

**CONSTITUTION  
OF  
OCEANA POWER BOAT CLUB**

Certified a true copy and extract of the minutes of  
the Special General Meeting held at the Clubhouse

Signed: .....

Date:.....

Signed: .....

Date:.....

# OCEANA POWER BOAT CLUB

## CONSTITUTION

### 1. NAME AND CORPORATE RESPONSIBILITY

The name of the Club shall be OCEANA POWER BOAT CLUB (hereafter referred to as the "Club"). The Club shall have corporate personality with perpetual succession and shall be capable of suing and being sued in its own name and holding property in its own name apart from its members as hereinafter provided in Clause 5 and 11(m) hereof.

### 2. HEADQUARTERS

The headquarters of the club shall be at Granger Bay or at such place as may be decided upon at an Annual General Meeting or a special General Meeting of the members of Club. All correspondence shall be addressed to the Secretary. P O Box 51406, Waterfront, 8002.

### 3. COLOURS

The colours of the Club shall be royal blue, yellow and silver

### 4. OBJECTS

The objects of the club shall be to foster, develop and encourage all aquatic sports, especially the sports of power boating, water – skiing and fishing and generally to do all things necessary and reasonable to develop a fraternal spirit amongst outdoor enthusiasts.

### 5. POWERS

- a) The Club shall have the power to create and provide for the benefit of its members all such amenities as are provided for by any social club.
- b) The Club shall have the power to acquire, whether as owner or lessee, movable or immovable property for the purpose of carrying out any or all the objects of the Club.
- c) All contracts entered into with or on behalf of the Club shall be deemed to have been entered into on the understanding that credit is given solely to the Club as a body to the extent of its funds and assets and that no personal liability shall attach to any member of the Club for any such contract, whether or not such member participated in the making or authorisation of such contract.
- d) All contracts shall be discussed by the Executive Committee before being negotiated.
- e) When any document requires to be signed by, or on behalf of the Club, whether or not such document relates to immovable property, such documents shall be signed by any two of the Commodore, Vice Commodore, Hon. Treasurer or Manager, provided that all transactions exceeding R2 000 in value shall have been approved by the Executive Committee.

### 6. MEMBERSHIP

The membership of the Club, which may be limited as to numbers, shall be open to persons elected as provided for in Clause 7 and shall consist of:

- a) ORDINARY MEMBERS consisting of:
- i. FAMILY MEMBERS shall be senior members who are elected, his/her spouse and children who, on the first of July of the current year, are under the age of eighteen (18) years. Family members are entitled to one vote only, this to be in the name of the subscribing members, who shall be responsible for his family members.
  - ii. SENIOR CITIZEN MEMBERS shall be any senior member as classified in 6 (a) (ii) hereof, who has been a Senior members for five years immediately prior to the application for Senior Citizen Membership who have attained the age of sixty (60) years, and who, having tendered the special subscription fee as provided in 8 (k) hereof, has applied for and been approved to such Senior Citizen Membership of the Club (proof of age to be submitted with application).
  - iii. SENIOR MEMBERS shall be members who are elected and who, on the first day of July of the current year, shall have attained the age of eighteen (18) years.
  - iv. LIFE MEMBER shall be any Senior Member as classified in 6 (a)(ii) hereof, who has been a Senior Member for two consecutive years immediately prior to the application for Life Membership, and who, having tendered the special subscription fee as provided in 8 (f) hereof, has applied for and been approved to such Life Membership of the Club.
- b) RECIPROCAL MEMBERS shall be those members of another Club with whom reciprocity has been arranged. Reciprocity shall be arranged with a Club less than 80km from Granger Bay.
- c) TEMPORARY MEMBERS shall be those members who are visitors to Cape Town and reside more than 80km from Granger Bay. The duration of such membership shall not exceed one month. No person shall be a temporary member more than once a year and shall not be eligible to enjoy such reciprocity.
- d) COUNTRY MEMBERS shall be those members who are elected and reside more than 80km from Granger Bay.
- e) DAY MEMBERS shall be persons who wish to launch their boats from the Club site. Their boats shall carry the prescribed safety equipment. The Executive Committee shall have the right to review the conditions and fees prescribed from time to time. Launching will only be permitted when a member of the Executive Committee or a person delegated by the Executive Committee is present. Their vessel and skippers license should comply with SAMSA regulations.
- f) INVITATION MEMBERS. An invitation member shall be a prominent person whose association with the Club shall be advantageous and who may be elected by the executive committee. The Invitation Member shall have all the rights and privileges of an Honorary Member.
- g) HONORARY MEMBERS shall be those members who, by reason of their public standing and/or by reason of exceptional and/or outstanding services to the Club, shall be recommended by the Honorary Membership shall be elected at an Annual General Meeting or a Special General Meeting by a show of hands and them only if agreed to by a majority of the members present and voting at any such meeting. Honorary Membership shall be valid for a period of one (1) year from date of election and shall thereafter lapse unless the member is re-elected in the manner specified herein.
- h) HONORARY LIFE MEMBERSHIP shall be those members who are duly nominated and elected at an Annual General Meeting or a Special General Meeting of members and shall not be liable for any levies or dues by the Club.
- i) SOCIAL MEMBERS shall be the members who wish to be members of the club but do not own any vessel. These members will be charged a reduced members subscription at the discretion of the Executive Committee.

## **7. APPLICATION FOR MEMBERSHIP**

- a) Application for membership of the Club shall be made on the Club's Application for membership form, which shall contain an agreement to abide by the Constitution and bye-

laws of the Club. The Application form, which must be signed by the applicant, shall be accompanied by a remittance covering the entrance fee, and the first annual subscription due. The application for membership form must be signed by a proposer, who must be a voting member of the club and to whom the applicant is introduced to a majority of the members of the Executive Committee, if requested, and to answer any such question as may be asked by any members of the Executive Committee regarding the character of the applicant.

- b) An application for membership shall be referred to the Executive Committee, who shall vote thereon. No rejected applicant shall again be proposed for membership of the Club until the expiration of twelve months from the date of rejection. It shall not be incumbent upon the Executive Committee to furnish any reason for rejection of a candidate.
- c) Should the application for membership be approved, the candidate will become a probationary member of the Club for three months during which period his application will be on display on the Club's notice board and he shall have no voting rights. The Hon. Secretary shall notify the candidate of his election and furnish him with a membership card and a true copy of the Constitution and Bye-laws of the Club.
- d) A member may resign his membership of the Club at any time upon a notice in writing to the Hon. Secretary. Resignation of membership shall not release the member from the obligation to pay the annual subscription due and unpaid at the time of his resignation, nor for any other amounts owing by him to the club. No re-application for memberships of the Club by a resigned or defaulting member shall be considered until all amounts owing of the Club have been paid in full. Such re-application shall be considered a new application.

#### **8. SUBSCRIPTIONS, ENTRANCE FEE AND LEVIES**

- a) The financial year of the Club shall commence on the first day of July of each year and terminate on the 30<sup>th</sup> day of June of the following year.
- b) The entrance fees and annual subscriptions payable in respect of all classes of membership shall be determined by the Executive Committee during the month of April each year and shall not be changed by more than twenty (20%) from that of the immediately preceding year without the approval of a resolution duly passed at an Annual General Meeting.
- c) Levies may be imposed on members by a resolution duly passed at an Annual General Meeting or a Special General Meeting.
- d) Annual subscriptions are due and payable on the first day of July each year, and last day for payment shall be made by 30 September unless provision is made by and approved by the Executive Committee.
- e) Subject to the exercise of its discretion by the Executive Committee, any member who shall have failed to pay his annual subscription within one (1) month of the first day of July shall cease to be in good standing and shall forfeit his right to vote at any meeting of the Club and the right to use the Club facilities, after due notice has been sent to his last address. Proof of communication shall not be required.
- f) The subscription fee payable by life members in lieu of all further subscriptions shall be ten (10) times the annual subscription fee of Senior Members.
- g) Should a person, for any reason, not be accepted for continued membership after the probationary period of three months, all monies for subscription and entrance fee shall be refunded to that person.
- h) The Boat Bay Levy, to be paid by all members who lease a bay or garage from the Club shall be determined by a meeting of tenants and the Executive Committee held annually one month after the Annual General Meeting or from time to time as may be necessary.
- i) The annual subscription shall be waived for (2) years during which a member is doing the major part of his National service.
- j) Any member who fails to honour any financial undertaking or liability to the Club shall be subjected to cancellation of membership in addition to being legally liable to pay the Club any outstanding dues. The subscription fee payable by Senior Citizen members shall be 50% of the annual subscription.

## **9. OFFICE - BEARERS AND COMMITTEE**

- a) The Executive Committee of the Club shall consist of the Commodore, Vice Commodore, Rear Commodore Safety, Rear Commodore Maintenance, Club Manager, Honorary Treasurer, Honorary Secretary and six (6) members / Committee members shall be appointed to be responsible for the Portfolios of :
  1. Aqua bikes
  2. Events
  3. Fishing
  4. Inflatable boat racing
  5. Offshore powerboat racing
  6. Water – skiing
- b) Item (2) notwithstanding the provision of Clause 10, the Executive Committee has the power to elect or replace a Chairman of any under noted portfolios if it deems fit that this will be beneficial to its operation within the Club and for the benefit of members in general.
- c) The immediate past Commodore shall ex-officio be a member of the Executive Committee for the year following his vacation of the office.

## **10. ELECTION OF OFFICE – BEARERS AND COMMITTEE**

- a) The members of the Executive Committee shall be elected from Family Members, Senior Members, Social members, Life members and Honorary Life members by ballot each year at an Annual General Meeting or a Special General Meeting of members and shall be in good standing. They shall hold office until the next Annual General Meeting of the Club.
- b) Nominations for the office of Commodore, Vice Commodore and two (2) Rear Commodore, duly proposed, seconded and with the nominees consent, shall be lodged with the Hon. Secretary 30 days prior to the Annual General Meeting and shall then be posted on the Club Notice Board for scrutiny for a period of fourteen days prior to the Annual General Meeting or Special General Meeting. In the case of need, the Executive committee shall be empowered to accept late nominations.
- c) The notice calling for nominations shall on or before 15<sup>th</sup> June each year be posted on the Club Notice board and sent to the last known address of each member.
- d) The members shall, at the Annual General Meeting or Special General Meeting, elect temporary Chairman, by ballot, if necessary, which ballot shall be taken by the Hon. Secretary. The members shall then proceed to elect a Commodore, which shall be by ballot. The temporary Chairman shall not be eligible to stand for election as Commodore.
- e) No member of the Club shall be eligible for election to the Executive Committee unless he has been a member of the Club during the preceding year, provided that this shall not apply to the position of Honorary Secretary.
- f) No member of the Club shall be eligible for election to the office of Commodore, Vice Commodore unless he has been a member of the Club and served on the Committee for at least one full year within the preceding five years.
- g) In the event of there being no nominations for any position, or in the event of a vacancy occurring in the Executive Committee after the date of the election, the Executive committee shall have the power to co-opt a member elected at an Annual General Meeting or a Special General Meeting.
- h) In the event of there being more nominations than the number required to fill any positions, the Club members shall vote to fill the vacancy/ies.
- i) At an Annual General Meeting or a Special General Meeting, only Family Members, Senior Members, Social members, Life Members and Honorary Life Members, entitled to vote, shall vote. The Secretary will have a list of members in good standing, who are entitled to vote.

## **11. POWERS OF THE EXECUTIVE COMMITTEE**

The Executive Committee shall have the general and financial control of the Club and in particular shall have the full power to do anything which the club has the power to do, except

such things as are specifically reserved to be dealt with at a general meeting, and without in any way limiting such powers, the Executive Committee shall have the following powers:

- a) The management of the Club shall be vested in the Executive Committee.
- b) To open and operate a banking and/or saving account in the name of the Club and to draw, accept, endorse and execute Bills of Exchange, Promissory Notes, Cheques and other negotiable instruments connected with the business of the Club. Such Bills of Exchange, Promissory Notes, Cheques and other negotiable instruments shall be signed by any two of the Commodore, Vice Commodore, Hon. Treasurer and the Manager. All monies received or accrued shall be banked in the name of the Club.
- c) To borrow or raise or secure the payment of monies from time to time for the purpose of the Club in such a manner and upon such terms and conditions as the Executive Committee shall deem fit, and subject to the provisos of clause (m) below.
- d) To appoint and /or discharge such employees as may be deemed necessary and to fix their remuneration and conditions of employment.
- e) To appoint auditors and to ensure the annual audit of the Club's financial accounts. Such appointment to be ratified at the Annual General Meeting or a Special General Meeting of members.
- f) To buy, sell and deal in provisions and refreshments required by persons frequenting the Club and to arrange for such provisions and refreshments to be supplied.
- g) To collect and receive monies due to the Club and to give receipts therefore.
- h) To arrange and hold competitions, regattas and aquatic shows, and to make any special arrangements therefore.
- i) To embark on any fund-raising project or scheme of whatever nature required for the benefit of the Club or for any other cause.
- j) To set aside or allocate at its discretion and for such times as it may think fit, the Club grounds, property or equipment or any part thereof, for the exclusive use by specific members, or any specified class of members, or for any other purpose whatsoever.
- k) To arrange terms of reciprocity with other Clubs, provided that such reciprocity shall not be arranged with any club within 80km of Granger Bay and with the approval of the general membership.
- l) To appoint such sub-committees, and their Chairman, as it may deem necessary in the interest of the Club and to vest in any members or members of such sub-committee, such of its power as it may deem fit, and, at its discretion, to dismiss any member or members of such sub-committee at will. The Chairman of a sub-committee shall be an ex-officio member of the Executive Committee. The Commodore and/or Vice commodore shall be a member of all sub-committees.
- m) To enter into any contracts in the interests of the club, for and on behalf of the Club, including contracts of insurances, provided that the Executive Committee may not acquire (other than as Lessee or Donee) or alienate, mortgage or dispose of immovable property unless an Annual General Meeting or Special General Meeting of members authorises the Executive Committee to do so.
- n) To permit and govern within the Bye-laws, the admissions to and use of the Club's premises and facilities by non-members, including the times and when the conditions under which such admission to Club premises and use of Club facilities may be permitted, and including the fees, if any, payable in respect of such non-members admission.
- o) A committee Chairman of a discipline elected by that discipline should be assessed by the elected Executive Committee before taking office.

## **12. MEETING OF THE EXECUTIVE COMMITTEE**

- a) At all meetings of the Executive Committee, the Commodore, or failing him, the Vice Commodore of the Club shall preside. In the absence of the Commodore and the Vice Commodore, the members present shall elect a Chairman from those present and the member so elected shall, for the purpose of the meeting, have the same powers as the Commodore of the Club.
- b) In the event of an equality of votes, the Commodore shall have a casting vote in addition to his deliberative vote.

- c) A quorum of a meeting shall be five (5) members.
- d) The Executive committee shall meet at least once each calendar month unless it has, by resolution, decided not to meet in any specific month.
- e) Proper minutes of all meetings of the Executive Committee shall be kept by the Hon. Secretary.
- f) Special meetings of the Executive Committee may be called by the Commodore, or by any three of the Executive Committee requisitioning same. Seven (7) days notice of a special meeting shall be given to all members of the Executive Committee.
- g) A committee Member shall cease to hold office if:
  - 1. He ceases to be a member of the Club.
  - 2. He resigns from the office.
  - 3. He becomes insolvent or assigns his estate for the benefit of his creditors.
  - 4. He is convicted in a Court of Law of any gross offense.
  - 5. He absents himself from three consecutive Committee Meeting without first obtaining leave of absence from the Executive Committee.
  - 6. The Executive Committee by the decision of three quarters of its members resolve that his membership of the Executive Committee should for good reason terminate such as a dereliction of his duties as an Executive Committee Member.

### **13. RESIGNATION OF THE EXECUTIVE COMMITTEE**

- a) If, owing to the resignation of any member or members, the Executive Committee is unable to form as a quorum, the remainder of the Executive Committee shall have the power and shall be obliged forthwith, to convene a Special General Meeting of the Club members for the purpose of filling such vacancies of the Executive Committee as may exist. All persons so elected shall hold office until the next Annual General Meeting of the Club.
- b) If, for any reason whatsoever all members of the Executive Committee should resign, the Hon. Secretary and the members of the Executive Committee who have so resigned, notwithstanding such resignations, shall have the power and shall be obliged forthwith, to convene a Special General Meeting of the members of the Club for the purpose of electing a new Executive Committee, and the new Executive Committee so elected, shall hold the office until the next Annual General Meeting of the Club. Should the Hon. Secretary and members of the Executive Committee not convene the Special General Meeting within fourteen (14) days of their resignation, 10% of the membership may do so.

### **14. ANNUAL GENERAL MEETING**

- a) The Annual General Meeting of the Club shall be held each year in August, at such a venue as may be decided upon by the Executive Committee.
- b) Notice of the day, time and venue of the Annual General Meeting, together with the agenda therefore, shall be sent to the last known address of every member of the Club, and be displayed on the club notice board, at least fourteen (14) days before such meetings. Proof of posting or electronic communication will not be required.
- c) Notice of any resolution to be proposed at an Annual General Meeting shall be delivered to the Hon. Secretary not later than 30<sup>th</sup> day of June, provided that no notice shall be deemed necessary in the case of an amendment moved by a resolution of which notice has been duly given as aforesaid.
- d) The quorum for an Annual General Meeting shall be 10% of the members.
- e) At the Annual General Meeting or a Special Meeting a quorum shall consist of 10% of the paid up members. However, should the number of number of paid-up members attending the Annual General Meeting be less than 10% of the total membership, then the Annual General Meeting shall be postponed for half an hour, after which those members present, provided they number at least 5% of the total membership of the Club, and including at least three (3) committee members among their number, shall be empowered to proceed.
- f) The Commodore, or failing him the Vice Commodore, shall preside at the Annual General Meeting. In the absence of the Commodore and the Vice Commodore, the members present

shall elect a chairman from the Executive Committee and such chairman shall, for the purpose of such meeting, have all the powers of the Commodore of the Club.

- g) All resolutions shall be decided by a majority of votes on a show of hands unless a proposal from the floor demands a ballot, in which event, such resolution shall be decided by a ballot.
- h) In the event of an equality of votes, the Commodore shall have a casting vote.
- i) Proper minutes of the Annual General Meeting shall be kept by the retiring Hon. Secretary for the duration of and up to the closing of the Annual General Meeting.
- j) The ordinary business of the Annual General Meeting shall be:
  - i. Notice convening the meeting.
  - ii. Minutes of the previous meeting.
  - iii. Matters arising out of the minutes of the previous meeting.
  - iv. Presentation of the Commodore's Report.
  - v. Presentation of the Honorary Treasurer's audited accounts and balance sheet.
  - vi. Notice of motions.
  - vii. Election of Honorary members as recommended by the Executive Committee.
  - viii. General business which shall include any resolutions as provided for in paragraph 14 (c).
  - ix. Election of Office Bearers.

#### **15. SPECIAL GENERAL MEETING**

- a) The Commodore and/or Executive Committee may at any time call a Special General Meeting of members upon giving not less than fourteen (14) days notice to members, specifying the day, time, venue and purpose for which such meeting is called.
- b) The Commodore and/or Executive Committee shall, in a like manner, call a Special General Meeting upon receipt of a requisition by not less than 10% of the voting members of the Club. Such Special General Meeting shall be called within fourteen (14) days of receipt of such requisition.
- c) Sub-paragraph (d), (e), (f), (g), (h), and (i) of paragraph 14 shall apply to all Special General Meetings.
- d) No business other than business specified in the notice of such meetings shall be transacted at such Special General Meeting provided that the business at the meeting shall include any amendment moved to a resolution of which notice has been duly given as aforesaid.

#### **16. DISCIPLINE**

- a) If, in the opinion of the Executive Committee, a member has committed a wilful breach of this Constitution, or Bye-laws of the Club, or is or has been guilty of improper, dishonest, unsportsmanlike or ungentlemanly conduct or is deemed to be undesirable, or fails to appear before the Executive Committee or any sub-committee empowered by the Executive Committee, when called upon to do so, or is or has been guilty of conduct prejudicial to the interest of the Club, whether within the Club's precincts or outside them, the Executive Committee shall have the power:
  - i. To reprimand any such member.
  - ii. To deprive such member of any or all the rights and privileges of his membership during such time or period as the Executive Committee, in its absolute discretion, may deem fit and advisable.
  - iii. To call on such members, through the Hon. Secretary, to resign and, if he fails to resign within seven (7) days, to expel such member from the Club.
  - iv. To expel such member from the Club.
- b) Provided however, and notwithstanding anything hereinbefore contained, no member shall be subject to any of the aforementioned disciplinary measures unless and until the Executive Committee shall have stated to the member the conduct complained of, and shall have given him an opportunity to appear before it at such time and place as it in its discretion may deem fit to explain his conduct. At such a meeting, the Executive Committee shall have the power to summon any member or any other person to appear before it to give evidence. Any member who has been called upon to explain his conduct shall have right to cross examine any such



witness and to tender evidence by any member, or by any other person he may deem fit, and to address the Executive Committee.

- c) In the event of any person ceasing to be a member by reason of the provisions of paragraph 16 (a) and 16 (b), the said person shall not have any right to a refund of any contribution, fee or levy paid by him, nor shall any such person be released from liability for any contribution, fee or levy due by him to the Club.
- d) Any member being summoned to a disciplinary hearing, shall be suspended and any rights and privileges in the Club withdrawn pending the outcome of the hearing.

#### **17. BYE-LAWS**

Bye-laws shall be framed by the Executive Committee, and shall be available on request from the Hon. Secretary. The Bye-Laws shall be binding without the authority or approval of an Annual General Meeting or Special General Meeting of members.

#### **18. SAFETY REGULATIONS**

Boating safety regulations shall be determined by the Executive Committee from time to time in accordance with any regulations framed in the Government Gazette, and shall be available on request from the Hon. Secretary.

#### **19. MEMBERS BOUND BY CONSTITUTION AND BYE-LAWS**

- a) The signature on an application form for membership shall upon acceptance of an applicant as a member of the Club, be deemed to bind such member to the Constitution or Bye-laws made hereunder, and to any amendment to his Constitution or Bye-laws which may have been or may hereafter be made.
- b) Membership does not and shall not give any member any priority right, title, interest, claim or demand in or to any of the monies, property or assets of the Club, but only confers on such member the right to use the privileges of the Club subject to the rules and Bye-Laws.

#### **20. AMENDMENTS TO THE CONSTITUTION**

- a) This Constitution may be amended by resolution duly passed at the Annual General Meeting or Special General Meeting specifically called for that purpose and then only if such resolution has been agreed to by a two – thirds majority of members present and voting at such meeting.
- b) No resolution providing for an amendment of this Constitution may be put to an Annual General Meeting, or a Special Meeting, unless fourteen (14) days previous notice thereof has been given to members, provided that no notice shall be deemed necessary in the case of an amendment moved to a resolution of which notice has been duly given as aforesaid.
- c) From the date of amendments of the Constitution or the subscription of the new Constitution in its place, the rights and obligations of all members shall be so governed that no such amendment or subscription shall deprive any member or class of Member of his or their membership.

#### **21. VOTING**

- a) Only a) Family Members, b) Senior Members, c) Life Members, d) Honorary Life Members and e) Social members, who have attained the age of eighteen (18) years and who are in good standing, shall be entitled to vote at an Annual General Meeting, a Special General Meeting, Executive Committee Meeting, Sub-Committee Meeting, or any other meeting in terms of this Constitution.
- b) Only members paid up by the 30 June each year will be allowed to attend the Annual General Meeting and have the power to vote.

## **22. INTERPRETATION OF THE RULES**

The decision of the Executive Committee as to the interpretation of the rules and Bye-Laws shall be final and binding.

## **23. DISSOLUTION**

- a) The Club may be dissolved, or merged with another Club with similar purpose and objects, in each case only.
- b) On a resolution passed by not less than two thirds of ordinary members present at a duly constituted General Meeting of members.
- c) On an application to the Supreme court by any ordinary member on the grounds.
- d) On merger, the assets of the Club shall accrue to the Club with which the merger is effected
- e) On dissolution, the assets of the club shall be realized by a liquidator appointed by the General Meeting or the Court, as the case may be, and the proceeds be donated to such Club having similar objects to this club as the meeting or Court may decide.

## **24. LEGAL REPRESENTATION**

The Club may sue or be sued in any competent Court of Law in its own name and shall be represented therein by any person or persons delegated by the Executive Committee for such purpose.

## **25. INDEMNITY**

The members of the Executive Committee, members of any sub-committee and the offices and employees of the Club are indemnified against all losses or expenses bona fide, incurred by them in or about the discharge of their duties.

## **26. PATRONS**

The Executive Committee may recommend to an Annual General Meeting or Special General Meeting, the election of an individual as a Patron of the Club, annually. Such individual must be a leading member of society and by reason of his prominence, be eligible for such position which shall not carry any voting rights with it. This election shall by means of a simple majority on a ballot taken of those present.

## **27. GENERAL**

Unless inconsistent with the context.

- a) The term "member": shall include both ladies and gentleman.
- b) Words importing the singular shall include the plural.
- c) Communication between the Club and its members may be made via electronic communication.

## **28. LIQUOR ACT**

Notwithstanding any of the foregoing rules:

- a) Only members of the Club (including bona fide reciprocity members) shall be permitted to pay for accommodation therein or for liquor or refreshments supplied therein.
- b) No ordinary member of the Club shall be elected less than fourteen days after his nomination or without his name being screened on the premises of the Club for at least seven days
- c) No person residing within fifteen kilometres from the premises of the Club shall be eligible to be an honorary member, temporary member, reciprocity member, day member or invitation member of the Club except where:

- i. Such person is eligible by reason of his holding a public office or being a bona fide candidate for membership or having conferred some special benefit upon the Club, or
  - ii. by resolution of the Committee such person is allowed the privileges of membership while engaged in any match or competition.
- d) The secretary shall keep proper books of the Club including a register of members.
  - e) Except under a written agreement approved by the Minister or a person acting under his directions, no profit from the sale of liquor by the Club shall accrue to any individual.
  - f) No member who has not paid his subscription within three months after it became due shall remain a member while his subscription is unpaid.

## 29. COMPLIANCE WITH SARS REQUIREMENTS

- a) The activities of the organization are carried on in a non – profit manner and with an altruistic or philanthropic intent.
- b) No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organization otherwise than by way of reasonable remuneration.
- c) At least three persons who accept fiduciary responsibility for the public benefit organization will not be people in relation to each other, and no single person directly or indirectly controls the decision making powers relating to such organization.
- d) No funds will be distributed to any person (other than in course of undertaking any public benefit activity).
- e) The funds of the public benefit organization will be used solely for the object for which it was established.
- f) On dissolution of the public benefit organisation, the remaining assets must be transferred to
  - f1) Any similar public benefit organisation, which has been approved in terms of section 30 of the Act.
  - f2) Any institution, board or body which is exempt from the payment of income tax in terms of section 10(1)(ca)(i) of the Act, which has as its sole principal object the carrying on of any public benefit activity: or
  - f3) Any department of state or administration in the national provincial or local sphere of government of the republic of, contemplate in section 10 (1) (a) or (b) of the Act.
- g) No donation will be accepted which is revocable at the instance of the donor for reasons other than material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18(1)(8a): provided that donor (other than a donor which is an approved public organisation or an institute, board or body which is exempt from tax in terms of section 10(1)(ca)(i), which has as its sole or principle object the carrying on of any public benefit) may not impose any conditions which could enable such donor or any connected persons in relation to such donor to derive the same direct benefit from the application of such donor.
- h) A copy of all amendments to the constitution will be submitted to the Commissioner for the South African Revenue Service.
- i) No remuneration will be paid to an employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its object.