
The MBA shall be affiliated with the INTERNATIONAL BASKETBALL FEDERATION (FIBA).
The MBA shall be the sole official mouthpiece for basketball in the Republic of Malta and its dependencies.

ARTICLE 05 OFFICIAL ADDRESS

The official address of the Malta Basketball association is: -

MALTA BASKETBALL ASSOCIAITON
BASKETBALL COMPLEX
TA" QALI – RBT 13
MALTA

mba@maltanet.net

CHAPTER II

THE EMBLEM

ARTICLE 06 EMBLEM

The emblem of the MBA shall be determined from time to time by the PRESIDENT"S COUNCIL.

CHAPTER III

MEMBERSHIP

ARTICLE 07

Membership with the MBA is open to individuals and constituted bodies and/or clubs involved in the organizational, playing or technical spheres of the game of basketball, whose rules and/or principles are compatible with the Statute and Rules and Regulations of the MBA.

ARTICLE 08

Membership with the MBA shall be of three classes: -

(a) FULL MEMBERSHIP is open to constituted bodies, clubs and teams not connected with any political party and/or organization, and participating in the Men and/or Women Senior National leagues organized by the MBA.
(b) ASSOCIATE MEMBERSHIP is open to all properly non-political constituted bodies, clubs and teams, which do not qualify for full membership.
(c) INDIVIDUAL MEMBERSHIP.

ARTICLE 09

The following conditions shall be imposed on all those constituted bodies, teams or clubs seeking membership with the MBA: -

(a) They shall be properly constituted.
(b) They are willing to play basketball according to the rules set by FIBA.
(c) They pay the fees set by the MBA
(d) They are ready to conform to the Statute and all Rules and Regulations of the MBA.

ARTICLE 10

FULL MEMBERS shall have VOTING POWERS in the General Meetings and in the meetings of the Executive Council.
ASSOCIATE MEMBERS have the right to attend all meetings as OBSERVERS.

ARTICLE 11

Affiliated full members may change the club name with the approval of the President"s Council.

CHAPTER IV

GOVERNING BODIES

ARTICLE 12

The affairs of the MBA shall be managed by: -
(a) The President.
(b) The President"s Council.
(c) The Executive Council.
(d) The Junior Commission.
(e) The Coaches Commission.
(f) The Referees Commission.

ARTICLE 13

The election for the posts at the President"s Council shall take place at the Annual General Meeting held every two years from among persons duly nominated in terms of Chapter XVI of this Statute.

ARTICLE 14

A committee member of an affiliated club shall not hold the office of President, Deputy President, Secretary General or Financial Controller of the MBA.

ARTICLE 15

During the General Meetings of the MBA, the elected officers as a whole, and every full members shall have one vote.

ARTICLE 16

(a) The President's Council shall meet at least every fortnight and the Executive Council shall meet at least once every month.
(b) Agenda for President's Council and Executive Council meetings are to be circulated to all members of the MBA, not less than 7 days before the meeting.
(c) Minutes of the President's Council and Executive Council are to be circulated to all members of the MBA, within 5 days of the meeting.
(d) The President's Council is to be presented up to date monthly financial reports of the MBA and/or any company the MBA is a majority shareholder.
(e) All decisions taken and minuted by the President's Council have to be approved in the next meeting of the Executive Council prior to the decisions coming into effect.

ARTICLE 17

The quorum necessary for the transaction of the business of the President"s Council and the Executive Council shall be of fifty percent plus one member of the fill members.
If there is no quorum, the meeting/s shall start after fifteen minutes from the stipulated time with the members present.

ARTICLE 18

All elected members shall hand over to their successors in office or to any person authorized by the President"s Council, all documents or property belonging to the MBA that may be in their possession.

CHAPTER V

THE PRESIDENT"S COUNCIL
COMPOSITION
FUNCTIONS
DUTIES

ARTICLE 19

The President"s Council shall be composed of: -
(a) The President
(b) The Deputy President
(c) Four Vice Presidents
(d) The President Emeritus
(e) The Secretary General
(f) The Financial Controller
(g) all full member club Presidents or his/her representative are allowed to be present and to participate in the discussions but voting rights remain with the members elected to the President's Council

ARTICLE 20

The President"s Council is responsible for: -
(a) National teams
(b) Finance
(c) FIBA
(d) MOC (Malta Olympic Committee)
(e) Policies
(f) International relations
(g) Marketing

ARTICLE 21

The President"s Council has the power to accept and reject applications for membership within the MBA.

ARTICLE 22

The President"s Council may delegate any of its responsibilities to committees, sub-committees or individuals, as it thinks fit. Any committee, sub-committee or individual in the performance of the duties so delegated conforms to any Rules and regulations that may be imposed on it by the President"s Council. A committee, sub-committee or individual may not co-opt a member without the prior approval of the President"s Council.

ARTICLE 23

The President"s Council can appoint any board/s it may deem necessary for the well functioning of the MBA.

ARTICLE 24

The President"s Council may call an Extraordinary General Meeting

ARTICLE 25

The President"s Council may enter into any agreement with third parties and invest monies of the MBA in an enterprise, firm or company, the objectives of which shall be the development of the game of basketball.
The President and the Secretary General acting with the consent of the President"s Council shall have the power to borrow or raise money and to secure the repayment of such money and in conjunction with or independently thereof, hypothecate or charge the property of the MBA or part thereof, for any debt, liability or obligation of the MBA or any third party.

ARTICLE 26

The President"s Council shall decide all technical matters dealing with basketball.

ARTICLE 27

The President"s Council shall regulate its own procedure.

CHAPTER VI

THE EXECUTIVE COUNCIL
COMPOSITION
FUNCTIONS
DUTIES

ARTICLE 28

The Executive Council shall be composed of: -
(a) The President
(b) The Deputy President
(c) Four Vice Presidents
(d) The President Emeritus
(e) The Secretary General
(f) The Financial Controller
(g) One representative from each full member club
(h) The Chairperson of the Junior Commission
(i) The Chairperson of the Coaches Commission
(j) The Chairperson of the Referees Commission

ARTICLE 29

The Executive Council is responsible for: -
(a) Senior National Leagues
(b) Junior leagues
(c) Competitions Rules
(d) General Rules and regulations ancillary here to

ARTICLE 30

The Executive Council may delegate any of its responsibilities to committees, sub-committees or individuals consisting of such persons, as it thinks fit. Any committee, sub-committee or individual in the performance of the duties so delegated conforms to any Rules and regulations that may be imposed on it

by the Executive Council. A committee, sub-committee or individual may not co-opt a member without the prior approval of the Executive Council.

ARTICLE 31

The Executive Council may call an Extraordinary General Meeting.

ARTICLE 32

The Executive Council shall regulate its own procedure.

CHAPTER VII

THE SECRETARIAT
FUNCTIONS
DUTIES

ARTICLE 33

The Secretariat of the MBA may be composed of: -
(a) The Secretary General
(b) The Administrative Secretary
(c) Officer in charge of referee"s appointments
(d) Any other person/s whom the President"s Council shall appoint

ARTICLE 34

The President"s Council shall appoint the Administrative Secretary and the Officer in charge of referee"s appointments.

ARTICLE 35

The Secretariat is responsible for: -
(a) General correspondence
(b) The Registration Office (Clubs, Players, referees etc.)
(c) Fixtures for all competitions
(d) The organization of Disciplinary hearings, Protests and appeals
(e) Referees appointments

(f) All other tasks which may be delegated from time to time by the President"s Council

CHAPTER VIII

THE JUNIOR COMMISSION
COMPOSITIONS
DUTIES

ARTICLE 36

The Junior Commission may be composed of: -
(a) The Chairperson and a maximum of six members appointed by the President"s Council
(b) Any other person/s whom the President"s Council may from time to time appoint

ARTICLE 37

The Junior Commission shall be responsible for the organization of activities up to the age of seventeen years.

ARTICLE 38

The Junior Commission shall regulate its own procedure.

CHAPTER IX

THE COACHES COMMISSION
COMPOSITIONS
DUTIES

ARTICLE 39

The Coaches Commission may be composed of: -

(a) The Chairperson and a maximum of four members appointed by the President"s Council
(b) Any other person/s whom the President"s Council may from time to time appoint

ARTICLE 40

The Coaches Commission shall be responsible for the organization of activities for the Coaching Sector including the grading of all qualified basketball coaches.

ARTICLE 41

The Coaches Commission shall regulate its own procedure.

CHAPTER X

THE REFEREES COMMISSION
COMPOSITIONS
DUTIES

ARTICLE 42

The Referees Commission may be composed of: -
(a) The Chairperson and a maximum of four members appointed by the President"s Council
(b) Any other person/s whom the President"s Council may from time to time appoint

ARTICLE 43

The Referees Commission shall be responsible for the organization of activities for the Referees Sector including the grading of all qualified basketball referees.

ARTICLE 44

The Referees Commission shall regulate its own procedure.

CHAPTER XI

BOARDS AND COMMITTEES

ARTICLE 45

Unless otherwise stated, the Statutory boards and Committees shall be appointed during the first three meetings of the President"s Council.

ARTICLE 46

Any Board and Committee shall cease to function on the 30th June of each calendar year.

ARTICLE 47

Unless otherwise stated, the President and Secretary General of the MBA shall "ex officio" be members of all Boards and Committees.

ARTICLE 48

Each Board and Committee shall keep minutes of all the meetings.

ARTICLE 49

Disciplinary action will be taken by the President"s Council against persons found guilty of divulging information when not authorized to do so.

ARTICLE 50

The decisions of these Boards and Committees, unless otherwise stipulated, do not become effective before the President"s Council and/or the Executive Council approve them.

CHAPTER XII

PROTESTS BOARD

ARTICLE 51

The members who can sit on the protest board shall be appointed by the President"s Council and confirmed by the Executive Council.

ARTICLE 52

It shall be composed of three (3) members, one of whom shall be Chairman of the board.

ARTICLE 53

The board shall deal with protests from clubs regarding competitive matches organized by the MBA.

ARTICLE 54

The representatives of any club involved may appear before the board to present their case. The club secretary will be notified as per General Rules and Regulations.

ARTICLE 55

The board shall meet as early as possible but not later than twenty-one (21) days from the date of receipt of the protest filed by the club.

ARTICLE 56

Witnesses may be called by the club provided that the Secretary General is informed with their names and the appropriate fee is paid as per general Rules and Regulations.

ARTICLE 57

A right of Appeal shall lie with the Appeals Board, provided that the request, in writing, reaches the Secretary General, within three (3) days up to midnight from the date of the decision being appealed from, and provided that it is accompanied by the relative fee as per General Rules and Regulations.

ARTICLE 58

The clubs shall follow the procedure laid down by the Appeals Board in Chapter XV.

CHAPTER XIII

PLAYERS, CLUBS RELATION BOARD

ARTICLE 59

The board shall be composed of the Deputy President, the Secretary General and one (1) neutral member, appointed by the President"s Council. The neutral member shall act as a Chairman.

ARTICLE 60

The board is empowered to decide upon problems emanating from players registration, requests for release which have not been accepted and relations between a player and a club with whom he/she is registered.

ARTICLE 61

The board"s decision is final.

CHAPTER XIV

DISCIPLINARY CODE AND PROCEDURES

ARTICLE 62

The disciplinary code and procedures as from time to time approved by the President"s Council and Executive Council are to be considered as an attachment to this statute and shall be marked as APPENDIX ONE.

ARTICLE 63

The basketball year for the purpose of the Chapter shall run from the first (1st) day of September to the thirty-first (31st) of May of the following year, both days inclusive.

CHAPTER XV

APPEALS BOARD

ARTICLE 64

The members who can sit on the Appeals Board shall be nominated by the President"s Council and confirmed by the Executive Council.

ARTICLE 65

Members sitting on the appeals board shall be neutral members and have no direct connection with any club affiliated to the MBA.

ARTICLE 66

Every person on the board shall hold office for a period of one year.

ARTICLE 67

Persons serving on the board shall not be personally liable for any act or default of the Board.

ARTICLE 68

The board shall be composed of three members, one of whom shall act as Chairman. The presence of two of the three (3) members shall constitute a quorum.

ARTICLE 69

The board shall have the power to summon any person/s to give evidence or to produce documents before it.

ARTICLE 70

The President"s Council may make rules governing Appeals to the board and without prejudice to the generality of the foregoing, may make rules:

(a) Prescribing the manner in which an Appeal shall be made to the board.
(b) Prescribing the procedure to be adopted by the board in hearing an Appeal and the records to be kept by the board.
(c) Prescribing the manner in which the board shall be convened and the venue where and the times when the board shall hold its sittings.
(d) Prescribing fees to be paid in respect of Appeals to the board.
(e) Generally for the better carrying out of the provisions of this Chapter related to the board.

ARTICLE 71

Every appellant shall appear before the board in person and may be assisted by a person of his choice.

ARTICLE 72

The onus of proving that the decision complained of is either excessive or unfound shall lie on the Appellant.

ARTICLE 73

(1) The board shall confirm, modify, reduce or annul any decision taken by the Disciplinary Commissioner or the Protests Board.
(2) In case of a decision reached by the Disciplinary Commissioner, the reduction may refer only to those items of the Disciplinary Commissioner"s decision against which an appeal is filed.

(3) Notice of the board"s decision and the date thereof, and of any amendment to any Board decision shall be sent to the Secretary General as early as possible but not later than two (2) days of the date of the meeting whereat it was taken.

ARTICLE 74

The Appeals board decisions are final and binding.

ARTICLE 75

An appeal to the Appeals board shall not be withdrawn or discontinued except with the consent of the Appeals board.

ARTICLE 76

The Secretary General shall notify any decision taken by the board to the parties concerned.

ARTICLE 77

APPEALS BOARD RULES

I

(a) The board shall be convened by the Secretary General as early as possible after the receipt of the Appeal.

(b) The Chairman of the board shall inform the Appellant"s delegate of the convened meeting through the Secretary General of the MBA.

II

(a) The Chairman and any person on the board may abstain from sitting or may be challenged for any causes mentioned in Article 65 of this chapter and for all the causes established by law.

(b) The Chairman of the Board shall decide any question regarding a cause of abstention or challenge and any question regarding procedure.

III

(a) Save as otherwise provided in these rules, the decisions of this board shall be taken by a majority vote, each person sitting having one vote. Only where two persons, inclusive of the Chairman, are in attendance, shall the Chairman have the right to cast two votes.

(b) The decisions of the board shall be in writing and shall be signed by the Chairman and the original shall be kept in the registry of the Board with the complete record of the proceedings of each appeal.

4. The board shall appoint a secretary to the board from amongst its members.

5. The board shall hold its sittings at the MBA headquarters.

6. Any notice or order issued by the board shall be signed by the Chairman and countersigned by the person acting as Secretary to the Board.

7.
(a) An Appeal shall be made in writing and shall be signed by the club President or Secretary or appellant in individual cases.
(b) The request for an appeal shall be drawn up and filed with the Secretariat. The latter shall endorse the letter of appeal, which shall be forwarded to the board.
(c) The application shall be made (as stipulated in Article 57) following the decision of the disciplinary commissioner and/or Protests Board. It is the appellant"s responsibility to collect a copy of the decision/s.
(d) The board may at any time prior to the commencement of the hearing, allow an amendment to be made in the application for the purpose of making it clearer.
(e) A deposit as stipulated in the General Rules shall accompany the application of an appeal and Regulations together with a list of witnesses summoned by the appellant in support of his claim. In no case whatsoever shall such a list be amended after the application has been filed.
(f) The deposit shall be forfeited if the board confirms the Disciplinary Commissioner"s and/or Protests Board decision/s. If any amendment to the decision/s is made; a refund of 50% of the deposit will be made to the appellant. If the board finds for the appellant the whole of the deposit will be refunded.

8. The filling of the appeal does not in any way whatsoever suspends the Disciplinary Commissioner's and/or Protests Board sentence from being executed.
In the case of an appeal, the suspension if confirmed by the Disciplinary Board will commence from the date of the appeal sitting

9. The board"s decision will become effective immediately it is delivered.

10. Save as otherwise expressly provided in these rules, the appeals board shall regulate its own procedure.

CHAPTER XVI

ANNUAL GENERAL MEETINGS

ARTICLE 78

The Annual General Meeting of the MBA shall be held by not later than the last day of July of each year.

ARTICLE 79

Not less than seven (7) days notice shall be given in writing to all affiliated full members.

ARTICLE 80

The Agenda shall read as follows:

1. Minutes of the last Annual General Meeting
2. Minutes of the Extraordinary General Meeting (if any)
3. Address by the President
4. Secretary General report
5. Approval of the Audited Financial Report
6. Election of MBA officers (every two (2) years)
   (a) The President
   (b) The Deputy President
   (c) The three Vice Presidents
   (d) The Secretary General
   (e) The Financial Controller
7. Amendments to Statute
8. Appointment of Auditors
9. Other matters

ARTICLE 81

(a) Nominations for election to any of the elected posts may be made by any full member duly seconded by another full member. These nominations, which shall be made in writing, and countersigned by the person being nominated, shall reach the Secretary General by not later than five (5) days prior to the Annual General Meeting.

(b) Any person who has been nominated for election may attend the Annual General Meeting.

ARTICLE 82

Every full member of the MBA shall have one vote. Voting shall be by show of hands but any delegate is entitled to demand a secret ballot, in which case one voting paper will be supplied to each club representative. The Chairman shall have a casting vote.

ARTICLE 83

Clubs not up to date in their dues to the Association will not be allowed to attend and vote at the Annual General Meeting.

ARTICLE 84

The Audited Financial Report will be sent with the Agenda.

ARTICLE 85

(a) Any amendment to the Statute to be proposed at the Annual General Meeting must be made in writing and submitted to the Secretary General by not later than ten (10) days prior to the Annual General Meeting. The proposed amendments shall be distributed to all full members.
(b) This Statute may only be amended in General meeting with the approval of a two-thirds majority of all full members.

ARTICLE 86

The quorum of the General Meeting shall be 50% plus one of the full members. If there is no quorum, the meeting shall start fifteen (15) minutes later than the stipulated time with the members present.

CHAPTER XVII

EXTRAORDINARY GENERAL MEETINGS

ARTICLE 87

An Extraordinary General Meeting may be called by any of the following:
(a) The President
(b) The President"s Council
(c) The Executive Council
(d) One third (1/3) of the Affiliated full members

ARTICLE 88

An Extraordinary General Meeting shall be convened within seven (7) days of the receipt by the Secretary General of the MBA of a written request. Such request shall state the matter it proposes to bring forward at the Meeting. No other item may be brought forward or discussed at such meeting.

ARTICLE 89

An Extraordinary General Meeting obtaining two-thirds (2/3) majority of the full members shall only dissolve the Association.

CHAPTER XVIII

APPOINTMENT OF PRESIDENT EMERITUS

ARTICLE 90

(a) The General Meeting of the MBA may appoint as President Emeritus of the Association any person who, having acted as President of the MBA for a number of years, has made a significant contribution, betterment and general welfare of the MBA.
(b) A President Emeritus may attend the meetings of the President"s Council, and meetings of the Executive Council.
(c) A President Emeritus may be removed from office by a two-thirds (2/3) majority vote of all full members at an Extraordinary General Meeting convened for this purpose.

CHAPTER XIX

SETTLEMENTS OF DISPUTES

ARTICLE 91

(a) All members/clubs are precluded from taking legal action against each other and against the MBA without the written permission of the President of the MBA and after they have recourse to remedies provided in Article 94.
(b) Offenders against this rule shall cease to belong to the MBA.
(c) Matters dealing with corruption and drug abuse as contemplated by Law are exempt from the above provisions.

ARTICLE 92

The President and Secretary General shall represent the MBA before any Court of Law or in any Arbitration proceedings.

ARTICLE 93

Any two members of the President"s Council shall appear in the name and on behalf of the MBA in any act, instrument or other documents whatsoever.

ARTICLE 94

All members/clubs are to settle their respective disputes by making recourse initially to arbitration. Any Club, full member or affiliated member has the right to ask for the establishment of such a Board. The members of the Arbitration Board shall be nominated by the President"s Council and shall be approved by the Executive Council on an "ad hoc" basis. The board shall be constituted of a Chairman who must be a member of the legal profession and two other members. This board shall regulate its own procedure.

CHAPTER XX

MISCELLANEOUS MATTERS

ARTICLE 95

Post, facsimile transmission or e-mail (electronic mail) shall serve all notices, upon any member/club, either to him personally, either at his residence or at his club.

ARTICLE 96

Members/Clubs shall by not later than the first day of September of each year inform the Secretariat of the full name and address, e-mail address (if any) and facsimile number of the persons who is to receive all MBA communications. In default, all communications will be left in the club file found in the Secretariat"s office.

ARTICLE 97

All Rules and Policies, (including but not limited to General Rules, Player Registration Policy, Disciplinary code) that have an effect on the local game, must be approved by both the President's Council and consequently by the Executive Council by not later than 31st March of every year. These will be effective from the 1st of July of every year. However if unanimously approved by all MBA full members changes can be effected immediately.