

CAPE LAND ROVER
CLUB
CONSTITUTION

Nota Bene: In this constitution: all words referring to the masculine gender shall be deemed to refer to the feminine gender and vice versa.

All references to the singular shall include the plural and vice versa.

1. NAME

- 1.1 The name of the Club shall be the "CAPE LAND ROVER CLUB".
- 1.2 The "Cape Land Rover Club" hereinafter referred to as "the Club", established with effect from 1 January, 1991, shall be governed by these rules as amended from time to time.

2. HEADQUARTERS

The Club shall be based in Cape Town and its business address shall be P O Box 31487, Tokai, 7966.

3. LIABILITIES OF THE CLUB

- 3.1 The Club is a corporate body with perpetual succession capable of suing and being sued in its own name and of holding property, both movable and immovable.
- 3.2 Ownership of property as contemplated in clause 3.1 above shall vest in the members of the Committee for the time being.
- 3.3 No member shall by reason of his membership have any claim to the property of and any rights held by or accruing to the Club.

4. OBJECTIVES

The sole objective of this Club is to carry on one or more public benefit activities as defined in section 30(1) of the Income Tax Act (the Act), in a non-profit manner and with an altruistic or philanthropic intent.

In addition to its objective the Club will also place emphasis on:

- 4.1 Gathering together the owners and enthusiasts of Land Rover and its associated products.
- 4.2 Organizing off-road events of a competitive and more lighthearted nature. The purpose of these being to enable the member to realize the full potential of his vehicle, and to share in the common pool of Land Rover knowledge and experience.
- 4.3 Promoting conservation of all kinds and love of the outdoors.
- 4.4 Organizing from time to time, social and instructive gatherings.

4.5 Encouraging members to use and maintain their vehicles properly.

5. MEMBERSHIP

5.1 Membership of the Club shall be open to all persons who are the registered owners, or by written agreement, the part-owners of a Land Rover or associated vehicle which should be maintained in a roadworthy condition.

5.2 Upon written proof, membership of the club shall also be open to persons who are in the process of restoring a Land Rover or associated vehicle.

5.3 The acceptance of a membership application shall be by majority vote of the Committee.

5.4 All applications for membership shall be on a form provided by the Club.

5.4.1 The applicant shall make himself known to the Committee at the earliest opportunity.

5.4.2 The Committee, without assigning any reason therefore, may reject any application for membership. In such cases any dues paid for the current period will be refunded.

5.5 A membership application received up to 31st August will be subject to the full subscription. A subscription payable after 31st August will be at the discretion of the Committee but shall not exceed half the annual subscription.

5.6 All classes of members will be bound by this Constitution.

5.7 Members may not sell their membership rights or any entitlement in terms thereof.

6. CLASSES OF MEMBERSHIP

There shall be eight classes of membership:

6.1 ORDINARY MEMBER

Ordinary members shall be entitled to vote at Annual General and Special General Meetings and to be elected as officers of the Club. They shall be entitled to enjoy all the facilities of the Club as may exist from time to time and shall be entitled to participate in driving events provided they are in possession of a valid driving license.

6.2 FAMILY AND JUNIOR MEMBERS

6.2.1 A family member shall be the spouse of an ordinary member together with his dependent children as junior members. This class of membership shall be free of further entrance fee or subscriptions. Family members shall have the same rights and privileges as ordinary members save that their children shall not be entitled to vote at Annual {General} and Special General Meetings.

6.2.2 Every junior member shall, once self-supporting or on attaining the age of 18 years, cease to be a member of the Club, but may present himself for election in conformity with Rule 5.

6.2.3 Any junior member who joins the Club before attaining the age of 18 in conformity with Clause 5 shall not be required to pay an entrance fee.

6.2.4 A junior member between the ages of 16 and 18 years may be permitted to drive at the discretion of the Executive Committee.

6.2.4.1 The Executive committee may, in such cases, waive the requirement that the junior member be in possession of a valid driver's license, save that such concession granted by the executive Committee shall only be granted in respect of an event held on private property, not being over public roads and further, that the junior member concerned shall sign a further indemnity indemnifying the club and all its members from any acts or omissions which may give rise to a claim against the Club, its committee, its executive committee or its members.

6.3 COUNTRY MEMBER

Any person who qualifies for ordinary membership but who resides outside a radius of 100 km from Cape Town or any other centre designated by the Committee may become a country member. A country member shall enjoy the same privileges as an ordinary member but may be permitted to pay a reduced annual fee in recognition of the fact that he may not be able to enjoy the facilities offered by the Club as regularly as other members.

6.4 OVERSEAS MEMBER

An overseas member shall be any member whose place of permanent residence is other than within the boundaries of the Republic of South Africa, Namibia, Botswana, Lesotho or Swaziland. Overseas members shall enjoy all the rights and privileges of ordinary members, but may be permitted to pay a reduced annual fee in recognition of the fact that he may not be able to enjoy the facilities offered by the Club as regularly as other members.

6.5 LIFE MEMBER

6.5.1 Life membership shall be conferred only on a person who has been a member of long standing, who has rendered exceptional service to the Club by furthering the interest of Landroving, fostering goodwill amongst members and by exemplary

behaviour.

- 6.5.2 A life member may only be elected at an Annual General Meeting by a majority of members present upon a recommendation put forward by the Committee. A life member shall be exempt from annual subscriptions and shall enjoy all privileges extended to other members.

6.6 HONORARY MEMBER

- 6.6.1 Honorary membership may be conferred by the Committee on a person and/or organization for fostering goodwill towards the Club and/or rendering service towards the Club.
- 6.6.2 The period of honorary membership shall not exceed one year.
- 6.6.3 An honorary member shall be entitled to the same rights and privileges as an ordinary member save that he has no voting rights and further that he is exempt from the payment of annual fees, and further that this class of membership is not transferable.

6.7 ASSOCIATE MEMBER

- 6.7.1 Any person who is interested in the activities of the Club, but who does not qualify for any other membership, may be invited by the Committee to become an associate member.
- 6.7.2 An associate member shall have no voting rights nor shall he be permitted to drive in any event unless permitted to do so by the Committee, on application, but he shall be permitted to enjoy all other facilities of the Club.

7. MANAGEMENT

The management and control of the Club shall be vested in the Committee consisting of the following officers:

Chairman, Vice Chairman, Clerk of the Course, Secretary, Membership Secretary, Treasurer, Public Relations Officer, Chief Marshal, Outings Organizer, Social Convener, Editor, Quartermaster, Webmaster, Regalia Keeper and Environmental officer.

In the interests of Human resources certain portfolios may be combined, excluding executive positions.

The committee shall :

- a) Provide everything that it in its sole discretion considers necessary for carrying on the Club's activities in accordance with its objects, rules, regulations and fiduciary responsibilities and will be solely responsible for the management of the Club and all matters involving income and expenditure.

- b) Meet once every calendar month. The Secretary shall provide each of the Committee members a notice convening and setting out the Agenda for the meeting and a copy of the previous meeting's minutes at least seven days before such a meeting.
 - i) At Committee meetings 5 members, who are not connected person's in relation to each other, having the power to vote shall constitute a quorum. No members of the Committee shall be represented by a proxy.
 - ii) An Executive Committee, who shall accept fiduciary responsibility for the club, will consist of the Chairman, Vice Chairman, Secretary and Treasurer. All 4 members of the Executive Committee must not be connected person's in relation to each other. Where important issues require immediate attention, the Executive Committee will have the authority to meet on short notice to make the necessary decisions, and no single member of this Executive Committee may directly or indirectly control the decision making powers relating to the club.
 - iii) Unless a General Meeting is in session, the Committee shall represent and act for and on behalf of the Club in all matters and for all purposes.
- c) Hold in trust all assets and properties of the Club.
- d) Fix dates and venues of all General Meetings, Special General Meetings and Committee Meetings.
- e) Convene disciplinary hearings to hear, investigate and rule on complaints made by members and/or third parties not being members against any member, committee member or third party being a guest of a member or a committee member, or of his minor children, or against the owner of a pet or animal owned by any of the aforesaid in terms of and in accordance with the provisions of Section 18 of this document.
- g) Have the power to make such by-laws not inconsistent with the constitution as it deems fit for the regulation of the Club. Such by-laws shall be binding on all members of the Club who shall be advised in writing by the Secretary concerning the details thereof.
- h) Cause the minutes of every Committee meeting to be read or, by resolution, taken as read, and if passed, be confirmed at the next such meeting.
- i) Except as previously provided concerning the expulsion of members, decide all questions arising at the meeting of the Committee by a majority vote of the Committee members present, and in the event of equality of votes, the Chairman shall have a deliberate as well as a casting vote.
- j) Indemnify all office bearers against all liabilities incurred by them in the execution of their duties, save such as they shall incur through their own default or

negligence.

- k) Ensure that no representations to, or negotiations with, any public authority or body or any persons or body of persons shall be made or carried on in the name of the Club without the authority, in writing, of a General Meeting or of the Committee; and accordingly, nothing of that kind shall be done by any member or any Officer except under specific authority of a resolution of a General Meeting or of the Committee.
- l) Ensure that all representations are made by the Public Relations Officer or the Chairman or an office bearer or member of the Club authorized in writing by the Chairman to do so.
- m) In the absence of both the Chairman and the Vice Chairman, the meeting shall be chaired by a Committee member appointed for the task by the Chairman or appointed by a quorum of the Committee present for such a meeting.
- n) Ensure that no resources will be used, directly or indirectly, to support advance or oppose any political party.
- o) Ensure that 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.

7A SERVICE OF DOCUMENTS

Any notice to the address of a member as recorded by the Club shall be deemed to be properly served. Any change of address of a member should be advised by such a member to the Secretary in writing. The post mark of the Postal Service, or the original of the facsimile transmission slip shall be taken at all times as the date on which all communications, notices and such like are sent or have been sent either to or by the Club, and shall be deemed to have been received five business days after the date thereof.

8. DUTIES OF THE OFFICERS

The duties of the officers of the Club shall be:

8.1

THE CHAIRMAN

- a) To preside at the meetings of the Club, to promote generally its aims and to assist in the harmonious working and cooperation of the members.
- b) To report to members at the Annual General Meeting on the activities of the Club for the past year.
- c) To have a casting as well as a deliberate vote at all General Meetings, Special

General Meetings, Committee Meetings and Executive Committee meetings.

8.2 THE VICE CHAIRMAN

- a) To assist the Chairman in planning and controlling the affairs of the Club.
- b) To assume the duties and responsibilities of the Chairman should the Chairman not be present.

8.3 THE CLERK OF THE COURSE

- a) Select the terrain and set up the course to be driven during club competition events.
- b) To ensure that members, their guests and their families drive in a responsible and careful fashion having due regard to the safety of other members their guests and families and to the enjoyment by all of the relevant event or outing, before during and after any such event or outing held under the auspices of the club.

8.4 THE SECRETARY

- a) To record and keep minutes of all meetings of the Club.
- b) To reply to correspondence as directed by the Committee.
- c) To keep all official documents and archives in safe custody.

8.5 THE TREASURER

- a) To hold the funds of the Club, banking them as soon as possible in the bank determined by Rule 11.
- b) To present at each Committee meeting a statement in full of the Club's financial position to date, supported by a bank statement and/or deposit book or books and/or any documents in respect of any investments held by the Club, as also any invoices statements etc. to be considered for payment.
- c) To be responsible for the collection and due administration of all moneys and funds of the Club.
- d) To give receipts for moneys received and make payments as directed by the Committee.
- e) To sign cheques in conjunction with the Chairman or other duly appointed officer.
- f) To present and cause the Club's books of accounts to be reviewed by an independent Auditor (being a qualified Chartered Accountant) appointed for that purpose by the Committee, and thereafter to present an Income and Expenditure

Account and Balance Sheet at the Annual General Meeting.

- g) Submit annual tax returns to SARS.

8.6 THE PUBLIC RELATIONS OFFICER

- a) To liaise with the local and national press and other suitable publications to ensure that the widest publicity is given to all Club activities, thereby building and maintaining the public image of the Club.
- b) To be responsible for ensuring that a continuous written and pictorial history of the Club be kept for the record of the Club.
- c) To welcome all new members to the Club and attend to all prospective members and visitors.
- d) To liaise with and thank Landowners etc. on whose land outings have been held and sponsors etc. for their support.

8.7 THE CHIEF MARSHAL

- a) To do all secretarial work related to competitive driving events and to maintain the registers of the Club trophies, as well as the results of the rallies.
- b) To see that the appropriate trophies and certificates are on hand to be presented at prize givings.
- c) To ensure the attendance registers and forms of indemnity are completed at every outing.
- d) To hand out entry forms, work out and record results.
- e) to organize marshals at competitive driving events.
- f) to provide the Editor and Clerk of the Course with a copy of the results within 5 days of an event taking place.
- g) To assist the Clerk of the Course in ensuring that members, their guests and their families drive in a responsible and careful fashion having due regard to the safety of other members their guests and families and to the enjoyment by all of the relevant event or outing, before during and after any such event or outing held under the auspices of the club.

8.8 THE OUTINGS ORGANISER

- a) To plan and organize all matters related to outings and events and to coordinate any work relating to these activities and the activities of any subcommittee he may set up for a specific event.

- b) To exercise forward planning in finding suitable venues for all future events.
- c) To timeously advise the Editor of details of future events.

8.9 THE SOCIAL CONVENOR

- a) To plan and control all matters related to events of a social and entertainment nature.
- b) To find and secure suitable venues at which these events are to be held.
- c) To impose fines for not displaying membership tags/badges, organize and run raffles.

8.10 THE EDITOR

- a) To issue monthly newsletters of Club activities, which he will edit, have printed and circulate to all members, other Clubs and appropriate organizations a minimum of 7 days prior to the next event.
- b) To keep, file and preserve copies of all correspondence sent and received by the Club.

8.11 THE QUARTERMASTER

- a) To be responsible for the safekeeping and maintenance of the Club trailer and its contents and generally all Club equipment used on events.
- b) To provide dry wood/charcoal in suitable quantities for, and ensure that, braai fires are properly made and timeously lit on outings.
- c) To ensure that campsites and competitive event sites are cleared, fires extinguished and the trailer is repacked.

8.12 MEMBERSHIP SECRETARY

- a) To organize, arrange the supply of, and control the issue of name badges/tags for all paid up members of the club.
- b) To process all applications for membership, maintain the membership list, and provide copies thereof to members desiring the same.

8.12 THE REGALIA KEEPER

- a) To source club regalia items as agreed by the committee that will be made available to be sold to club members.

- b) To be responsible for the safekeeping of all club regalia stock on hand.
- c) To ensure proceeds received for the sale of regalia items are paid into the club bank account.
- d) To ensure all appropriate supporting documentation pertaining to purchases, stock and sales transactions is handed to the Treasurer.

8.13 THE WEBMASTER

- a) To manage and administer the club website.
- b) To manager and administer electronic club membership details and mailing lists.

8.14 ENVIRONMENTAL OFFICER

- a) To represent CLRC on the AAWDC committee and to ensure the club is kept current with all legislation pertaining to off-road driving.
- b) To ensure environmental awareness to club members and to arrange club participation in environmental activities as appropriate.
- c) To source appropriate advertisers for the club newsletter and website.

9. SUB COMMITTEES

The Committee shall have the power as it sees fit to form subcommittees for specified purposes. These subcommittees shall be disbanded after completion of their work. Subcommittees shall have no say in the management or control of the Club.

10. FINANCE

- 10.1 The financial year-end of the Club shall be 31st December of each year.
- 10.2 The Club shall at all times keep a proper set of books of account which shall be reviewed annually by an independent Auditor (being a qualified chartered accountant) appointed by the Committee .
- 10.3 A copy of the financial statements, certified by the Auditor, shall be submitted to the members for perusal and approval at each Annual General Meeting.
- 10.4 Auditors shall be given access to all of the Club's accounts, books and records at all times.
- 10.5 The Auditors shall have the power to report to a General Meeting and to require that a Special General Meeting be convened to deal with any matters raised in their review.

- 10.6 The Club will carry on its activities solely in a non-profit manner.
- 10.7 No funds / Any surplus funds of the Club may not be distributed to any member or person (other than in the course of undertaking any public benefit activity).
- 10.8 The funds of the club will be used solely for the objects for which it was established.
- 10.9 No remuneration will be paid to any 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 or will not economically benefit any person in a manner which is not consistent with its objects.
- 10.10 The Club will not be a party to, or does not knowingly permit, or has not knowingly permitted 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 been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner.
- 10.11 The club will submit the required returns for income tax together with relevant supporting documents.
- 10.12 No donation will be accepted which is revocable at the instance of the donor for reasons other than a 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 18A: Provided that a donor (other than a donor which is an approved public benefit organization, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from application of such donation.
- 10.13 The club will not carry on any business undertaking or trading activity unless specifically permitted in terms of section 10(1)(cO) of the Income Tax Act.

11. BANKING

All moneys of the Club shall be deposited into an account opened and maintained in the name of the Club with a bank or building society, and all cheques and withdrawal slips shall be signed by two authorized signatories at least one of whom must be the Treasurer or Chairman and the other a duly appointed member of the Committee.

The club shall appoint three signatories who shall have the authority to authorize expenditure on behalf of the club. No signatory shall have any relationship private personal or business with any other signatory, including but not limited to marriage, family ties, or a business relationship. The Chairman and Treasurer shall ex officio be authorized signatories.

12. ENTRANCE FEE AND ANNUAL SUBSCRIPTION

Entrance fees and subscriptions for the current year shall be as recommended by the Committee, together with their motivation therefore, and shall be either accepted or rejected, on a simple majority by the members present and voting at the Annual General meeting.

Annual subscriptions become due and payable on the 1st of January of every year and shall be paid to the Treasurer on or before that date. No dues are refundable except as stated in paragraph 5.

The Committee shall have the power to suspend any member whose subscription is not paid by the 1st March in any one year or by the elected date of the AGM.

The Treasurer shall submit at each Committee meeting, or as otherwise directed, a list of those members whose subscriptions are overdue. Any member not paying his annual subscription before the elected date of the Annual General Meeting shall have his name published in the Club newsletter as a defaulter. Suspended members may be readmitted to the Club at the discretion of the Committee on payment of arrears.

If a member wishes to resign from the Club he shall tender his resignation, in writing to the Secretary prior to the Annual General Meeting, failing which he shall be liable for a full year's subscription in respect of the ensuing year, provided that the Committee may, within its discretion, waive such payment.

13. GENERAL MEETINGS AND ELECTION OF COMMITTEE

13A The Committee shall be elected at an Annual General Meeting or Special General Meeting by show of hands or by such other means as the meeting may direct.

13B Where, in the course of the year, an office becomes vacant, the Committee shall at the first available opportunity, either appoint or co-opt a member qualified in terms of clause 13.1 below, to fill that office, with the proviso that a co-opted member shall have no vote in the committee.

13C In the event that the office of the Chairman falls vacant, it may only be filled at a Special General Meeting called for that purpose or at the next scheduled General Meeting.

13.1 Eligibility

Members will only be eligible for election to the Committee if they have been a member of the Club for a period of not less than one year immediately preceding nomination and if they have no outstanding fees due to the Club and provided that they have not been censured for any disciplinary infractions in the previous year.

13.2 Nominations

The Secretary shall call for nomination for the various offices in the club a minimum of six weeks before the date set down for the Annual General Meeting. Such call for nominations may be in writing or via e-mail, and shall be accompanied by a nomination form.

Nominations shall be in writing and shall bear the signature of the nominee and the proposer, and shall be handed in to the *Secretary* before the commencement of the meeting.

13.3 Conditions

One year after the first election, half of the Committee members, decided by drawing lots, shall retire. Thereafter members shall retire by rotation after holding office for a period of two years. Retiring members shall be eligible for reelection. In the event of a member resigning or retiring during the year they shall be deemed to be a "member due to retire".

The chairman of the club shall be entitled to hold office for a maximum period of two years, whereafter he shall be required to retire from office and may not offer himself for reelection before a further period of two years has elapsed.

13.4 Office Bearers

The members shall, at the Annual General Meeting or Special General Meeting, elect from amongst the members such office bearers as it shall decide. Office bearers shall hold office as per 13.3 above. Any vacancy occurring on the Committee during the year may be filled by the Committee as laid down in clause 13A-C above until the next Annual General Meeting.

13.5 President

A President may be elected, for a period of two years, at an Annual General Meeting or Special General Meeting, from members of the Club. A person so appointed shall have the right to attend and vote at Committee meetings and shall be eligible for reelection at the end of two years.

14. ANNUAL GENERAL MEETINGS

14.1 An Annual General Meeting shall be held within the first three months of the calendar year in order to transact the following business:

- i. To approve the minutes of the preceding Annual General Meeting.
- ii. To receive the Chairman's report.
- iii. To receive and approve the Club accounts.
- iv. To elect a Committee.
- v. To ratify or reject the previous Committee's recommendations for annual

subscriptions and entrance fees for the current year.

vi. To attend to any matter of which previous notice has been given.

- 14.2 At least fifteen full days' notice of the meeting must be given to members. Any decision taken at the Annual General Meeting must be approved by the majority of members present. A quorum shall be 10% of the total membership in good standing. The presiding Chairman shall have a casting vote. In the event of there being no quorum, the meeting shall be adjourned to a date not more than 30 days later. A notice of such adjourned meeting must be posted not less than 10 days before the date of the meeting. The members present at an adjourned Annual General Meeting shall constitute a quorum.
- 14.3 Any member desiring any matters to be placed on the Agenda of the Annual General Meeting shall deliver such matter in writing to the Secretary of the Club at least 30 days before the date of such a meeting.
- 14.4 Voting and discussion at any Annual General Meeting or Special General Meeting shall be limited to members in good standing and no proxies will be accepted.

15. SPECIAL GENERAL MEETINGS

The Committee or any 10 percent of the members of the Club may call a Special General Meeting in order to discuss any matter(s) pertaining to Club affairs. The notice of such a meeting shall state the time of the meeting, the matter(s) to be discussed at the meeting and the names of the members who called the meeting. Such notice shall be posted at least fifteen days before the meeting. The quorum and provision for postponement shall be as for an Annual General Meeting. The Committee shall be obliged to comply with any resolution passed at a Special General Meeting provided that such an act is not unlawful.

16. RIGHTS AND LIABILITIES OF MEMBERS

- 16.1 Every member of the Club shall, subject to this Constitution, be entitled to take part in any of the activities of the Club and use all facilities provided for the use of the Club. Temporary and associate members may not participate in any driving events organized by the Club unless invited to do so by the Committee.
- 16.2 All members, save temporary and associate members, shall be entitled to display a "Cape Land Rover Club" badge on their Land Rovers. Every member shall furnish the Secretary with an address to which all notices shall be sent. The Secretary must be promptly notified of any change in same.
- 16.3 All official notices shall be deemed to have been duly sent when posted, sent by facsimile transmission or hand delivered to the address listed in the Clubs records.
- 16.4 Should a member, during the course of the year, change his membership status, he is required to advise the Committee of this fact in writing.

- 16.5 Should an ordinary member dispose of his their Land Rover during the course of the year, his status will remain unchanged until the end of the year, whereafter his membership lapses, unless he qualifies and applies for any other class of membership.
- 16.6 Should a country member move to within the 100 km radius of Cape Town during the course of the year, he will remain a country member until the end of that year whereafter he becomes an ordinary member.
- 16.7 The liability of all members is limited to the amount of their unpaid debts, if any.

17. INDEMNITY

- 17.1 The Club will not hold itself responsible for any death of or injury to any member or their family or pets whilst attending any outing organized by the Club.
- 17.2 Members attend all outings and events entirely at their own risk and in the event of death or injury to themselves, passengers, or damage to their vehicle, shall have no claim against the Club, the Committee, the Executive Committee or the owner of the land or property upon which the event is being held or over which the event travels.
- 17.3 A member shall sign the attendance register at each outing. During competition events, an indemnity must be completed and if already completed and on file in the club records, the member accepts and acknowledges the indemnity. Temporary members, associate members and visitors will be required to sign and acknowledge individual indemnity forms upon which their full names and addresses must appear.

18. DISCIPLINE AND COMPLAINTS

- 18.1 Any member, his guest or his dependent may be guilty of misconduct if he or they:
- a) drive in a reckless, negligent or irresponsible fashion before during or after any official event or outing;
 - b) willfully or negligently cause damage to any vehicle [excluding their own], plant, shrub, tree building, dam, pond, reservoir, construction or other permanent or semi-permanent fixture erected, on or over the land or property being used for the event;
 - c) drive while under the influence of alcohol or narcotic drug not prescribed by a medical practitioner;
 - d) endanger the life or property of any member or third party;
 - e) fail to exercise such control over any pet or animal belonging to him as to render the activities of the pet or animal a nuisance or danger to any other member, third

party, or the children, or the pet or animal of such other member or third party,

- f) themselves, or their guests indulge in behavior that the Committee may decide after due enquiry to be injurious or detrimental to the character, interests, or image of the Club or injurious to its reputation in the eyes of the general public;

and may, after enquiry in terms of this section be found to be guilty of such misconduct and be penalized in terms of this section.

18.2 All complaints alleging misconduct shall be reduced to writing and shall be delivered to the Chairman or Secretary within seventy two hours of the incident complained of and no later than five days prior to the date of the next Committee meeting.

18.3 The Chairman or Secretary as the case may be shall immediately, on receipt of a written complaint, determine which of the subsections of 18.1 above apply and shall formulate the charge sheet accordingly, and notify the person who is allegedly guilty of the misconduct of the charge or charges he has to meet.

18.4 The Committee shall cause statements to be obtained from other members of the Club regarding the incident[s].

18.5 The Committee shall consider the charge(s) at the first available opportunity after the date on which the incidents took place and they may summon the person charged and any other person who may be able to assist them in their deliberations, to attend before the Committee.

18.5.1 Persons charged with misconduct may not be represented by third parties.

18.6 The Committee shall after considering the evidence and hearing the person charged [if they so direct], return a decision which shall either be guilty or not guilty, and their reasons for their verdict.

18.7 A person charged and found guilty shall be liable to one or more of the following penalties:

- i) Cautioned;
- ii) Reprimanded;
- iii) Cautioned & reprimanded;
- iv) Fined, the amount to be in the sole discretion of the Committee, but not exceeding R2500.00 [two thousand five hundred rand];
- v) Ordered to make good any damage he has caused to other parties;
- vi) Suspended from driving in and attending club points events and outings for a specified period which the Committee in their sole discretion shall determine, but not exceeding one year,

vii) Expelled from the Club.

18.8 The decision of the Committee acting in a disciplinary meeting shall be minuted in the minutes of that meeting together with their reasons and the penalty levied.

18.8.1 The decision of the Committee and the penalty levied shall be reduced to writing and communicated to the person so charged, by being sent to his registered address, and the penalty shall become effective five days after posting of the communication referred to above.

18.9 Any person found guilty of misconduct shall have a right of appeal as set out in Clause 19.

19. APPEALS

19.1 A person found guilty of misconduct by the Committee shall have the right to appeal to a Special General Meeting provided that the appeal is given in writing to the Secretary by the person within fourteen days after the Committee has communicated its decision to the member.

19.2 After receipt of each appeal arising from a disciplinary matter, the Committee shall convene a Special General Meeting to consider the appeal. The decision of this Special General Meeting shall be final and binding upon all parties.

19.2.1 A right of appeal shall exist from a decision of the Committee to the General Meeting in all matters save disciplinary matters, provided that upon requisition, a Special General Meeting may be convened to deal with any appeal.

19.3 The Committee shall consider any request for a Special General Meeting to deal with an appeal arising from either a disciplinary matter or other matter at its next meeting following receipt of such request; and shall, convene a Special General Meeting to be held within twenty one days of the aforesaid Committee Meeting. Notice of at least fourteen days shall be given in writing to all members and to the complainant accompanied by the detail of the appeal.

19.4 The special general meeting convened to deal with a disciplinary matter, shall, after considering the evidence, have the right to reverse the decision of the Committee, and increase, reduce, waive, or substitute the penalty imposed by the Committee.

19.5 the decision of the Special general meeting in all appeals, shall be on a simple majority of those present and voting, the Chairman being permitted a casting as well as a deliberate vote in the event of no simple majority emerging.

20. AMENDMENTS TO THE CONSTITUTION

This Constitution shall not be amended, rescinded or altered, except at an Annual General Meeting or at a Special General Meeting called for that purpose. The vote of two thirds of the members present and entitled to vote at such meetings shall be necessary to amend, alter or rescind this Constitution. Details of proposed amendments, alterations or rescindment must be submitted as per Section 14.3 of this Constitution.

A copy of all approved amendments to the Constitution must be submitted to the Commissioner of the South African Revenue Service within 14 days of its approval.

21. DISSOLUTION

The Club shall be dissolved when the membership of the Club drops to below 20 members. On dissolution, all Club assets and funds must be transferred to another public benefit organization approved in terms of section 30 of the Income Tax Act, any institution, board or body which is exempt from payment of income tax in terms of section 10(1)(cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity or any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Income Tax Act.