

MALTA BASKETBALL ASSOCIATION



**BASKETBALL COMPLEX
TA' QALI – ATD 4000
MALTA**

MALTA BASKETBALL ASSOCIATION

STATUTE

Amended and Approved during AGM – 27th July 2023



CHAPTER I**DEFINITIONS****Article 1**

1.1. In these Statutes, the following words and expressions shall, unless the context otherwise requires, bear the following meanings:

"Address" means the headquarters of the Malta Basketball Association, as determined by the MBA Council from time to time;

"Club" means members and/or organisation that organises basketball or is in any other way concerned with the game of basketball. See Appendix I for the list;

"Director" means an elected member of the Executive Board;

"Executive Board" means the Board as elected by the Members, as determined in Chapter V of the Statute, or any other Chapter as determined by the MBA Council from time to time;

"From time to time" means the periodic updates of the Statute as deemed appropriate by the MBA and its respective Clubs;

"Office" means the head administrative office of the MBA based in Ta' Qali, Malta or such other location as may be decided by the Malta Basketball Association;

"Official" means any person appointed, or certified to act as referee, judge, supervisor, ringside physician, international technical official, or any assigned official position

"Malta Basketball Association" or "MBA" means the basketball association as regulated and affiliated with the International Basketball Federation;

"MBA Anti-Doping Rules" means the rules governing the MBA Anti-Doping including disciplinary processes as amended from time to time in accordance with the NADO, and WADA respectively;

"MBA By-laws" means the regulations supplementing, complementing, and completing these Statutes;

"MBA Competition Rules" means any basketball game, competition, event, league, or tournament which is authorised, and approved in accordance with the rules of basketball;

"MBA Council" means the President, the Secretary General, the Financial Controller, the Deputy President, and four Directors;

"MBA Disciplinary Code" means the code governing disciplinary matters applicable to the MBA, including inter alia any Club, Player, and Official.

"Player" means the athlete, whether professional or amateur, registered by the Malta Basketball Association;

"President" means the elected member for a period of four (4) years, as determined in Chapter III of the Statute, or any other Chapter as determined by the MBA Council from time to time;



"Regulation" means the Regulations of the Association as approved and modified from time to time by the Executive Board;

"Secretary General" means the elected member appointed to perform the duties of the secretary for a period of four (4) years, as determined in Chapter III of the Statute, or any other Chapter as determined by the MBA Council from time to time.

- 1.2. References to Articles are references to Articles of these Statutes, unless specified otherwise;
- 1.3. A reference to any Statute or Statutory provision shall be construed as a reference to the same as it may have been, or may from time to time be, amended, modified, or re-enacted;
- 1.4. Words importing the singular number only shall include the plural number and vice versa; words importing the one gender shall include all genders; and words importing persons shall include corporations.
- 1.5. Words stating the male gender shall include the female gender, and words stating the singular shall include the plural, and vice-versa.
- 1.6. All headings and titles are inserted for convenience only, they are to be ignored in the interpretation of these Statutes.
- 1.7. Except as provided, the MBA Council shall have the authority to interpret any provision of these rules, and other ancillary regulations that is contradictory, ambiguous, unclear, or not present provided such interpretation is consistent with the objects of the Statute.

Article 2

- 2.1. The Organisation shall be called the "Malta Basketball Association" (hereinafter referred to as the "**Association**"), and shall have exclusive authority on matters relating to basketball activities that are within the jurisdiction of the Association.

Article 3

- 3.1. The Association is a private organisation of an associative nature, and is constituted of Clubs participating in basketball in accordance with the respective basketball rules as promulgated by the international basketball associations, and the Association, and both of which conduct their affairs in accordance with the relevant provisions of this Statute and those other relevant rules, by-laws, and regulations which the MBA Councils of the Association may approve from time to time, as well as in accordance with the relevant rules, by-laws, and regulations of those International Basketball Associations or Federations of which the Association may be a member.
- 3.2. The Association shall be the sole affiliated association to represent the International Basketball Federation (hereinafter referred to as "**FIBA**"), and shall observe, the rules, by-laws, and regulations of FIBA, and the Malta Council for Sports (hereinafter referred to as the "**SportMalta**"). The MBA shall be affiliated with the Malta Olympic Committee (hereinafter referred to as the "**MOC**"), or any other name by which this body may be known.
- 3.3. The Association may also affiliate to any other international sports organisation as may be allowed by FIBA statutes, rules, and regulations.
- 3.4. The Association shall remain autonomous, and shall not be affiliated by any political, religious, racial, or economic activity, which will breach the autonomy of the Association.
- 3.5. The MBA shall be the sole official mouthpiece for basketball in the Republic of Malta and its dependencies.

Article 4

- 4.1. The Objects of the Association are the following:
 - 4.1.1. To develop, promote, control, and regulate the sport of basketball in all its forms throughout the territory of the Maltese islands in conformity with its own Statute, and with its other rules, by-laws, and



- regulations as may be in force from time to time, and with the Statutes, by-laws, and regulations of FIBA, SportMalta, any any other regulations as determined applicable from time to time;
- 4.1.2. To encourage and promote interests in basketball throughout the Maltese islands, by developing a culture of professional basketball as a popular sport, and sports in general;
 - 4.1.3. To generally promote basketball as a healthy and educational activity for people, to protect the safety of Players, and their welfare at all levels, notably by promoting, and controlling good sporting practice;
 - 4.1.4. To foster relations with various Maltese sporting authorities, local, and international basketball promoters, and to represent FIBA's interests in the Maltese islands, in a manner which ensures the reputation of FIBA, is maintained, and preserved to the accepted standards of FIBA;
 - 4.1.5. The Association shall for all intents and purposes be "Non Profit Making". Notwithstanding anything contained in this Statute and in the other rules, by-laws, and regulations of the Association, the Association is a non-profit making Association. Thus, the Association shall not distribute any of its assets and/or dividends to its members, and any economic activity which it may carry out will be ancillary activity for the purpose or in connection with assisting the Association to carry out its objectives and its mission in accordance with the provisions of this Statute;
 - 4.1.6. The Association shall not participate in any business ventures but shall regulate basketball under the FIBA banner and to promote the Republic of Malta as the ideal venue for international and high level basketball competitions and events;
 - 4.1.7. To ensure that local preparations by prospective participants as officials, coaches, players are of a standard that would ensure participation with honour in all events or activities sanctioned by the Association;
 - 4.1.8. To ensure the highest standards for all basketball players, through regular medical examinations throughout the year;
 - 4.1.9. The Association shall prohibit the distribution of any of its assets to its members, founders, sponsors, donors, and except by way of bona fide salary, wages, or honorarium, to its administrators;
 - 4.1.10. To promote the involvement of and enhance diversification in basketball by building programmes and tournaments for wheelchair basketball, and women in basketball;
 - 4.1.11. To combat against doping, competition manipulation or any other form of corruption, abuse of inside information, and integrity issues that might, whether directly or indirectly, damage the sport of basketball;
 - 4.1.12. To encourage and support the promotion of women in sport at all levels and in all structures with a view to implementing the principle of gender equality;
 - 4.1.13. To undertake to participate in actions to promote peace by placing basketball at the service of humanity, to promote gender equality and inclusion in sport, and to demonstrate a responsible concern for environmental issues;
 - 4.1.14. To secure the enjoyment of the rights and freedoms set forth in this Statute without discrimination of any kind, such as race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 5

- 5.1. The Association shall be recognised by all its members, including those other Clubs, Players, coaches, and referees, as the only body which has the sole right to organise the sport of basketball in all its forms, and to exercise control and discipline over basketball within the territory of the Republic of Malta, and which has the right of sole representation of the sport of basketball both at national and international level.



Article 6

- 6.1. 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.
- 6.2. 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.
- 6.3. 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 7

- 7.1. The official address of the MBA shall be as follows, or any other address as determined by the MBA Council from time to time:

MALTA BASKETBALL ASSOCIATION
BASKETBALL COMPLEX
TA' QALI – RBT 13
MALTA

- 7.2. The official email address of the MBA shall be as follows, or any other email address as determined by the MBA Council from time to time: info@mba.org.mt

Article 8

- 8.1. The emblem of the MBA shall be as follows, or any other emblem as determined by the MBA Council from time to time:





CHAPTER II

Article 9

- 9.1. 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.
- 9.2. Membership with the MBA shall be of two classes: -
 - 9.2.1. 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, see Appendix I.
 - 9.2.2. Associate Membership is open to all properly non-political constituted bodies, Clubs and teams, which do not qualify for full membership, see Appendix I.
- 9.3. The following conditions shall be imposed on all those constituted bodies, teams, or Clubs seeking membership with the MBA: -
 - 9.3.1. They shall be properly constituted.
 - 9.3.2. They are willing to play basketball according to the rules set by FIBA.
 - 9.3.3. They shall pay the fees set by the MBA
 - 9.3.4. They are ready to conform to the Statute and all Rules and Regulations of the MBA.
- 9.4. Full Members shall have the right to vote during the Annual General Meeting or at any other meeting duly scheduled and convened by the MBA Council.
- 9.5. Associate Members have the right to attend all meetings as observers, participating in discussions.

ARTICLE 10

- 10.1. Affiliated Full Members may change the name of the Club after a written request has been made to the MBA, and after due consideration the MBA Council, by simple majority, shall notify the Club in writing whether name change has been approved or not MBA Council.

**CHAPTER III****GOVERNING BODIES****ARTICLE 11**

11.1 The affairs of the MBA shall be managed, by the MBA Council or any other Council or Commission as determined from time to time. The MBA shall be composed of the following:

- 11.1.1 The MBA Council;
- 11.1.2 The Executive Board;

ARTICLE 12

- 12.1. The election for the posts of the President and Secretary General of the MBA Council shall take place during the Annual General Meeting (hereinafter referred to as "AGM"). The elections shall be held every four (4) years from among persons duly nominated in terms of Chapter XI of this Statute, or any other Chapter as determined by the MBA Council from time to time.
- 12.2. The election for the posts of Deputy President, the Financial Controller, and the four Directors shall take place during the AGM. The elections shall be held every two years from among persons duly nominated in terms of Chapter XI of this Statute, or any other Chapter as determined by the MBA Council from time to time.
- 12.3. Any person nominated for the MBA Council, or any other position so established by the MBA, shall not vote during the given election, of the same position.
- 12.4. Each gender shall contribute at least three of the individuals who are elected to the MBA Council. If such gender representation is not filled by election, the MBA Council shall co-opt individuals to the MBA Council increasing the number of members as necessary. Such appointments by co-option to the MBA Council shall be made on merit and shall be subject to the confirmation by the Executive Board at its next meeting.

ARTICLE 13

- 13.1. Members of the Judiciary shall not hold any office within the MBA, committee member of an affiliated Club, full/part-time employees of MBA as well as members of Parliament shall not hold the office of President, Deputy President, Secretary General or Financial Controller of the MBA.

ARTICLE 14

- 14.1. During the AGM, and any other meeting duly convened by the MBA Council, each Full Member representative, and the President, the Deputy President, Secretary General, and Financial Controller shall have one vote each, with a casting vote being held by the President of the MBA

ARTICLE 15

- 15.1. Functions of the MBA Council
 - 15.1.1. The MBA Council shall meet at least every fortnight and the Executive Board shall meet at least once a month.
 - 15.1.2. Agenda for MBA Council and Executive Board meetings are to be circulated to all members of the MBA, not less than seven days before the meeting.
 - 15.1.3. Minutes of the MBA Council and Executive Board are to be circulated to all members of the MBA, within five days of the meeting.
 - 15.1.4. The MBA Council is to be presented up to date monthly financial reports of the MBA and/or any company the MBA is a majority shareholder.

ARTICLE 16



- 16.1. The quorum necessary for the transaction of the business of the MBA Council and the Executive Board shall be of fifty percent plus one member of the Full Members.
- 16.2. If there is no quorum, the meeting/s shall start after fifteen minutes from the stipulated time with the members present reflecting the quorum.

ARTICLE 17

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

**CHAPTER IV****MBA COUNCIL****ARTICLE 18**

18.1. The MBA Council shall be composed of the following, or any other member elected or otherwise, as determined by the President and the Secretary General from time to time:

- 18.1.1. The President;
- 18.1.2. The Deputy President;
- 18.1.3. The Secretary General;
- 18.1.4. The Financial Controller;
- 18.1.5. Four Directors;

ARTICLE 19

19.1. The MBA Council shall be responsible for, the following, unless so determined from time to time by the MBA Council:

- 19.1.1. Infrastructure
- 19.1.2. National Academy
- 19.1.3. National teams
- 19.1.4. Finance
- 19.1.5. FIBA
- 19.1.6. MOC
- 19.1.7. Policies
- 19.1.8. International relations
- 19.1.9. Marketing
- 19.1.10. Competitions Rules

19.2. The MBA Council shall organise a minimum of one meeting, duly convened with the Executive Board prior to any decision being taken by the MBA Council on matters in relation to the Objects of the MBA, and Article 19.1.

19.3. The MBA Council has the power to accept and reject applications for membership within the MBA.

19.4. The MBA Council may delegate any of its responsibilities to committees, sub-committees or individuals, as it deems 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 MBA Council. A committee, sub-committee or individual may not co-opt a member without the prior approval of the MBA Council.

19.5. The MBA Council may appoint any board/s it may deem necessary to ensure the well functioning of the MBA.

19.6. The MBA Council may call an Extraordinary General Meeting.

19.7. The MBA 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 primarily be the development of the game of basketball.

19.8. The MBA Council in relation to article 19.1.10 *Competition Rules* shall convene a minimum of one meeting with the Executive Board, before any decisions are made by the MBA Council.

19.9. The MBA Council shall decide all technical matters dealing with basketball.

19.10. The MBA Council shall have the authority to address, investigate, and adjudicate on any matter, issue, or occasion which goes against the objectives of the MBA Council, or which is not addressed by any Board duly recognised by the MBA Statute. The MBA Council shall conclude its investigation or issue its decision following a minimum of one (1) sitting whereby the MBA Council review any necessary documentation duly collated with respect to such incident requiring MBA Council intervention. Once



the decision is issued by the MBA Council the aggrieved party may appeal the decision in terms of the applicable MBA and/or FIBA rules.

- 19.11. The MBA Council shall have the authority to temporarily suspend and with immediate effect any person under the jurisdiction of the same Association in the event that the Police file any criminal proceedings in court against such person for offences related to sports manipulation, match-fixing, illegal betting and any other serious offence
- 19.12. The MBA Council shall continue to fight against the use of substances and methods prohibited by WADA or the International Sports Organisations through the adoption and implementation of the World Anti-Doping Code thereby ensuring that the anti-doping policies and rules, membership and/or funding requirements and results management procedures confirm with the World Anti-Doping Code. In so doing, the MBA will also support and be compliant with the anti-doping laws of Malta and adhere to the recommendations pursuant from the National Anti-Doping Organisation.
- 19.13. The MBA Council shall strive to fight against competition manipulations through the adoption and implementation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions (the “OM Code PMC”), thereby ensuring that relevant policies and rules, membership and/or funding requirements are in conformity with the OM Code PMC.
- 19.14. The MBA Council shall regulate its own procedure.



CHAPTER V

EXECUTIVE BOARD

ARTICLE 20

20.1. The Executive Board shall be composed of, the following, unless so determined from time to time by the MBA Council: -

- 20.1.1. The President Emeritus
- 20.1.2. Full Member club
- 20.1.3. The Chairperson of the Junior Commission
- 20.1.4. The Chairperson of the Coaches Commission
- 20.1.5. The Chairperson of the Referees Commission

20.2. The Club may be represented by the President or by any other person duly appointed and confirmed in writing by the President of the Club, and the President of the MBA.

ARTICLE 21

21.1. The Executive Board shall be responsible for, unless so determined from time to time by the MBA Council, on all matters in relation to Basketball, except as determined by Article 20 of the MBA Council.

ARTICLE 22

- 22.1. The MBA Council may authorise the Executive Board to 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 Board.
- 22.2. A committee, sub-committee or individual may not co-opt a member without the prior approval of the Executive Board.
- 22.3. The Executive Board may call an Extraordinary General Meeting.
- 22.4. The Executive Board shall regulate its own procedure.



CHAPTER VI**ARTICLE 23**

- 23.1. The Secretariat of the MBA may be composed of, the following, unless so determined from time to time by the MBA Council: -
- 23.1.1. The Secretary General
 - 23.1.2. The Administrative Secretary
 - 23.1.3. Officer in charge of referee's appointments

ARTICLE 24

- 24.1. The MBA Council shall appoint the Administrative Secretary and the Officer in charge of referee's appointments.

ARTICLE 25

- 25.1. The Secretariat is responsible for, the following, unless so determined from time to time by the MBA Council: -
- 25.1.1. General correspondence
 - 25.1.2. The Registration Office (Clubs, Players, referees etc.)
 - 25.1.3. Fixtures for all competitions
 - 25.1.4. The organization of Disciplinary hearings, Protests and Appeals
 - 25.1.5. Referees appointments
 - 25.1.6. All other tasks which may be delegated from time to time by the MBA Council

ARTICLE 26

- 26.1. The Junior Commission may be composed of the Chairperson and a maximum of six members appointed by the MBA Council, unless otherwise determined by the MBA Council from time to time.✚
- 26.2. The Junior Commission shall be responsible for the organization of activities up to the age of seventeen years.
- 26.3. The Junior Commission shall regulate its own procedure.

ARTICLE 27

- 27.1. The Coaches Commission may be composed of, the following, unless so determined from time to time by the MBA Council, the Chairperson and a maximum of four members appointed by the MBA Council.
- 27.2. The Coaches Commission shall be responsible for the organization of activities for the Coaching Sector including the grading of all qualified basketball coaches.
- 27.3. The Coaches Commission shall regulate its own procedure.

ARTICLE 28

- 28.1. The Referees Commission may be composed of, the following, unless so determined from time to time by the MBA Council, the Chairperson and a maximum of four members appointed by the MBA Council.
- 28.2. The Referees Commission shall be responsible for the organization of activities for the Referees Sector including the grading of all qualified basketball referees.
- 28.3. The Referees Commission shall regulate its own procedure.

ARTICLE 29

- 29.1. Unless otherwise stated, the Statutory boards and Committees shall be appointed during the first three meetings of the MBA Council.
- 29.2. Any Board and Committee shall cease to function on the 30th June of each calendar year.

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- 29.3. Unless otherwise stated, the President and Secretary General of the MBA shall *ex officio* be members of all Boards and Committees.
- 29.4. Each Board and Committee shall keep minutes of all the meetings.
- 29.5. Disciplinary action will be taken by the MBA Council against persons found guilty of divulging information when not authorized to do so.
- 29.6. The decisions of these Boards and Committees, unless otherwise stipulated, are to be approved by the MBA Council, and/or the Executive Board.



CHAPTER VII**PROTESTS BOARD****ARTICLE 30**

- 30.1. The members who can sit on the protest board shall be appointed by the MBA Council.
- 30.2. It shall be composed of three (3) members, one of whom shall be Chairman of the Protest Board.
- 30.3. The Protest Board shall deal with protests from Clubs regarding competitive matches organized by the MBA.
- 30.4. The representatives of any Club involved may appear before the Protest Board to present their case. The Club secretary will be notified as per General Rules and Regulations.
- 30.5. The Protest Board shall meet within one week from the date of receipt of the protest filed by the Club.
- 30.6. Witnesses may be called by the Club provided that the Secretary General shall be informed with their names and the appropriate fee is paid as per general Rules and Regulations.
- 30.7. 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.
- 30.8. The Clubs shall follow the procedure laid down by the Appeals Board in Chapter X, or any other Chapter as determined by the MBA Council.
- 30.9. For all basketball playoff games, the Protesting Club shall submit their protest within six (6) hours from the end of the official game. Following which, the Secretary General shall convene a one member Protest board. The one member Protest Board shall hear the protest as received by the Secretary General of the MBA Council, as soon as possible.
- 30.10. For all other basketball games, the Protesting Club shall submit their protest within forty-eight (48) hours from the end of the official game. The protest shall be sent to the Secretary General of the MBA Council together with the proof of payment.
- 30.11. The Secretary General shall choose the member/s for the Protest Board from the list of Board members as approved by the MBA Council.



CHAPTER VIII

PLAYERS, CLUBS RELATION BOARD

ARTICLE 31

- 31.1 The board shall be composed of either the President or the Deputy President, the Secretary General and one (1) neutral member, appointed by the MBA Council. The neutral member shall act as a Chairman.
- 31.2 The board is empowered to decide upon problems emanating from player's registration, requests for release which have not been accepted and relations between a player and a club with whom he/she is registered.
- 31.3 The board's decision is final.



CHAPTER IX

DISCIPLINARY CODE AND PROCEDURES

ARTICLE 32

32.1. The Disciplinary Code and procedures as from time to time approved by the MBA Council and the Executive Board shall regulate all members of the Association, the Officials, and any other person of interest so indicated in the respective regulations.

ARTICLE 33

33.1. 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 X**APPEALS BOARD****ARTICLE 34**

- 34.1. The members on the Appeals Board shall be nominated by the MBA Council.
- 34.2. Members sitting on the appeals board shall be neutral members and have no direct connection with any club affiliated to the MBA.
- 34.3. Every person on the board shall hold office for a period of two years.
- 34.4. Persons serving on the board shall not be personally liable for any act or default of the Board.

ARTICLE 35

- 35.1. 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 36

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

ARTICLE 37

- 37.1. The MBA Council shall make rules governing Appeals to the board and without prejudice to the generality of the foregoing, may make rules:
 - 37.1.1. Prescribing the manner in which an Appeal shall be made to the board.
 - 37.1.2. Prescribing the procedure to be adopted by the board in hearing an Appeal and the records to be kept by the board.
 - 37.1.3. Prescribing the manner in which the board shall be convened and the venue where and the times when the board shall hold its sittings.
 - 37.1.4. Prescribing fees to be paid in respect of Appeals to the board.
 - 37.1.5. Generally for the better carrying out of the provisions of this Chapter related to the board.

ARTICLE 38

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

ARTICLE 39

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

ARTICLE 40

- 40.1. The Appeals Board shall confirm, modify, reduce or annul any decision taken by the Disciplinary Commissioner or the Protests Board. The Appeals Board shall have no authority over decisions issued by the MBA Council.
- 40.2. 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.
- 40.3. 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 41

- 40.1. The Appeals Board decisions are final and binding.

**ARTICLE 42**

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

ARTICLE 43

43.1. Appeals Board Rules, or as may be determined by the MBA Council from time to time:

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

43.1.2. The Chairman of the board shall inform the Appellant's delegate of the convened meeting through the Secretary General of the MBA.

43.2. The Chairman and any person on the board may abstain from sitting or may be challenged for any cause mentioned in the MBA Statute, or for cause as established by law. The Chairman of the Board shall decide any question regarding a cause of abstention or challenge and any question regarding procedure.

43.3. 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. 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.

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

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

43.6. 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.

43.7. An Appeal shall be made in writing and shall be signed by the club President or Secretary or appellant in individual cases.

43.7.1. 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.

43.7.2. The application shall be made 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.

43.7.3. 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.

43.7.4. 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.

43.7.5. 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.

43.8. The filling of the appeal does not in any way whatsoever suspend the Disciplinary Commissioner's and/or Protests Board sentence from being executed.

43.9. In the case of an appeal, the suspension if confirmed by the Disciplinary Board will commence from the date of the appeal sitting:

43.9.1. The board's decision will become effective immediately it is delivered.

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

ARTICLE 44



- 44.1. For any decision rendered by the MBA Council following an investigation undertaken by the MBA in terms of authority established within this Statute, the aggrieved party may appeal such decision and request that an independent arbitration panel be established.
- 44.2. The MBA Council, upon a formal request being received including the minimum payment of Euro 500, shall establish a panel, within 30 days from receipt of the appeal. The panel shall be formed from individuals listed on the arbitration list as approved during the AGM, or EGM.
- 44.3. The arbitration panel once appointed shall regulate its own process and procedures.

**CHAPTER XI****ANNUAL GENERAL MEETINGS****ARTICLE 45**

- 45.1. The Annual General Meeting of the MBA shall be held by not later than the last day of July of each year.
- 45.2. Not less than seven (7) days notice shall be given in writing to all affiliated full members.

ARTICLE 46

- 46.1. The Agenda shall read as follows:
- 46.1.1. Minutes of the last Annual General Meeting
 - 46.1.2. Minutes of the Extraordinary General Meeting (if any)
 - 46.1.3. Address by the President
 - 46.1.4. Secretary General report
 - 46.1.5. Approval of the Audited Financial Report
 - 46.1.6. Election of MBA officers
 - 46.1.6.a. The President (every four (4) years)
 - 46.1.6.b. The Deputy President (every two (2) years)
 - 46.1.6.c. The four Directors (every two (2) years)
 - 46.1.6.d. The Secretary General (every four (4) years)
 - 46.1.6.e. The Financial Controller (every two (2) years)
 - 46.1.7. Amendments to Statute
 - 46.1.8. Appointment of Auditors
 - 46.1.9. Other matters
- 46.2. The Chairperson for every AGM shall be the President of the MBA. If the President of the MBA is not available then the Deputy President shall be appointed as Chairperson of the AGM. If the President and the Deputy Chairperson shall not be present during the AGM, then the Chairperson shall be an alternative member of the MBA Council.

ARTICLE 47

- 47.1. 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.
- 47.2. Any person who has been nominated for election may attend the Annual General Meeting.

ARTICLE 48

- 48.1. 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.
- 48.2. Members of the MBA Council shall each have one vote, except for the Directors.
- 48.3. If a member of the MBA Council is unable to attend the meeting, the member may provide a proxy to the voting member of the MBA Council. The proxy shall be sent to the members of the Association and be made available to all members upon request during the MBA Council convened meeting.

ARTICLE 49



49.1. 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 50

50.1. The Audited Financial Report will be sent with the Agenda.

ARTICLE 51

51.1. Any proposed amendment to the Statute shall require:

51.1.1. Shall be made during the AGM, and must be made in writing and submitted to the Secretary General by no later than ten (20) days prior to the Annual General Meeting.

51.1.2. The proposed amendments shall be distributed to all full members within five (5) days of receipt.

51.1.3. This Statute may only be amended during a General meeting with the approval of a two-thirds majority of all full members.

ARTICLE 52

52.1. The President Emeritus shall be appointed, in the following manner, or any other procedure as determined by the MBA Council from time to time:

52.1.1. 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.

52.1.2. A President Emeritus may attend the meetings of the MBA Council, and meetings of the Executive Board.

52.1.3. 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 XII

EXTRAORDINARY GENERAL MEETINGS

ARTICLE 53

53.1. An Extraordinary General Meeting may be called by any of the following:

53.1.1. The President

53.1.2. The MBA Council

53.1.3. The Executive Board

53.1.4. One third (1/3) of the Affiliated full members

ARTICLE 54

54.1. An Extraordinary General Meeting shall be convened within three (3) weeks 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 55

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

55.2. The appointment for the Chairperson shall be as established in Article 46 above.



CHAPTER XIII

SETTLEMENTS OF DISPUTES

ARTICLE 56

56.1. Action against the MBA shall:

56.1.1. 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 the Statute or regulations or ancillary documentation of the MBA.

56.1.2. Offenders against this rule shall cease to belong to the MBA.

56.1.3. Matters dealing with corruption and drug abuse as contemplated by Law are exempt from the above provisions.

ARTICLE 57

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

ARTICLE 58

58.1. Any two (2) members of the MBA Council shall appear in the name and on behalf of the MBA in any act, instrument or other documents whatsoever.



CHAPTER XIV

MISCELLANEOUS MATTERS

ARTICLE 59

59.1. 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 60

60.1. 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 61

61.1. 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 MBA Council and consequently by the Executive Board 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.

ARTICLE 62

62.1. Mondays shall be reserved exclusively and strictly for Academy/National Team training sessions, and as a result, all Clubs shall make all Academy/National Team players available to attend such training sessions on Monday.



APPENDIX I

List of all current Full Members:

Athleta Basketball Club
Depiro Basketball Club
Hibernians Basketball Club
Luxol Basketball Club
Starlites Basketball Club
MSC Balkan Fusion
Victoria Libertas Spalding
Shamrock Stars Basketball Club
Basketball Academy Malta

List of all current Associate Members:

Eurobasket Basketball Club
Siggiewi Basketball Club
Redcoats Basketball Club