

CONSTITUTION OF THE

ATHLETIC CLUB

1. NAME

The name of the club is the Athletic Club.

2. DEFINITIONS

In this Constitution, unless the context otherwise indicates,

- (a) Athletics means track and field, road running, race walking and cross country running.
- (b) Club means the Club duly constituted in terms of this Constitution.
- (c) Member means a member as defined in paragraph 7 of this Constitution.
- (d) Day means a calendar day.
- (e) Notice means by ordinary post to the last address of the member provided to the secretary and notice shall be deemed to have been given two days after the date on which the notice is posted.
- (f) Words in the singular number include the plural, and words in the plural number include the singular, where the context so indicates.

3. LEGAL PERSONALITY

The Club shall have legal personality and shall, through its authorised representatives —

- (i) have an independent existence;
- (ii) be entitled to acquire, encumber or dispose of movable or immovable property;
- (iii) be entitled to enter into legal transactions and to institute or defend legal proceedings.

The *Club shall* continue in existence notwithstanding changes in the composition of its membership or office-bearers.

4. OBJECTS

The objects of the *Club* are the following:

- (a) To develop and foster the sport of athletics amongst its members and the community.
- (b) To encourage its members to participate in athletics at all levels.

- (c) To provide coaching and facilities to enable *members* to participate at all levels in athletics.
- (d) Represent the interests of its *members* at all levels.
- (e) Promote non-racialism and combat unfair discrimination at all levels.

5. MEANS OF ACHIEVING THE OBJECTIVES:

In order to achieve the objects of the *club*, it may:

- (a) be affiliated to any body if such affiliation could assist it in pursuing and attaining its objectives;
- (b) to organise *athletics* events;
- (c) employ such persons as are appropriate to the needs and resources of the *club*;
- (d) enter into any contracts and/or acquire such assets which will serve the purpose of achieving those objectives.

6. ASSETS OF THE CLUB AND NON-PROFIT OBJECTIVE

- (a) The *club* shall not engage in any transaction with a view to the pecuniary gain or profit of its members.
- (b) No members shall have any personal claim on the income or property of the *club* or make any profit out of her or his membership, save where such member is also a duly-appointed and salaried employee of the *club*.
- (c) The *club* shall conduct its financial affairs through a banking account.
- (d) Any *member* must declare any personal interest in any contract entered into or business undertaken by the *club*.

MEMBERSHIP OF THE CLUB

7. MEMBERS

- (a) Any person who subscribes to the objectives of this constitution and who agrees to abide by the rules and regulations of the *club* may apply for membership of the club.
- (b) An application for membership shall be submitted to the secretary, who shall table the application at the next meeting of the committee.
- (c) The committee shall decide whether to accept such application or not.

GENERAL MEETINGS OF THE CLUB

8. ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS

- (a) A General Meeting of the *Club* may be either the Annual General Meeting or a Special General Meeting.
- (b) All meetings shall be well advertised. Such advertisement shall include, but not be limited to, a notice thereof being affixed to the noticeboard in the Clubhouse, at least seven *days* before the meeting.
- (c) A Special General Meeting shall be convened at the written request of at least a quorum of the *members* of the *Club* or by the Committee. The request to convene a Special General Meeting shall state the business to be considered at the meeting.
- (d) All meetings of the *Club* shall be presided over by the Chairperson of the *Club*.
 - (i) In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-Chairperson and if the Vice-Chairperson too is absent, the said power and duties shall devolve on a *member* elected by the remaining members of meeting, during such absence.
 - (ii) The presiding officer at any meeting shall have both a deliberative and a casting vote.

9. QUORUM FOR GENERAL MEETINGS OF THE CLUB

- (a) The quorum for a meeting shall be 15 of the *members* of the club in good standing.
- (b) In the absence of the required quorum at any meeting, the meeting shall be adjourned. Notice shall thereafter be given to all the members of the club of the date and time on which the meeting shall be reconvened, which shall not be less than seven *days* and not more than 21 *days* after the meeting at which a quorum was not reached. When the meeting reconvenes, it shall conduct all business which was on the agenda for the initial date regardless of the existence or not of a quorum.

10. VOTING AT GENERAL MEETINGS

- (a) Only *members* of the Club may vote at any General Meeting of the *Club*.
- (b) Voting shall be by show of hands or, if the meeting so decides, by ballot.
- (c) No voting may be effected by proxy.
- (d) Except where otherwise provided in this Constitution all matters determined by vote shall be decided by a majority of those present.

11. ANNUAL GENERAL MEETING

- (a) An Annual General Meeting of the Club shall be held each year and not more than eighteen months shall elapse between such meetings.
- (b) The Committee for the ensuing year shall be elected at the Annual General Meeting.
- (c) At every Annual General Meeting the following reports shall be presented to the meeting:
 - (i) The Chairperson's report on the activities of the Club over the past year.
 - (ii) The Treasurer's report on the financial state of the Club.
- (d) Any motions submitted to the Secretary by not later than two days prior to the meeting shall be considered.

THE COMMITTEE

12. TERM OF OFFICE OF COMMITTEE MEMBERS

- (a) The Committee shall serve until the completion of the next Annual General Meeting.
- (b) Any person shall cease to be a Committee member if:
 - (i) that member ceases to be a *member* of the *Club*; or
 - (ii) that member is excluded or suspended from the *Club*; or
 - (iii) that member tenders a resignation in writing and such resignation is accepted by the Committee; or
 - (iv) that member misses three consecutive committee meetings without advancing good cause and/or without giving notice of such non-attendance to the Secretary, and, after having received written notice from the Secretary, misses a further meeting.

13. FUNCTIONS OF THE COMMITTEE

- (a) The functions of the Committee shall be the following:
 - (i) to convene meetings of the *Club*;
 - (ii) to deal with matters of urgency;
 - (iii) to appoint a *member* or *members* to represent the *Club*;
 - (iv) to co-opt any *member* of the *Club* to the committee either generally or for a special purpose;
 - (v) to conduct, generally, the affairs of the *Club*;
 - (vi) to create and constitute such sub-committees as may be necessary for the better running of the affairs of the *Club*, which sub-committee shall report directly to the committee;

- (vii) to open such accounts as are necessary for the better conducting of the affairs of the *Club* and to nominate the members who are permitted to draw upon such accounts;
 - (viii) to make, amend and suspend rules and regulations for the *Club* in terms of paragraph 19 hereof;
 - (ix) to recommend the annual subscription, if any, payable by the members of the *Club*;
 - (x) to maintain discipline within the *Club*, subject to paragraph 16;
 - (xi) to employ coaches and/or other staff required for the furthering of the objects of the *Club*.
- (c) In the event of a vacancy on the Committee, the Committee may transfer the functions entrusted to the absent member to one or more of the remaining members of the Committee or to a co-opted member.

14. MEMBERS OF COMMITTEE

- (a) The Committee shall consist of the following members:
- (i) Chairperson
 - (ii) Vice-Chairperson
 - (iii) Secretary
 - (iv) Treasurer
 - (xii) Two additional members, or such further additional members as the *Club* decides, at a General Meeting, are necessary for the efficient running of the *Club*.
- (b) The positions of Chairperson, Vice-Chairperson and Secretary shall be filled by separate persons. The Chairperson and Vice-Chairperson may not hold any other position referred to in paragraph (a)(iii) to (vii) inclusive.
- (c) Any vacancy on the Committee may be filled at a meeting of the *Club* or by co-option.
- (d) A person co-opted to the Committee shall have all the rights, including the right to vote, of a Committee member.
- (i) Co-opted persons may not exceed more than one third of the members of the Committee membership.
 - (ii) Only members of the *Club* may be co-opted to the Committee.
 - (i) The term of office of a co-opted person shall not exceed that of the Committee.
- (e) All positions on the committee are honorary, unless any payment is expressly approved in advance by a General Meeting.

15. MEETINGS OF THE COMMITTEE

- (a) All meetings of the committee shall be presided over by the chairperson. In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-Chairperson and if the Vice-Chairperson too is absent, then the said power and duties shall devolve on a member elected by the remaining members of Committee, during such absence.
- (b) The Chairperson may convene a meeting of the Committee whenever she or he deems it necessary.
- (c) The Chairperson shall sign every approved amendment to this Constitution, a copy of which shall be contained in the *Club's* Minute Book.
- (d) Meetings of the Committee shall be held regularly, but no less than four times during any Committee's normal term of office.
- (e) Notice of Committee meetings shall be given to all its members by the Secretary.
- (f) The quorum for a meeting of the Committee shall be one half of the Committee.
- (g) Every decision of the Committee shall require a vote, with a simple majority of the members present voting in its favour. The Chairperson shall have a deliberative and a casting vote.
- (h) A meeting of the Committee shall also be convened at the request of the Chairperson or two of its members.
- (i) In the event of a matter of urgency arising between meetings of the Committee, such matter may be attended to by the Chairperson, in conjunction with any or all of the committee members affected by such decision; provided that any action taken or decision taken shall be ratified by the Committee at the next meeting of the Committee, failing which any decision taken shall lapse.
- (j) In the absence of the required quorum at any Committee meeting, the business of the meeting may be conducted without the necessary quorum, provided that the minutes of the meeting are posted to all the members of the Committee within seven *days* of the meeting. On such matters as are reflected in the said minutes shall be considered to have been dealt with by the Committee. In the event that the said minutes are not posted timeously the meetings shall be considered to have not been held and all decisions taken thereat shall be void.
- (k) Any member of the Committee may, within fourteen *days* object to any decision taken at a meeting where the required quorum was not present, in which event a meeting shall be held within fourteen *days* to reconsider that decision. In the event of the meeting not being held within fourteen *days* of the objection being received the decision shall lapse. In the event of there again not being a quorum, the meeting shall be adjourned until such time as a quorum can be obtained.

GENERAL

16. DISCIPLINE

- (a) Pursuant to the provisions of paragraph 13(x) the committee may suspend for any period no longer than two years, expel or fine any *member* of the *Club* found guilty of assaulting, harassing or interfering with any other *member* of the *Club*; disobeying any of the rules of the sport of athletics; conducting herself or himself in such a way as to wrongfully injure the interests of the *Club* or the sport of athletics; or to bring the sport of athletics or the *Club* into disrepute.
- (b) Any fine imposed in terms of sub-paragraph (a) shall not exceed R500.
- (c) Any *member* adversely affected by a decision made in terms of this paragraph may appeal against such decision to a general meeting of the club within seven days of the decision against which is being appealed. The secretary shall then convene a meeting of the *club* for the purpose of hearing such appeal.
- (d) After exhausting all internal remedies, the said *member* may further appeal to any organisation to which the *Club* is affiliated, and which permits such appeals.
- (e) All internal remedies and possible further appeals in terms of sub-paragraph (d) shall be exhausted before the said *member* may approach a court of law.

17. SUBSCRIPTIONS

- (a) An annual subscription payable by all members of the *Club*, eligible to pay a subscription, may be fixed and varied by the Committee.
- (b) All subscriptions levied shall be subject to the approval of the *Club* in General Meeting.
- (c) Any member who fails to pay the subscription or any other debt to the *club* with the time period laid down by the committee shall be regarded as not being in good standing and shall cease to enjoy the rights of membership to the club until such debt is paid.

18. FINANCIAL YEAR

The financial year of the club shall run from 1 March to 28 February every year.

19. CLUB COLOURS

The clubs colours shall be

20. RULES AND REGULATIONS

- (a) The Committee may make such by-laws for the *Club* as it deems to be in the interest of the better conduct of the affairs and management of the *Club*.
- (b) The Committee may, in the interests of the *Club*, amend or suspend the by-laws.
- (c) Any by-laws made by the Committee shall not be inconsistent with this *Constitution*.

21. CONSTITUTION

- (a) A copy of the *Club's* approved Constitution shall be kept in the *Club's* Minute Book.
- (b) Any amendment to this Constitution shall be considered only at a General Meeting of the Club in accordance with the provisions of this clause.
- (c) At least seven *days* notice must be given of the meeting at which an amendment of this Constitution will be considered.
- (d) The quorum of the meeting at which an amendment to the Constitution is to be considered shall be the same as for meetings subject to paragraph 9 hereinabove.
- (e) Any amendment to this Constitution requires a vote in favour thereof of at least two thirds of the members present and voting at the meeting.
- (f) After the amendment has been approved it shall be entered in the copy of the Constitution in the Minute Book of the *Club* under the signature of the Chairperson of the *Club*.

22. DISSOLUTION OF THE CLUB

- (a) Should the *club* be unable to achieve the objectives for which it was formed, the committee shall call a general meeting for the sole purpose of deciding whether to continue with the *club*.
- (b) At least 14 days notice of such meeting shall be given and the notice shall state the purpose of the meeting.
- (c) At such meeting a decision may be taken by two-thirds of those present to dissolve the club.
- (d) Should such a decision be taken, the meeting shall appoint a receiver, who may or may not be a member of the club, to wind up the affairs of the *club*.
- (e) Once the receiver has finalised the winding up of the *club*, it shall cease to exist. Any asset remaining after all the *club's* liabilities have been met must be transferred to another non-profit organisation having similar objectives.