

# **SA BIATHLON ASSOCIATION**



## **CONSTITUTION OF THE SA BIATHLON ASSOCIATION**

**AS APPROVED AT AGM 30 MARCH 2018**

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## **CLAUSE 1: DEFINITION AND APPLICATION**

In this Constitution, except where incompatible with the context, the following terms shall have the meaning indicated:

"ASSOCIATION"	The South African Biathlon Association (SABA).
"CONSTITUTION"	The Constitution of the South African Biathlon Association.
"GENERAL MEETINGS"	The meetings as formulated in Clause 7.
"MANAGEMENT COMMITTEE"	The Management Committee as constituted in terms of Clause 13
"MEMBER(S)"	Any Province, Federation, Union or other body affiliated to the Association.
"BIATHLON"	Combination of run and swim in accordance with the Biathlo competition rules.
"REGULATIONS"	The constitutional regulations relative to the administration of Biathlon.
"RULES"	The rules of the Association.
"SASCOC"	The South African Sports Confederation and Olympic Committee.
"SELECTION COMMITTEE"	The Selection Committee as constituted in terms of Clause 19.
"SOUTH AFRICA"	The Republic of South Africa.

## **CLAUSE 2: NAME AND LEGAL PERSONALITY**

2.1 The name of the Association shall be the South African Biathlon Association.

2.2 The association shall have legal personality and shall;

2.2.1 have an independent existence,

2.2.2 be entitled to own property,

2.2.3 be entitled to enter into legal transactions and institute legal actions.

2.2.4 be registered as a Public Benefit Organisation.

2.3 The Association shall not distribute its annual profits amongst its members.

## **CLAUSE 3: AIMS AND OBJECTS**

The aims and objects of the Association are:-

- 3.1 to promote the interests of Biathlon and its athletes, and to uphold the Rules relative to amateur status and the eligibility of athletes to compete under the rules of the UIPM and the Association;
- 3.2 to administer Biathlon under the jurisdiction of the Association;
- 3.3 to inquire into such irregularities as may have occurred during Biathlon meetings or in the course of the administration of Biathlon and have been submitted to the Association or have come to its notice;
- 3.4 to hear appeals against the decisions of Members, and to pronounce upon such appeals;
- 3.5 to hold interprovincial meetings and an annual National Championship meeting in Biathlon;
- 3.6 to attend to the selection of athletes who are to represent the Association;
- 3.7 to provide for the keeping of official lists of records of performances;
- 3.8 to decide upon the nature, award and protection of National and other colours;
- 3.9 to maintain the principle of non-discrimination i.r.o. sex, race, religion and political views.

#### **CLAUSE 4: WAYS AND MEANS OF ACHIEVING AIMS AND OBJECTS**

The aims and objects of the Association may be achieved by:-

- 4.1 affiliation with SASCOC,
- 4.2 cooperation with any Sports Federation practising running and swimming as its main disciplines,
- 4.3 providing suitable grounds, premises, equipment and other conveniences necessary for the holding and organising of amateur meetings,
- 4.4 the acquisition in a legal manner of such movable or immovable property as may be required to achieve the aims and objects of the Association,

- 4.5 entering upon such negotiations and concluding such contracts and agreements as may be lawfully undertaken by an incorporated body and are not incompatible with the aims and objects of the Association,
- 4.6 raising funds for any purpose which may be deemed necessary.

## **CLAUSE 5: MEMBERSHIP**

- 5.1 The Members of the Association are:-

Boland Biathlon Association  
Border Biathlon Association  
Central Gauteng Biathlon Association  
Eastern Province Biathlon Association  
Eden Biathlon Association  
Gauteng North Biathlon Association  
Griqualand West Biathlon Association  
KwaZulu-Natal Biathlon Association  
Limpopo Biathlon Association  
Mpumalanga Biathlon Association  
Northern Free State Biathlon Association  
Northwest Province Biathlon Association  
Southern Free State Biathlon Association  
Western Province Biathlon Association

- 5.2 In the event of new applications to affiliate the constitution of the applicant body must first be passed by the Management Committee, and the application be accepted by a majority of an AGM of the Association;
- 5.3 Members shall be duly constituted and exercise control of such areas and/or clubs as are determined by the constitution and approved by the Association;
- 5.4 Members shall stage annual championship meetings;
- 5.5 Members shall exercise control of and superintend Biathlon or any aspects thereof, within the limits of their jurisdiction and hear, inquire into and settle all disputes and objections pertaining thereto.

## **CLAUSE 6: ORGANIZATION OF THE ASSOCIATION**

- 6.1 The principal constituent bodies of the Association are:
  - 6.1.1 The General Meeting;
  - 6.1.2 The Management Committee.
- 6.2 Other Committees and Subcommittees may be constituted by the principal constituent bodies in conformity with the provisions of the Constitution as need arises.

## **CLAUSE 7: GENERAL MEETINGS**

- 7.1 The General Meeting constitutes the supreme authority of the Association and shall be held once every year on a date to be fixed by the Management Committee. The minutes of all meetings of the Management Committee held since the previous Annual General Meeting shall be laid before the meeting to be noted and discussed.
- 7.2 Special General Meetings shall be called by the Management Committee when it so decides, or upon receipt of written requests signed on behalf of at least three Members or by three representatives of different Members. Such a Special General Meeting shall be called within 30 days after receipt of the said requests.
- 7.3 Special General Meetings may be conducted by using available technology.

## **CLAUSE 8: NOTICE OF GENERAL MEETINGS**

- 8.1 Members, Management Committee members and Honorary Life Members shall receive 60 days written notice of the time and venue of the Annual General Meeting;
- 8.2 All notices of motions to be treated at the Annual General Meeting are to reach the Secretary not less than 30 days before such meeting;
- 8.3 All notices of motions to be treated at the Annual General Meeting are to reach the Secretary not less than 30 days before such meeting;

- 8.4 The Secretary shall notify all Members, Management Committee members and Honorary Life Members of the agenda for the Annual General Meeting 14 days before the meeting;
- 8.5 The President may in the exercise of his discretion determine shorter periods as the periods stipulated in clauses 8.1.2 and 8.1.3, provided that those periods so determined shall not be less than 14 days and 7 days respectively.
- 8.6 All Special General Meetings shall be called in writing by the Management Committee and notice be given at least 21 days in advance. The notice calling the meeting shall include its agenda. Such notice shall be sent to every member of the Management Committee, to the Secretary of each Member and to Honorary Life Members.

#### **CLAUSE 9: REPRESENTATION AT GENERAL MEETINGS**

- 9.1 Every Member shall be entitled to be represented by two delegates at General Meetings.
- 9.2 Delegates of Members shall be entitled to participate in the business of the Association.

#### **CLAUSE 10: QUORUM AT GENERAL MEETINGS**

A minimum of eight registered voters representing at least four different Members shall constitute a quorum at any General Meeting.

#### **CLAUSE 11: PROCEDURE AT GENERAL MEETINGS**

- 11.1 At General Meetings the President shall preside, or in his absence the Vice-President; in the absence of both, the delegates present shall elect a Chairman.
- 11.2 The agenda of the Annual General Meeting shall be disposed of in the following order:
- 11.2.1 scrutiny of delegates credentials;
  - 11.2.2 reading of the notice of meeting;
  - 11.2.3 reading and adopting the minutes of the previous Annual General Meeting and of Special General Meetings;
  - 11.2.4 dealing with the minutes of the Management Committee;

- 11.2.5 submission, discussion and adoption of the President's report;
  - 11.2.6 submissions and adoption of an audited statement of receipts and expenditure of the previous year;
  - 11.2.7 dealing with any amendments to the Constitution or with any matter proposed and of which due notice has been given;
  - 11.2.8 election of office bearers in terms of Clause 13;
  - 11.2.9 election of a Selection Committee in terms of Clause 19;
  - 11.2.10 election of Honorary Members in terms of Clause 20.
- 11.3 The agenda of a Special General Meeting shall be disposed of in the order specified below:
- 11.3.1 scrutiny of delegates credentials;
  - 11.3.2 reading of the notice of meeting;
  - 11.3.3 dealing with any matters proposed and of which previous notice has been duly given.
- 11.4 No motion or amendment on the agenda of General Meetings may be withdrawn without the approval of the Meeting. If the original proposer of a motion is absent at the meeting, any other representatives of the member who proposed the motion or amendment shall be competent to introduce the motion, in which case he shall, for all practical purposes, be vested with the rights and privileges of the original proposer.

## **CLAUSE 12: VOTING PROCEDURE AT GENERAL MEETINGS**

- 12.1 In all matters calling for a resolution voting shall be by show of hands; or by secret ballot if two delegates so demand before voting is proceeded to, or if the president so decides.
- 12.2 The President and each member of the Management Committee and every delegate shall have one vote each; but if a Member is represented by a single delegate, such delegate shall be entitled to two votes provided that his credentials give notice in advance of his intentions. The President shall, in addition to his ordinary vote, have a casting vote.
- 12.3 The Honorary President and Honorary Vice-Presidents present at the General Meetings shall have one vote each.



- 12.4 When due to changes to the constitution, the composition of any committee is changed, and it effects the nominations, the following ruling will apply:
- 12.4.1 Only officials for the posts, which have not changed, will be elected at the Annual General Meeting providing their nominations were received as laid down in the constitution;
  - 12.4.2 The election officials must then, after testing the feeling of delegates at the Annual General Meeting co-opt members to temporarily fill the newly created posts, as no legal nomination could have been made;
  - 12.4.3 A 30 day grace period will be allowed, to enable delegates to report to their respective Association and to submit formal nomination for the newly created posts;
  - 12.4.4 After receipt of the new nominations, the Secretary will circularise the new nominations to all Members for a postal vote. A further 30 day grace period will be allowed;
  - 12.4.5 Members will have two votes per post to be filled.

### **CLAUSE 13: THE MANAGEMENT COMMITTEE**

- 13.1 The direction of the Association's affairs shall be vested in the Management Committee.
- 13.2 The Management Committee shall be made up of:
- 13.2.1 The President, Vice-President, Secretary and Treasurer, to be elected by the delegates at the Annual General Meeting, but they need not themselves be delegates;
  - 13.2.2 Three additional members;
  - 13.2.3 The president elected may after consultation with the other members of the management committee co-opt an additional member or members on the management committee to provide for wider representation on the committee.
- 13.3 Nominations for the offices of President, Vice- President, Secretary, Treasurer and members of the Management Committee have to be submitted to the Secretary in writing and at least 30 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting. The outgoing office-bearers are automatically deemed to have been nominated for their respective offices. The provisions of clause 8.1.4 read with clause 8.1.2 are *mutatis mutandis* applicable in this clause.

13.4 Voting for office-bearers shall be by secret ballot.

#### **CLAUSE 14: MEETINGS OF THE MANAGEMENT COMMITTEE**

14.1 The Management Committee shall meet at least two times per year; or when the President thinks fit.

14.2 Members of the Management Committee shall be notified in writing of meetings, and receive the agenda at least a fortnight in advance.

14.3 A meeting of the Management Committee may be called either on the initiative of the President, or at the written request of at least three members of the Management Committee.

14.4 At any meeting of the Management Committee four members of the said committee shall constitute a quorum.

14.5 All members of the Management Committee present will have one vote each while the President has an additional casting vote. Honorary members attending Management Committees shall have no voting powers.

14.6 Minutes of all meetings shall be sent to Members.

#### **CLAUSE 15: POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE**

In addition to the powers and duties granted to the Management Committee in terms of any section of the Constitution, the following further powers shall vest in it:

15.1 when vacancies occur in the offices of President, Vice- President, Secretary or Treasurer, to fill such vacancies for the remaining period until the next Annual General Meeting,

15.2 to receive applications from Members as to the venues of the Interprovincial and National Individual Championships, and to make recommendations to the Annual General Meeting in this connection,

15.3 to decide where any other meetings of the Association shall be held,

15.4 to make recommendations to the Annual General Meeting in connection with International competitions,

- 15.5 to nominate delegates to any association with which the Association is affiliated,
- 15.6 to make recommendations to the Annual General Meeting irrespective of delegates to International congresses,
- 15.7 to approve the constitutions of Members,
- 15.8 to make the following appointments every year at its first meeting after the Annual General Meeting:-
  - 15.8.1 a Financial Committee with the President and the Treasurer *ex officio* members;
  - 15.8.2 Executive Members responsible for the following portfolios: Administration; Development; Marketing; Statistics; Colours; Clothing; Technical Rules; Constitution; Competitions; Computer Program and Website.
- 15.9 to convene an Annual General Meeting of the Association every year;
- 15.10 to prosecute, or take action against, any professional athlete who has forfeited his amateur status but competes as an amateur, or against any person who attempts to obtain any award dishonestly, or has so obtained it;
- 15.11 to suspend temporarily or permanently any person who has been convicted of misbehaviour or dishonourable practices in Biathlon or to restore the amateur status of such a person in accordance with the finding of the Annual General Meeting, if a Member has proposed a motion to this effect;
- 15.12 to hear appeals against the decisions of Members and to pronounce on these;
- 15.13 to consider at every meeting a financial statement of the Association;
- 15.14 to submit to the Annual General Meeting an annual report;
- 15.15 to submit to the Annual General Meeting an audited financial report for the previous financial year (1 September - 31 Augustus) and provisional financial statements for the current financial half year (1 September – 28/29 February);

- 15.16 to consider any violation or infringement of the Constitution, Rules and Regulations of the Association, and to make the necessary recommendations, or to take the necessary actions;
- 15.17 to open current and savings accounts for the Association and to draw, receive and endorse cheques, bills of exchange and IOU's in connection with the financial business of the Association; to pay out any honorarium upon which the Management Committee may decide;
- 15.18 to agree to the settlement of the travel and subsistence expenses of any athlete or official when funds are available;
- 15.19 to do everything that is desirable for the affairs of the Association, in keeping with its accepted aims and subject to the conditions of this Constitution and to directions of the Annual General Meeting;
- 15.20 to appoint a legal adviser and must appoint an honorary auditor every year at its first meeting after the Annual General Meeting.

#### **CLAUSE 16: FORFEITURE OF OFFICE**

- 16.1 If any member of the Management Committee or any other Committee absents himself without leave from three successive meetings, it shall be presumed that he has forfeited his office.

#### **CLAUSE 17: HEAD OFFICE**

- 17.1 The Head Office of the Association shall be situated at the place decided upon by the Management Committee at their first meeting after the Annual General Meeting;
- 17.2 On a decision to move the Head Office all members must immediately be notified of the new address. If decided to move, the Head Office shall become operative at the new address within two months.

#### **CLAUSE 18: MEMBERS**

- 18.1 Conditions for affiliated membership:

- 18.1.1 Members may consist of clubs, associations and bodies;
  - 18.1.2 Each Member may decide upon its own colours, subject to the approval of the Management Committee;
  - 18.1.3 Schools may affiliate individually or together as a schools' association with members;
  - 18.1.4 No Members, Club, Association or Body shall be allowed to use or to adopt the National Emblems of the Association;
  - 18.1.5 Members shall see that affiliated clubs register all their athletes who compete at meetings.
- 18.2 Report of Members. Every Member shall, if requested in writing by the Management Committee, submit a report of its activities within three weeks.

## **CLAUSE 19: SELECTION COMMITTEE**

### **19.1 How constituted:**

- 19.1.1 There shall be one Selection Committee namely a Biathlon Selection Committee, consisting of three members who will be elected every year at the Annual General Meeting by delegates of Members;
- 19.1.2 Nominations for selectors shall be submitted to the Secretary in writing at least 30 days before the Annual General Meeting. These nominations shall appear on the agenda of the Annual General Meeting;
- 19.1.3 The election of selectors shall be by secret ballot;
- 19.1.4 The President shall not be a member of the Selection Committee.

### **19.2 Functions and Powers:**

- 19.2.1 The selection of any athlete, athletes, team or teams to represent the Association shall be performed by the Selection Committee subject to the approval of the President;
- 19.2.2 The Management Committee shall fix a date for the final selections of any team;
- 19.2.3 Teams shall be selected by the Selection Committee at meetings specially called for this purpose by the convener. Excluding the convener, any two members present at such meeting shall constitute a quorum;
- 19.2.4 At least one member of the Selection Committee shall as far as possible attend the SA Championships as well as any Interprovincial and Individual Championships.
- 19.2.5 At no South African Interprovincial or Individual Championships meetings serving as trials or other meetings at which the Selection Committee is obliged to select

teams, shall selectors be allowed to act as team managers or to perform any official duties other than those of selectors;

19.2.6 The Selection Committee shall designate captains for teams representing the Association, subject to confirm by the Management Committee;

19.2.7 The expenses of selectors for attending the South African Provincial Championships or any trials held before the selection of a team or teams shall be met by the Association with the judgment of the Management Committee.

## **CLAUSE 20: HONORARY MEMBERS**

20.1 A Honorary Life President and an Honorary Life Vice-President may be elected by the delegates at the Annual General Meeting;

20.2 Nominations for the offices of Honorary Life President and Honorary Life Vice-Presidents have to be submitted in writing to the Secretary by the Members and at least 30 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting;

20.3 The outgoing Honorary President and Honorary Vice-President are automatically deemed to have been nominated for their respective offices;

20.4 Voting shall be by secret ballot;

## **CLAUSE 21: COLOURS**

21.1 The Association's official National colours are the colours as determined by SASCOC.

21.2 The Associations colours are as follows:

21.2.1 The logo - three circles in gold one above the other on olive green background. In the middle circle, bigger than the other two, the letters SA are embroidered, a runner in the top circle and a swimmer in the bottom circle.

21.2.2 Blazer - olive green blazer with the badge on breast pocket;

21.2.3 Blazer badge - The logo with the words "Biathlon/Tweekamp" (or vice-versa) embroidered in gold on the breast pocket;

21.2.4 Tie - olive green with the logo 3cm in size;

21.2.5 Athletic Vest - A olive green vest with the logo on the chest;

21.2.6 Shorts - olive green;

21.2.7 Tracksuit - olive green tracksuit with the logo on the breast pocket.

21.3 The Association's official Junior National colours are as determined by SASCOG.

## **CLAUSE 22: AWARD OF COLOURS**

22.1 Award to athletes. Association colours may be awarded by the Management Committee to male and female athletes of the Association.

22.2 Award to Managers and Coaches. Persons who were duly nominated to act as managers or coaches to teams of the Association in foreign countries are allowed to wear the colours of the Association, with the proviso that the word "Manager" or "Coach" be indicated on the badge. Persons to whom such a badge is awarded may decide personally in which language the wording is to be;

22.3 South African National Colours are awarded to biathletes selected to represent South Africa on application to SASCOG by the Association.

## **CLAUSE 23: CODE OF CONDUCT**

23.1 All biathletes and officials to whom national colours have been awarded shall at all times conduct themselves in a manner that will benefit and do credit to the insignia under which they have been chosen to represent their sport and their country.

23.2 The management committee may take disciplinary action against any biathlete or official who did not behave in terms of the code of conduct. Such action may include the withdrawal of the national colours.

## **CLAUSE 24: HONORARY AWARDS FOR SERVICE**

24.1 A honorary award for services rendered to Biathlon may be made to a maximum of three persons per year by the Management Committee;

24.2 Nominations shall be submitted to the Management Committee 7 days before the Annual General Meeting by members, together with a report on the services rendered;

24.3 The names of candidates to whom honorary awards have been made shall be announced at the Annual General Meeting.

- 24.4 Nominations for honorary awards shall be subject to the conditions that a candidate will have served Biathlon at least three years in an executive capacity;
- 24.5 The honorary colours shall be the official badge of the Association on a green background with the following wording added to the blazer badge: "Honoris Causa".

## **CLAUSE 25: FINANCIAL MATTERS**

### **25.1 Membership Fees:**

- 25.1.1 Every Member shall annually contribute to the Association an affiliation fee and such other contributions as determined by the Management Committee;
  - 25.1.2 Affiliation fees shall be due before 1 December of every calendar year;
  - 25.1.3 If the affiliation fees and/or such other contributions have not been paid before the Annual General Meeting this shall entail the automatic disqualification of the defaulting Member from taking part in the meeting;
  - 25.1.4 If the amount due as well as a penalty of (R200) two hundred rand is paid, the Management Committee may cancel the disqualification.
- 25.2 If a Member ceases to exist or abandons its activities for an indefinite period, it shall rest with the Association; after all lawful claims have been met, to decide what has to be done with all the possessions, books and records of such a Member.

## **CLAUSE 26: RULES AND REGULATIONS**

- 26.1 In addition to the provisions of the Constitution the Association may issue such Rules and Regulations as may be needful for the smooth running of its affairs;
- 26.2 Such Rules and Regulations may be issued or amended only by:
  - 26.2.1 An Annual General Meeting;
  - 26.2.2 A Special General Meeting called for this purpose or;
  - 26.2.3 The Management Committee, with the proviso that it is approved at the following Annual General Meeting.
- 26.3 Any amendment of the Rules and Regulations shall be entered in the minutes of the particular meeting at which such amendments have been passed. If the



minutes have been duly circulated, as provided for in the Constitution, this shall be deemed sufficient notice of such amendments.

26.4 No Rules or Regulation may be in conflict with the Constitution of the Association.

26.5 All Members, clubs, associations or bodies affiliated with them shall:

26.5.1 be obliged to observe and accept the Rules and Regulations of the Association:

26.5.2 furnish any information required by the Association in connection with any matters falling within the province of Members' activities;

26.5.3 refrain from introducing any incompatible amendments or additions to the Rules and Regulations of the Association.

26.6 The Association shall issue Competition Rules that shall be applicable and must be complied with at all domestic, interprovincial and National Individual Championship meetings:

26.7 Paragraphs (26.1), (26.2), (26.3), (26.4) and (26.5) of this clause shall apply *mutatis mutandis* to the Competition Rules.

## **CLAUSE 27: INTERPRETATION OF RULES AND REGULATIONS**

27.1 Decisions of the Management Committee concerning the validity of any clauses of the Rules in terms of which Biathlon is administered, shall be final and binding;

27.2 Doubts concerning interpretations, the definitions of an amateur or any matter not provided for shall be laid in writing before the Secretary of the Association by the Secretary of the Member, to be investigated and commented upon by the Management Committee. The decision of the Management Committee shall be final and binding.

## **CLAUSE 28: APPEALS**

28.1 Appeals against the decision of any club or association:

28.1.1 shall in the first instance be addressed to the executive of the Member;

28.1.2 if satisfaction is not obtained and/or if there is any uncertainty about the decision, an appeal may be directed via the Member to the Management Committee;

28.1.3 the decision of the Management Committees shall be final and binding;

28.1.4 a fee of two hundred rand (R200) shall be paid to the Secretary for every appeal launched.

## **CLAUSE 29: AMENDMENTS TO THE CONSTITUTION**

- 29.1 The Constitution may be amended only at an Annual General Meeting or at a Special General Meeting called for this specific purpose;
- 29.2 Notice of any proposed amendments shall be entered on the agenda in accordance with the procedure laid down in Clause 8;
- 29.3 The notice shall specify which clause of the Constitution it proposes to amend and shall indicate clearly what should be omitted or added to it;
- 29.4 The Constitution can be amended only by a two-thirds majority of the members present and recording their votes;
- 29.5 Any amendment to the Constitution takes immediate effect unless the contrary is decided;
- 29.6 Any amendment to the Constitution must be submitted by the Management Committee to SASCOC, if affiliated to it.

## **APPROVAL**

Amended and approved at the Annual General Meeting of the Association held at Pretoria on 30 March 2018.

**HJ SWART**  
**PRESIDENT**