



# **SAVAGES ATHLETICS CLUB**

## **CONSTITUTION**

### **1. NAME**

The name of the club is Savages Athletic Club. The name may be changed only if so resolved at a general meeting in terms of clause 18 a), provided that the name may be changed at the discretion of the committee in order to include the name of a sponsor of the club.

### **2. OBJECTS**

The objects of the club are:-

- a) to promote and develop amateur athletic sports;
- b) to organise road-races, cross-country races, track and field athletic meetings and other sporting events;
- c) to generate club spirit;
- d) to offer coaching and training facilities to members;
- e) to provide clubhouse facilities;
- f) to enter into agreements with sponsors in order to raise funds and/or to benefit the club;
- g) to provide sponsorship and other financial or material benefits to members;
- h) to select athletes to represent the club in athletic and other sports meetings, races and events and where possible to contribute towards their expense;
- i) to affiliate to KwaZulu Natal Athletics, the organisation having jurisdiction over amateur athletics in KwaZulu-Natal (referred to in this constitution as KZNA) or to any other organisation having jurisdiction over athletics or over other related sports;
- j) to collect subscriptions and levies;
- k) to collect licence fees and other amounts payable to KZNA, or to any other organisation referred to in clause 2 (i), and to distribute licences, permits or other authorities to members on behalf of KZNA or the other organisation;
- l) to assist in the organisation of representative athletic and other sports meetings and events;
- m) to keep and preserve club records and maintain a membership register,
- n) to acquire, deal with and dispose of movable and immovable property;
- o) generally to do whatever is considered necessary or desirable to attain the above objects or to further the interests of the club.



### **3. AFFILIATION, RECIPROCITY AND AGREEMENTS WITH OTHER CLUBS**

The Club:

- a) must be affiliated to and be subject to the jurisdiction of KZNA, and/or any other organisation referred to in clause 2(i) as is decided upon by a resolution of the members at a special General meeting passed by a majority of two thirds of the members present at the meeting;
- b) may offer reciprocity to and accept reciprocity from any amateur athletic or other amateur sporting club;
- c) may enter into agreements, combine forces or amalgamate with other clubs in order to promote the interests of the club or to attain its objects.

### **4. DOMICILIUM**

The domicilium or permanent home of the club shall be at such place determined from time to time by the club but will be situated within the magisterial district of Durban.

### **5. COLOURS**

The club colours are a white vest with the Savages logo across the chest and black shorts. The colours may be changed from time to time if decided upon at a general meeting of the club in terms of clause 18 a), or at the discretion of the committee in order to include the name, logo and colours of a sponsor of the Club

### **6. MEMBERSHIP**

#### **a) CLASSES OF MEMBERSHIP**

- 1) Honorary Life President - An honorary life president may be elected at an annual general meeting of the club, provided notice of the election is included in the agenda of the meeting. The proposal for the election of an honorary life president; must be received by the secretary not less than 28 (twenty eight) days prior to the meeting. In order to be elected, a candidate must obtain three-quarters of the votes of members who are present at the meeting. There can only be two honorary Life presidents at any given time.
- 2) Honorary Life Member – An honorary life member may be elected at an annual general meeting of the club, provided the same formalities are complied with as in the case of the election at an honorary life president except that a candidate must obtain a simple majority vote to be elected. To qualify for honorary life membership, a candidate must meet at least one of the following criteria:
  - the candidate must have served on the general committee of the club for a period or periods totalling not less than 10 (ten) years;
  - the candidate must have served on the general committee of the club and as an elected representative on the executive committee of KZNA or its predecessors as the governing body of amateur athletics in KwaZulu Natal, for a combined period of not less than 10 (ten) years and have been a member of the club during that period;



- the candidate must have served on the committee of KZNA or its predecessor as set out above, or has served amateur athletics in KwaZulu Natal in an official capacity for a sufficiently long period of time or with such distinction that the members at the meeting consider that the service warrants recognition, and have been a member of the club during that period.

There will be no limit on the number of honorary life members.

- 3) Meritorious Member - awarded at an annual general meeting on nomination by the committee and approval by the meeting to a person who has served the interests of the sport and or the club, for a sufficiently long period or with such distinction that the meeting considers that the service warrants recognition. This membership can be afforded to a serving or past member.
- 4) Senior Member - any member of the club, whether male or female, not being a junior and not falling into any other class defined in this constitution shall be a senior member.
- 5) Junior Member - any member of the club, whether male or female, who is under the age of 19 (nineteen) years at the commencement of the club year shall be a junior member.
- 6) Country Member - any member residing outside a radius of 80 kilometres of the domicilium of the club shall be entitled to be a country member.

b) APPLICATION FOR MEMBERSHIP

- 1). Applications for membership as a senior, junior or country member shall be made on the prescribed application form which shall be signed by the applicant and by his or her proposer and seconder, both of whom shall be senior or honorary members of good-standing of the club. A member of good-standing shall be a member who has paid his or her subscription and all dues to the club and who is not in breach of the constitution or any rules of the club.
- 2) The applicant shall pay an entrance fee which will be refundable in the event of the application being declined,
- 3) The consideration of applications for membership may be delegated to a sub-committee convened for that purpose, The names of applicants must be displayed on the club premises for not less than 7 (seven) days, and a period of not less than 14 (fourteen) days must elapse before an application can be accepted.
- 4) The application form accompanied by the entrance fee and the applicable subscription shall be lodged with the secretary in sufficient time to be considered at the next general or sub-committee meeting as the case may be, failing which the application shall be considered at the next succeeding committee meeting.
- 5) The relevant committee shall be empowered to accept or reject applications for membership and will not be obliged to furnish reasons for its decision.
- 6) Urgent applications for membership may be considered by the executive provided that the decision of the executive must be ratified by the relevant committee at its next meeting, and that no ordinary member can be elected within 14 (fourteen) days of his or her nomination.



c.) **RESIGNATIONS**

- 1) A member wishing to resign must tender his or her resignation in writing to the secretary and must pay all moneys due by that member to the club and return any club property in the member's possession.
- 2) Upon compliance with the provisions of the preceding paragraph the secretary shall be empowered to accept the resignation of the member and to furnish the required clearance.
- 3) A member who fails to comply with the resignation formalities may be reported to KZNA.

**7. SUBSCRIPTIONS AND ENTRANCE FEES**

- a) Subscriptions and entrance fees for the forthcoming year shall be proposed by the general committee and shall be approved or varied by members at the annual general meeting. Subscriptions shall become due on the first day of the club year.
- b) Junior and country members shall pay a subscription equivalent to one third and one half of the subscription payable by senior members respectively; provided that no subscription shall be payable by a junior member where a parent of that member is also a member of the club,
- c) Honorary members classified in clauses 6a)(1) and (2) will not be required to pay a subscription.
- d) The club shall also collect from its members all licence fees and dues payable to KZNA or to any other organisation referred to in clause 2(i).
- e) The club shall be entitled to impose special levies upon members, provided the special levy is approved at a general meeting of the club. The notice of the meeting shall make reference to the proposal to impose a special levy.
- f) Within 14 [fourteen] days of the annual general meeting or a general meeting referred to in clause 7e) the secretary shall send a statement of account to all members setting out the subscription and/or other amount/s due and stating the date on which payment is or became due.
- g) A member who has not paid the subscription or amount due in terms of the statement referred to in clause 7(f) within a period of 90 (Ninety) days after due date will have his or her membership terminated, The secretary will notify the member in writing of the termination. All privileges of membership will be withdrawn. No clearance will be given to that member until all arrears have been paid and any club property in the member's possession is returned.
- h) A member whose membership has been terminated and who wishes to rejoin the club will be required to pay the entrance fee and all arrears and to follow the standard application procedures.
- i) The general committee shall have discretionary power to relax the normal requirements regarding payment of subscriptions and other club dues in the following circumstances:



- i. where a new member joins the club more than 6 (six) months after commencement of the club year the subscription payable may be reduced.
- ii. in genuine hardship cases or upon good cause being shown the subscription and other amounts payable by a member may be reduced, or the time for payment extended;

provided that that the minimum subscription payable will not be less than R50.00 (Fifty Rand),

## 8. **COMMITTEE MEMBERS AND CLUB OFFICIALS**

1. The administration of the club shall vest in a general committee comprising the following members who shall be elected at the annual general meeting for a period of 1 (one) year commencing at the conclusion of the meeting and terminating at the conclusion of the next annual general meeting
  - i. Chairman;
  - ii. vice-chairman;
  - iii. secretary;
  - iv. treasurer
  - v. 4 (four) committee members,
- b) The general committee shall have power to co-opt a member to fill any vacancy arising on the general committee.
- c) The general committee may delegate certain of its powers to sub-committees.
- d) Committee members may be allocated portfolios by the chairman.
- e) There shall in addition to the general committee be an executive which shall consist of the chairman, vice-chairman and two committee members, appointed by the general committee at its first meeting after the annual general meeting.
- f) Only senior and honorary life members are eligible for election to the general committee.
- g) The general committee shall endeavour to appoint coaches, race captains and other administrators or officials for such periods as are considered suitable.
- h) The general committee may also appoint an administrative officer to serve either gratuitously or at an agreed remuneration. Where an administrative officer has been appointed, the requirement that there is a secretary or a treasurer may be dispensed with, and the functions of those officials may be assumed by the administrative officer.



## 9. COMMITTEE MEETINGS

- a) The general committee shall meet not less than once a month excluding the month of December.
- b) Monthly meetings shall be convened by the secretary at the request of the chairman. Additional meetings shall be convened by the secretary if requested by the chairman or by two committee members. The secretary shall be given not less than 7 (seven) days notice of the meeting which is to be convened.
- c) A quorum at a meeting of the general committee will be 50 (Fifty) per cent.
- d) The chairman shall preside at general committee meetings. In the absence of the chairman, the vice-chairman shall preside and in the absence of the vice-chairman, an acting chairman shall be elected from among the committee members present.
- e) Each committee member shall have 1 (one) vote, save that the chairman will have a casting vote as well as a deliberative vote. Voting shall be by a show of hands unless a secret ballot is requested by any committee member. Proxies shall not be permitted.
- f) A committee member who fails to attend 3 (three) committee meetings without consent may be expelled from the committee.
- g) Sub-committee meetings shall mutatis mutandis be regulated in the same manner as general committee meetings.

## 10. CLUB YEAR

The club year will commence on the 1st August and terminate on the 31st July of the following year. A club calendar is to be formulated for the club year and the annual financial statements are likewise to be prepared in respect of the club year.

## 11. FINANCE

- I. The finances of the club will be controlled by the treasurer, or, if there is no treasurer, by a sub-committee nominated by the general committee.
- II. All expenditure shall be approved by the general committee or by the executive and the approval shall be minuted, provided that the approval by the executive shall be ratified at the next general committee meeting.
- III. The club shall have power to invest club funds and to operate accounts with registered banks or building societies,
- IV. Any bank, building society or other financial accounts in the name of the club shall be operated by any two of the treasurer, secretary and members of the executive.
- V. No officer of the club shall receive any money on its behalf without giving an official receipt therefor.



- VI. An annual, statement of the financial affairs of the club consisting of a balance sheet and statement of income and expenditure and the treasurers report shall be submitted by the treasurer to the annual general meeting for approval,
- VII. The club is a non profit organisation and no part of its income shall be divided or distributed amongst its members,
- VIII. The club will have power to borrow money and enter into credit or money lending agreements and to offer as security a pledge, cession or mortgage of its movable or immovable assets. Any loan or money lending or credit agreement for an amount exceeding R20 000,00 (Twenty Thousand Rand) must be sanctioned by members at a general meeting.

## **12. ANNUAL GENERAL MEETING**

- a) The annual general meeting of the club shall be held in the month of September.
- b) The secretary shall give not less than 21 (twenty one) days written notice of the meeting to each member,
- c) Any bona fide failure to give proper notice to a member shall not invalidate the meeting.
- d) The notice of meeting will be accompanied by an agenda setting out the business to be dealt with at the meeting and which shall itemise any special business, a nomination form for the election of office bearers and the financial statements referred to in clause 11 (f)
- e) The following business shall be dealt with at the meeting:
  - i. apologies;
  - ii. adoption of previous minutes;
  - iii. matters arising;
  - iv. chairman's report;
  - v. treasurer's report;
  - vi. special business;
  - vii. election of office-bearers;
  - viii. appointment of auditors;
  - ix. general.
- f) Nominations for the election of office-bearers shall be on the prescribed form signed by the nominator and nominee and shall be lodged with the secretary not less than 7 (seven) days prior to the meeting. Should there be insufficient nominations, nominations may be invited and accepted from the floor. A nominee for either of the offices of chairman or vice-chairman who is unsuccessful will automatically be included amongst the nominees for election as a committee member.
- g) A quorum at the meeting shall be 10% of the total membership of good standing who are present, but not less than 15, and entitled to vote. Proxies shall not be permitted.  
(amended 19/7/2006)
- h) If a quorum is not present the meeting will be adjourned to a date at a time and venue to be agreed upon at the meeting. Those present at the subsequent meeting shall constitute a quorum.



- i) The chairman may with the consent of the meeting adjourn a meeting to a date at a time and venue agreed upon at the meeting. Only unfinished business may be considered at the subsequent meeting.
- j) The chairman will preside at the meeting, and, failing the chairman, the vice-chairman will preside. If the vice-chairman is likewise unavailable the general committee will elect one of their number to preside. The chairman of the meeting will not have a casting vote.
- k) All resolutions at the meeting will be decided on a show of hands, unless a poll is requested by any member present and entitled to vote. The election of office-bearers shall be determined in a like manner.
- l) Notice of any special business to be raised at the meeting must be lodged with the secretary 28 (twenty eight.) days prior to the meeting. Special business not lodged timeously may not be voted on but may be raised under general

### **13. SPECIAL GENERAL MEETING**

- a) A special general meeting shall be convened by the secretary if so requested by
    - i. the chairman;
    - ii. 2 (two) committee members;
    - iii. 10 (ten) club members;
- or if required in terms of clause 15 (iii)
- b) The request shall be in writing and shall clearly and concisely set out the nature of the business to be dealt with at the meeting.
  - c) Where a date for the meeting is prescribed, not less than 35 (Thirty five) days notice of the meeting shall be given to the secretary,
  - d) The secretary shall within 14 (fourteen) days of the request for a meeting send notice thereof to all members, which notice or an agenda accompany the notice shall set out the business to be dealt with at the meeting,
  - e) Shorter notice of the meeting may be given (both to the secretary and to members) in cases of urgency, provided proper notice is sent out to all members and provided further that 90% (Ninety per centum) of all members present at the meeting and entitled to vote approve the short notice.
  - f) The procedures to be followed in respect of annual general meetings as set out in clause 12 shall mutatis mutandis apply to special general meetings.

### **14. ASSETS**

- a) All property of the club, whether movable or immovable shall vest in and where necessary be registered in the name of "The Trustees of Savages Athletic Club". The trustees shall be the chairman and vice-chairman of the club and they shall not be required to file security for the due fulfilment of the office of trustee.
- b) The chairman and vice-chairman of the club shall have authority to sign any leases, deeds, bonds, acknowledgements, agreements or any other similar documents on behalf of the club provided they are authorised to do so by the general committee or at a general meeting or otherwise in terms of this constitution.
- c) The club is empowered, in the name of the trustees, to enter into lease agreements and to acquire movable and immovable property by means of purchase, grant, donation,



bequest, or any other manner and to deal with, develop and improve property and to dispose of property by means of sale, donation, or any other form of alienation. The club is also authorised to provide security for its debts or obligations by way of mortgage, pledge or cession. Any transaction described in this clause having a value in excess of R20 000,00 (Twenty Thousand Rand) will require the sanction of members at a general meeting.

- d) A certificate signed by the secretary will be sufficient proof of the identity of the persons holding office for the time being of chairman and vice-chairman or the club.

## **15. DISCIPLINARY ACTION**

Other than in the circumstances set out in clause 7(g), the executive shall be entitled to expel or suspend the membership of any member who in opinion of the executive has infringed the constitution, failed to uphold the objects of the club or has brought the club into disrepute, provided:

- i) the member concerned will be given advance notice of the meeting of the executive at which the members conduct will be considered and will be entitled to address the meeting and to be legally represented at the meeting or to be represented by another member in good standing with the club;
- ii) the decision to expel or suspend shall be ratified by the general committee;
- iii) members who have been suspend or expelled by the executive will have the right of appeal to a special general meeting of the club, which must be convened in terms of clause 13, whose decision shall be final;
- iv) in lieu of suspension or expulsion the executive may in its discretion reprimand or otherwise discipline a member in a manner which the committee considers appropriate;
- v) disciplinary action taken against a member shall where considered necessary be reported by the secretary to KZNA or to a sub-association thereof;
- vi) the failure of a member to abide by the rules of any club or association with which the club is contractually tied or affiliated shall be deemed to be an infringement falling to be dealt with under this clause, or in terms of the rules of that club or association or by agreement with that club or association.

## **16. LEGAL PROCEEDINGS AND INDEMNITY**

- a) The club has power to sue and be sued in the name of the chairman in any court of law in the Republic of South Africa. All court process, notices and the like shall be regarded as sufficiently served upon the club if served upon the chairman, provided that the chairman shall not be personally liable for any claim made or loss suffered.
- b) The committee members and other officers of the club shall be indemnified by the club in respect of all contracts or dealings bona fide entered into or done by them on behalf of the club with the sanction of the general committee or otherwise in accordance with this constitution.
- c) Subject to the provisions of clauses 16 (a) and (b), the club shall not be responsible for any damages suffered by members in any way whatsoever and nor shall the club be liable to recover damages on behalf of a member.



## 17. LIQUOR LICENCE REQUIREMENTS

The club will at all times adhere to the following requirements of Section 26 of the Liquor Act No, 27 of 1989 (as amended by Section 12 of Act No. 105 of 1953), and to any subsequent amendment or replacement of that section;-

- a) The club must consist of not less than 35 ordinary members;
- b) The club is managed by the general committee which is elected by the members and regularly holds meetings which are minuted;
- c) Only its members (and bona fide reciprocity members) are permitted to pay for facilities, liquor or refreshments on the premises of the club;
- d) The use of the club facilities by guests of members (excluding family members) will not on any occasion exceed the number of guests permitted from time to time by the general committee;
- e) An ordinary member can not be elected within 14 (fourteen) days of his or her nomination and without his or her name being displayed on the premises of the club for at least 7 (seven) days;
- f) The election of an ordinary member will take place either by the general committee or by all members of the club in good standing, as defined in clause 6(b)(1);
- g) A persons residing within 30 kilometres of the club premises will not be eligible for honorary, temporary or reciprocity membership, except in the following circumstances:
  - a. the person qualifies for honorary membership in terms of clauses 6(a)(1) and 6(a)(2);
  - b. the person is a bona fide candidate for membership of the club;
  - c. the person is afforded the privileges of membership while engaged in a race or other competition approved by the general committee of the club:
  - d. the person confers an exceptional benefit on the club:
- h) The club must keep proper records, including a membership register;
- i) The annual subscription for ordinary members will not be less than R50,00 (Fifty Rand);
- j) No profit from the sale of liquor by the club may accrue to any individual;
- k) A member who has not paid his subscription within 3 (three) months after it became due will not be permitted to remain a member while the subscription remains unpaid.

This clause will only be of force and effect during the period that the club is in the possession of a valid liquor licence.



## **18. ALTERATIONS TO CONSTITUTION AND MATTER NOT PROVIDED FOR**

- a) This constitution may be altered or added to at an annual or special general meeting properly constituted in terms of this constitution. Details of the alterations or additions will be given in the notice of the meeting and will only be effective if passed by a two-thirds majority of members present at the meeting,
- b) No proposal for the alteration or addition of the constitution shall be considered or reconsidered for a period of 12 (twelve) months after the same or a substantially similar proposal is rejected at a general meeting,
- c) The general committee shall have power to decide on all matters not provided for in this constitution.
- d) A copy of the constitution of the club certified as correct by the secretary shall be accepted as evidence for all purposes.

## **19. WINDING-UP**

- a) The club will be wound up if so decided by a two-thirds majority of members present at a properly constituted special general meeting of the club
- b) If upon dissolution of the club there remain any assets after satisfaction of its debts and liabilities, such assets shall not be paid or distributed among its members but shall be donated either:
  - i. to any other recreational club which has been approved by the Commissioner of Inland Revenue in terms of Section 30A of the Income Tax Act no. 58 of 1962, as amended; or
  - ii. to a public benefit organization contemplated in paragraph(a)(1) of the definition of a "public benefit organization" in section 30(1) and approved by the commissioner in terms of section 30(3) of the Act;

as may be decided on by the members of the club, or in default of such a decision, by the executive committee of KZNA or its legal successors.



## **20 . TAX EXEMPTION:**

In compliance with section 30A of the Income Tax Act no. 58 of 1962, as amended:

- a). the activities of the club must be carried out in a non-profit manner. They should be conducted so as to recover the reasonable direct and indirect costs of the club and to make reasonable provision for anticipated future costs.
- b). the club is prohibited from directly and indirectly distributing its assets to any person other than in terms of clause 19 b).
- c). the club may not pay any remuneration to any person which is excessive, regard being had to what is generally considered to be reasonable in the sector in which the club operates and in relation to the service rendered. No remuneration may be determined as a percentage of any amounts received by, or accrued to the club.
- d). all members are entitled to annual membership of the club.
- e). no single person may have the ability or authority to directly or indirectly control the decision making powers of the club. At least three (3) persons, who are unconnected persons in relation to each other, comprising of any of the committee members of the club, must at all times accept fiduciary responsibility for the club.
- f). members are prohibited from selling their membership rights or any entitlement in terms of those rights.
- g). copies of all amendments to the constitution, or any other written instrument under which the club is established, must be submitted to the Commissioner of the South African Revenue Service.
- h). the club is not knowingly to be a party to, or must not knowingly permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have become payable by any person under the Income Tax Act no. 58 of 1962, as amended, or under any other act administered by the Commissioner of the South African Revenue Service.