



Constitution

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1 DEFINITIONS AND ABBREVIATIONS

For the purposes of this Constitution, the following words and expressions shall have the following meanings unless the subject or context indicates otherwise:

“Act” means the National Sport and Recreation Act, 1998 (Act No 110 of 1998 as amended);

“AGM.” means the Annual General Meeting of Members held in accordance with the provisions of this Constitution;

“Annual Financial Statements” means the annual audited balance sheet, income and expenditure statement, Financial Administrator’s and Auditor’s report, collectively;

“Appeal Board” means an appeal body appointed by the Exco in writing;

“Bowls” means the game or sport of bowls, whether played indoors or outdoors, participated individually, in the presence of an opponent or any other manner whatsoever and includes the disciplines referred to in this Constitution as well as those defined by the International Federation;

“Club” means any club which:

caters for any bowls in the local district or area;

must have the use of a bowling green as defined in the Laws in the Sport of Bowls;

“Committee” means a committee established in terms of this constitution;

“Constitution” means this Constitution;

“Day” means a calendar day whereas, **“working day”**, means a calendar day excluding Saturdays, Sundays and Public Holidays;

“Disciplinary Committee” means a body responsible for disciplinary proceedings appointed by the Exco in writing and subject to the ratification in terms of this Constitution;

“District” means the geographical area as defined in section 103 of the Constitution of the Republic of South Africa, 1996 (as amended);

“Ethics Committee” means a body with responsibilities as contained herein, appointed by the Exco in writing and subject to the in terms of this Constitution;

“Ekurhuleni Bowls” means the bowls association registered in the district of Ekurhuleni, in the province of Gauteng and also referred to as **EKB**

“Exco” means the Executive members of Ekurhuleni Bowls, as constituted in terms of this Constitution;

“Headquarters” means the Headquarters of EKB which shall be at the place decided upon by the Exco in writing from time to time;

“IF” means the International Federation/s to which BOWLS SA is affiliated;

“Levies” means the monies levied and due to EKB, by virtue of a person’s membership of EKB, as approved in writing and agreed to at each AGM of EKB;

“Management Committee” the Exco shall be regarded as the Management Committee;

“Month” means a calendar month;

“Person” means a natural or legal person.

“Player” means any individual who is a member of a club affiliated to the District and affiliated and registered with Bowls South Africa;

“President” means the President of EKB, duly elected in terms of this Constitution;

“SAIDS” means the South African Institute for Drug-Free Sport;

“SASCOC” means the South African Sports Confederation and Olympic Committee duly recognized and approved by Sport and Recreation Republic of South Africa, as the macro governing body of sport in the Republic of South Africa;

“Treasurer” means the person elected by the Members/or employed by the Executive in terms of the provisions of this Constitution: Provided that a finance administrator who has been duly appointed by the Exco in writing shall have the same meaning as the “Treasurer”;

“Vice-President” means a Vice-President of EKB, duly elected in terms of this Constitution;

“WADA” means the World Anti-Doping Agency.

“Year” means a calendar year.

2 TITLE

The title of the Association shall be “EKURHULENI BOWLS”, “EKB” (hereinafter styled “The Association”). The Association shall enjoy the status of a District affiliated to and subject to the jurisdiction of Bowls South Africa and shall be entitled to exercise jurisdiction in the area allocated to it by Bowls South Africa (hereinafter “Bowls SA”).

3 OBJECT

The object of the Association shall be to promote, advance, play and administer the sport of bowls and social activities connected therewith, without discrimination on the grounds of race, religion, gender or political affiliation and in the furtherance thereof, to:

- 3.1** Frame such rules and regulations as may be found necessary;
- 3.2** Consider and deal with all matters which may arise from time to time and which may be submitted by the Clubs;
- 3.3** Arrange such tournaments, competitions and fixtures deemed desirable by Council;
- 3.4** Arbitrate in disputes referred to it between or among Clubs or between any Player and a Club;
- 3.5** Form District Standing Committees and control their function and activities;
- 3.6** Participate in the affairs, championships, competitions and fixtures of Bowls SA;
- 3.7** Carry on the financial affairs in a non-profit manner;
- 3.8** Acquire or dispose of any moveable or immovable assets for the purpose of being used either directly or indirectly in connection with any objects or purposes of the Association;
- 3.9** Borrow or raise money for the purpose of advancing the interest of the Association and to pledge as security for the repayment of such monies any assets of the Association.

4 LAWS OF THE SPORT OF BOWLS

The laws of bowls as laid down by Bowls SA are final and binding on the Association and all Clubs under its jurisdiction and must be strictly adhered to.

5 MEMBERSHIP

- 5.1** Any Club situated in the area of jurisdiction of the Association shall be eligible to apply for membership of the Association provided they fulfil all the requirements set out by Bowls SA;
- 5.2** An application for membership shall be submitted to the District Secretary and shall be accompanied by a list of the Club's Office bearers, the annual subscriptions, a copy of its Constitution and a certified copy of a Resolution adopted, in General Meeting, by two-thirds majority of the bona fide members agreeing to affiliate. In addition, the design, in colour, of its proposed badge and prominent club colours;
- 5.3** An application for membership shall be considered by the Executive at its next meeting and the Club concerned shall be advised, in writing, of the recommendation the Executive proposes to make to the next Council meeting, or if deemed expedient to the next Annual General Meeting;
- 5.4** Any Club dissatisfied with the recommendations of the Executive shall be entitled to make written submissions for consideration at the Council meeting at which the application will be considered.

6 AFFILIATION FEES, SUBSCRIPTIONS AND LEVIES

6.1 Club Affiliation Fees

- 6.1.1** Clubs shall pay an annual affiliation fee, determined from time to time at Annual General Meetings of the Association;
- 6.1.2** Club affiliation fees shall be paid by 1 September each year.
- 6.1.3** The Club Affiliation Fee paid shall be a confirmation of the Club's intention to remain affiliated to the Association and take part in the forthcoming Annual General Meeting.
- 6.1.4** Should such fees be unpaid by the date of the Annual General Meeting, all rights and privileges shall be suspended for as long as the fees remain unpaid.

6.2 Member Affiliation Fees

- 6.2.1** Clubs shall be liable to pay the members annual affiliation subscription to Ekurhuleni Bowls which will be invoiced against club membership numbers ex the Bowls SA membership database as at 15 December and payable by no later than 15 January of the year following, as determined by Bowls SA and the Association, at their respective Annual General Meetings;

6.3 Levies

- 6.3.1** The Association shall have the right to impose upon Clubs such levies as may be deemed necessary to meet special circumstances.

7 RESIGNATIONS

Any Club that wishes to resign from the Association shall give to the District Secretary not less than thirty (30) days written notice to be received prior to the end of the financial year, failing which such Club shall be liable for affiliation fees and subscription for the succeeding year.

8 HONORARY LIFE MEMBERS

8.1 The Council of the Association shall have the right to elect honorary life members in recognition of exceptional services rendered or special honours brought to it by individuals, upon Notice of Motion to an Annual General Meeting either by the Executive or an affiliated Club for which Notice of Motion, the approval of the Executive has previously been obtained;

8.1.1 Before approving such Notice of Motion, the Executive shall obtain, under confidential cover, the reaction of all affiliated Clubs, Honorary life Members and members of the Executive, to the proposal;

8.1.2 The Executive shall only give approval of the Notice of Motion if not less 80% of the replies are in favour of the proposal;

8.2 Honorary Life Members shall be entitled to take part in all discussions at Council Meetings and General Meetings but shall have no vote;

8.3 Honorary Life Members shall not be liable for subscriptions.

9 COUNCIL

The management of the Association shall be vested in a Council consisting of the Executive and two (2) delegates from each Club, who shall be bona fide members in good standing of such Club.

9.1 Executive

9.1.1 Composition

The Executive of the Association shall consist of ten (10) members:

- One (1) President
- Two (2) Vice Presidents
- One (1) District Secretary
- One (1) Honorary Treasurer
- Two (2) Competition Secretaries
- Three (3) Executive Members

9.2 Office Bearers

9.2.1 The Office Bearers of the Association shall be five (5) members of the Executive, viz. the President, the Vice Presidents, the District Treasurer and the District Secretary;

9.2.2 The Office Bearers shall ensure the effectiveness of the Executive and monitor the administration and financial affairs of the Association;

9.2.3 The Executive shall nominate the preferred candidates from members of the Executive, to fill the positions of President and Vice-Presidents for the ensuing year;

- Clubs may also nominate candidates who meet the requirements, for the position of President and Vice-President. The qualifications for nomination to these positions are:
- The nominee for President must have served one year as Vice-President on the Ekurhuleni Bowls Executive
- The nominees for Vice-President must have served a minimum of two (2) years on the Ekurhuleni Bowls Executive;

9.3 Secretariat

9.3.1 The Association may employ a Bowls Administrator, a District Secretary and a Treasurer, on a full or part-time basis and on such terms and conditions as the Council may approve. Their duties and responsibilities shall be laid down by the Executive;

9.3.1.1 The Bowls Administrator being a paid employee shall not take part in committee meetings except to provide advice on issues and report on matters requested by the Executive;

9.3.1.2 A District Secretary, being a paid employee of the Association shall have NO VOTE in any of the Association's affairs and need not be a member of an affiliated Club. In the event of a District Secretary being employed, an Honorary District Secretary shall not be elected;

9.3.1.3 A Treasurer, being a paid employee of the Association shall have NO VOTE in any of the Association's affairs and need not be a member of an Affiliated Club. In the event of a Treasurer being employed, an Honorary Treasurer shall not be elected;

9.3.2 Nomination and Election of Executive

- 9.3.2.1 The Executive of the Association need not be elected from the Club delegates but must be members of an Affiliated Club;
- 9.3.2.2 Clubs may nominate as an Executive member, any bona fide member who is in good standing and has served on a Club committee;
- 9.3.2.3 A person may be nominated for more than one position but may not be elected to more than one position;
- 9.3.2.4 The nomination, in writing, together with the written acceptance and Curriculum Vitae of the member, shall be submitted to the District Secretary by not later than 1 August of each year;
- 9.3.2.5 No nomination shall be accepted after this date;
- 9.3.2.6 The District Secretary shall notify all Clubs in writing no later than 30 days prior to the meeting, of the names of the persons who have been duly nominated;
- 9.3.2.7 Should the number of candidates nominated be sufficient to fill the vacancies, the persons so nominated shall deem to be elected;
- 9.3.2.8 If no or insufficient nominations are received those nominated shall be declared elected and the Executive may co-opt suitable persons to fill any vacancies. If more candidates than required are nominated, a secret ballot shall be held to determine who shall be elected;
- 9.3.2.9 A ballot paper shall be considered spoilt unless 100% of the votes required on that ballot are recorded.

9.3.3 Result of Election

- 9.3.3.1 Should the ballot result in a tie between two (2) or more candidates, a further ballot shall be held then and there to determine who among those tying shall secure the post;
- 9.3.3.2 Dissatisfaction with the result should immediately be challenged by the delegates or the Executive in which case the ballot papers shall be re-examined and re-counted by the scrutiners, in the presence of a representative of such delegates (or Executive);
- 9.3.3.3 Should the results be accepted by everyone present, the ballot papers shall be destroyed by the scrutiners with the approval of the Club delegates.

9.4 District Standing Committees

9.4.1 The Executive shall have the power to appoint and/or approve the members of the Standing Committees, under the following categories, and to delegate to such committees such of its powers as it may consider desirable:

- District Standing Committee – Competitions
- District Standing Committee – Green-keepers
- District Standing Committee – Technical Officials
- District Standing Committee – Coaches
- District Standing Committee – Inter-District Players (known as Izimbali)
- District Standing Committee – Special Purpose
- District Standing Committee – Development

9.4.2 Every District Standing Committee formed shall submit to Executive minutes of meetings and the annual report of its activities to be submitted at the Annual General Meeting of the Association;

9.4.3 The Executive shall appoint to every District Standing Committee an Executive Liaison member and may appoint the convenor of said District Standing Committee;

9.4.4 The Executive may grant financial assistance to any District Standing Committee based on their motivations.

9.5 Vacancies

9.5.1 A District Standing Committee may call upon any member of that committee who fails to carry out reasonable duties assigned to the member to resign and if the member fails to resign, then the committee may declare the position forfeit;

9.5.2 Vacancies occurring on the Executive or any District Standing Committees shall be filled by committee members co-opting suitable and eligible member of any affiliated Club to fill such vacancies;

9.5.3 The Executive may co-opt a person, not affiliated to any club to accommodate a special purpose that the executive believed cannot be filled from affiliated clubs to the benefit of the district

10 MEETINGS

10.1 Annual General Meetings

10.1.1 The Annual General Meeting of the Association shall be held before 30 September of each year, on a date and at a venue to be decided by the Executive;

10.1.2 Two (2) delegates who shall be bona fide members in good standing of their Club shall represent each Club;

10.1.3 No proxies or voting on behalf of absent delegates shall be allowed;

10.1.4 Members of Clubs shall have the right to attend but, except with the express sanction and conditions imposed by the Chairperson, shall take no part in the business or discussion and shall not have the right to vote;

10.1.5 Past Presidents and Honorary Life Members may participate in the discussion, but may not vote;

10.2 Business of the Meeting

10.2.1 Except when a Notice of Motion, which if carried, would affect any item on the Agenda, such Notice of Motion shall have precedence over any related item likely to be affected, the business of meeting shall be conducted in the order set out hereunder:

10.2.1.1 To read the notice convening the meeting;

10.2.1.2 To confirm the presence of Clubs who comply with the requirements for taking part in the Annual General Meeting;

10.2.1.3 To confirm the Minutes of the last Annual General meeting and if so held, any Special General Meeting and to deal with any business arising there from;

10.2.1.4 To receive, consider and adopt the Annual Reports;

10.2.1.5 To receive, consider and adopt the Financial Statements;

10.2.1.6 To consider recommendations from the Executive for membership of any new Club and/or Sub-District Association or zone;

10.2.1.7 To deal with any correspondence pertinent to the business of the Annual General Meeting;

10.2.1.8 To consider any recommendations or such matters as the Executive may place before the meeting including annual subscriptions and competition entry fees;

10.2.1.9 To consider motions of which due notice has been given by any club;

10.2.1.10 To consider any recommendations of the Executive for election of Honorary Life Members;

10.2.1.11 To determine and declare the results of the ballot/s for the election of members of the Executive;

10.2.1.12 To elect an Auditor;

10.2.1.13 To consider and approve re-imbursive expenses and Honoraria;

10.2.1.14 To consider any other competent business.

10.3 Special General Meetings

A Special General Meeting may be called at any time by the Executive.

10.3.1 On motion from the executive or

10.3.2 On receipt of a request from three (3) or more clubs stating the nature of the business to be considered and signed and dated by the President and Secretary of each club, the District President shall call a Special General meeting to be held no later than thirty (30) days from the date of the last date appearing on the requisition;

10.3.3 It shall not be competent to discuss any business other than that stated in the Notice convening the meeting.

10.4 Council Meetings

10.4.1 Council shall meet at least three (3) times in every financial year, and at such other times as circumstances may require;

10.4.2 Any member of an affiliated Club shall be entitled to attend the Council Meetings, but only duly appointed delegates, Honorary Life Members and Executive Officers shall have the right to take part in the discussion. Only delegates may vote;

10.4.3 The business of the meeting, which shall be set out in an agenda accompanying the Notice convening the meetings shall be:

10.4.3.1 To read the Notice convening the meeting;

10.4.3.2 To confirm the presence of Clubs who comply with the requirements for taking part in the Annual General Meeting;

10.4.3.3 To confirm the Minutes of the last Council Meeting and to deal with any business arising there from;

10.4.3.4 To consider recommendations from the Executive for application for membership and affiliation of any new Club;

10.4.3.5 To consider such business or recommendations which the Executive shall place before the meeting;

10.4.3.6 To consider such recommendations from the Executive regarding Notices of Motion to be submitted by the Association to the Annual General Meeting;

10.4.3.7 To consider any Notice of Motion submitted by any Club;

10.4.3.8 To receive reports from the District Standing Committees;

10.4.3.9 To consider any other competent business.

10.5 Meeting of the Executive

- 10.5.1** The Executive shall conduct 10 (ten) minuted meetings per annual term of office or as frequently as the business of the Association may require;
- 10.5.2** Any member of the Executive who fails to attend three (3) consecutive meetings without prior leave of absence shall be deemed to have resigned from the Executive;
- 10.5.3** A minimum of six (6) officers of the Executive shall constitute an emergency committee of the Association and shall deal with all urgent business which may require attention between meetings of the Executive;
- 10.5.4** Except where otherwise provided all matters before the Executive shall be decided by a majority vote of the members present and in the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his/her deliberative vote.

10.6 Quorum

- 10.6.1** The quorum required for an Annual General Meeting, Special General Meeting and Council Meetings shall be at least one delegate from each of a majority of affiliated Clubs;
- 10.6.2** The quorum for an Executive Meeting shall be a majority of those entitled to be present.
- 10.6.3** Any meeting at which quorum is required and is not obtained shall be postponed for fifteen (15) minutes after which those delegates present shall constitute a quorum.

10.7 Chairperson

The President shall occupy the chair at every meeting. In the absence of the president, the Vice President shall preside. Should both the president and Vice President be unavailable the meeting shall appoint a chairperson.

10.8 Voting

- 10.8.1** All meetings of the Council, including the Annual General and Special General Meetings, the Executive as whole shall be entitled to one (1) vote. Furthermore, each affiliated Club present at the meeting shall be entitled to the number of votes as designated to it in terms of the registered club membership as set out below, irrespective of whether or not both its delegates are present:

<i>Registered members</i>	<i>Votes allocated</i>
1 to 50	One (1)
51 to 150	Two (2)
151 and more	Three (3)

10.8.2 A delegate may vote in a single capacity only on each occasion;

10.8.3 At all meetings of the Executive, each member present shall be entitled to one vote. The Chairperson shall be entitled to deliberative vote as well as casting vote.

10.9 Notice of Motion

10.9.1 Notices of Motion to be moved by an affiliated Club at an Annual General Meeting must reach the District Secretary not later than forty-five days (45) days preceding the date of such meeting;

10.9.2 All Notices of Motion shall be set out on the Agenda for the Annual General, Special General or Council Meeting. Such Notices of Motion shall set forth in full the resolution in the form which it is to be adopted;

10.9.3 Any Notice of Motion or any resolution shall not be voted on unless seconded by a delegate from another club.

10.10 Notice of Meetings

A Notice convening the Meeting, Minutes of the last Meeting and the Agenda including Notices of Motion, shall be sent to all affiliated Clubs prior to the Meeting as stated below:

- Annual General Meetings
At least 21 days' notice shall be given
- Special General Meetings
At least 14 days' notice shall be given
- Ordinary Council Meetings
At least 21 days' notice shall be given

10.11 Executive Meetings

Unless dates for the Meeting of the Executive are determined by it, the District Secretary shall, in consultation with the President, convene the Meeting or Meetings by any suitable means to its members.

10.12 Circulation of Meeting Minutes

The EKB Executive Secretary will record and prepare minutes of Executive Meetings, Council Meetings, Special General Meetings, Annual General Meetings and any Emergency Meetings and distribute these within time periods as follows:

- Executive and Emergency Meetings: 7 days
- All other Meetings: 14 days

11 POWERS OF THE EXECUTIVE

Without detracting from the powers otherwise contained in this Constitution, the Executive shall have the power to fix and pay reasonable travelling and accommodation expenses to members of the Executive or any person appointed by the Executive performing official duties on behalf of the Association.

12 DURATION OF THE EXECUTIVE

Notwithstanding the termination of the financial year of the Association on 30 June the period of office of members of the Executive shall not likewise terminate on such date but shall endure until the rising of the Annual General Meeting.

13 REPRESENTATIVES AND APPOINTMENTS

13.1 Players to represent the District shall be selected by the appropriate District Standing Committee – Selection;

13.2 The selection of the executive teams, to represent the Association shall be ratified by the Executive;

13.3 The Executive shall appoint a manager or official for any team representing the District.

14 DISTRICT STANDING COMMITTEES – SELECTION

Refer to the Ekurhuleni Bowls By-law: Modus Operandi – Selection Standing Committee.

15 ACCOUNTS AND CONTROL

- 15.1** Minute and other books and documents of record shall be regularly kept and maintained to reflect the true state of business conducted at all meetings of the Association;
- 15.2** The finances of the Association shall be truly and properly reflected in books of accounts which shall be regularly and adequately maintained;
- 15.3** The books and documents of account shall be retained and kept available for parties having the right to inspection including the successive Executive for a minimum period of five (5) years from date of the last entry;
- 15.4** All Association funds and monies received shall be lodged in such bank or financial institution as the Executive may approve;
- 15.5** Signatories to the District bank account will be any two (2) of the following Office Bearers, namely, the President, the District Treasurer, the District Administrator;
- 15.6** No member of Executive or its employees shall be entitled to enter into any contract or incur any liability or expense affecting the Association unless directed by the Executive by a majority agreement;
- 15.7** The Executive shall have the power to establish separate funds for such purposes as may be deemed necessary in the interests of the Association;
- 15.8** The Association shall be prohibited from directly or indirectly distributing any surplus funds to any person, other than in terms of clause 33, but such funds shall be retained for asset replacement and contingencies;
- 15.9** All monies received, shall be paid into the account in the name of Ekurhuleni Bowls. EFT being noted as the preferred method;
- 15.10** Payments to beneficiaries, authorised by the Executive, shall be by EFT;
- 15.11** Major or unusual amounts shall be authorised in advance by the Executive Committee or at a General Meeting;
- 15.12** A reimbursement float can be administered by the Treasurer;
- 15.13** The Association shall not pay any remuneration to any person that is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered, nor may any remuneration be determined as a percentage of any amounts received or accrued to the Association;
- 15.14** The Association may make application to the Commissioner of the South African Revenue Services Tax exemption in terms of the Revenue Laws Amendment Act, 2006.

16 CUSTODY OF ASSETS

The Executive shall be the legal custodian of all monies, trophies and all other assets of the Association including any assets acquired by any committee or District Standing Committees.

17 LEGAL ACTIONS

17.1 The Executive is empowered to institute and/or defend, in the name of the Associations any legal proceeding;

17.2 Members of the Executive shall be, and are hereby, absolved and personally indemnified by the Association against any costs or expenses occasioned by such proceedings.

18 FINANCIAL YEAR

The financial year of the Association shall be from 1 July to 30 June.

19 BOWLS SOUTH AFRICA (BOWLS SA)

The Constitution, By-laws, Regulations and the Laws of the sport of Bowls as legislated and laid down by Bowls SA from time to time, shall be final and binding on the Association and all Clubs.

20 HEADQUARTERS

The Headquarters or principal office of the Association shall be at such place as the administration office is located.

21 CLUBS

21.1 Clubs shall, on fourteen (14) days' notice from the District Competition Secretaries, make their greens available, free of charge, for tournaments, championships, competitions and other fixtures arranged by Bowls SA or the Executive.

21.2 Written notification and confirmation of such use shall be given by the Competition Secretary. Clubs which have had greens allocated must honour, in writing their commitments without reservation;

21.3 Clubs shall maintain their greens to conform to at least a minimum standard as required by Bowls SA for competition purposes;

21.4 All Clubs shall submit their proposed Club colours or any changes thereto to the Executive for approval and registration.

21.5 The Executive shall have the right to reject proposed Club colours or make changes thereto at their sole discretion. A register of Club colours shall be maintained by the Executive;

21.6 Each Club shall advise the Association of any alteration to its Constitution not later than fourteen (14) days after the meeting at which the alteration was affected.

22 CLUB MEMBERSHIP

- 22.1** The committee of each affiliated Club shall on receipt of an application for membership by an individual, ascertain if the applicant is, or has been a member of a Bowls Club, and if so, obtain proof that they are in good standing.
- 22.2** The applicant shall not be admitted to membership until satisfactory clearance has been obtained from each Club of which such an applicant was a subscribing member at time of making application. Such proof shall be in the form of the official Clearance Certificate of Bowls SA;
- 22.2.1** Within thirty (30) days of the acceptance of an application for membership, the Club Secretary shall furnish the District Secretary with a true copy thereof (and where applicable a copy of the said certificate) and the Executive shall have the right within thirty (30) days of receipt to object to such application. Acceptance shall be deemed to be provisional only until the expiry of thirty (30) days;
- 22.2.2** Should an objection be raised by the Executive, the Club or the applicant (acting through the Club) shall deal with the objection to the satisfaction of the Executive within thirty (30) days of notification to such effect failing which, the application shall lapse and the applicant shall not be entitled to re-apply until the expiry of six (6) months whereupon the same procedure will apply;
- 22.3** Particulars of any member declared by a Club to “not be in good standing” shall be furnished to the Executive by the Club Secretary within thirty (30) days of such declaration;
- 22.4** Clubs shall be liable for payment to the Association for subscriptions for current members as well as for new members who register during the year;
- 22.5** Should subscriptions not be paid for members by due date, all rights and privileges of membership shall be forfeited for so long as the amount remains outstanding.

23 OPERATION OF RESOLUTIONS

- 23.1** Unless otherwise decided by the meeting, all Resolutions shall come into effect on the date of their adoption;
- 23.2** Resolutions adopted in accordance with this Constitution shall be binding on all Clubs and members thereof.

24 SEVERANCE OF CLUB MEMBERSHIP

- 24.1** The Executive is empowered, after due investigation and consideration of the facts to suspend the membership of any Club on the grounds of wilful, flagrant or persistent disregard of this Constitution, or any By-Law framed by the Executive.
- 24.2** Any suspension of a Club shall be subject to confirmation by Council which shall be presented with a full report by the Executive as to the circumstances and reasons for the suspension.
- 24.3** Council shall be entitled to lift the suspension, confirm same or, if the facts presented to it so warrant, it may terminate the Club’s membership.
- 24.4** Should Council either confirm the suspension or terminate the Club’s membership, the affected Club shall have the right of appeal to Bowls SA.

25 DISCIPLINE OF CLUB MEMBERS

Refer to the Ekurhuleni Bowls By-law: Disciplinary Code of Practice.

26 DRESS

In all Bowls SA and EKB matches, competitions, championships and tournaments, players shall abide by the dress code prescribed in the Laws of the Sport of Bowls SA, or as directed by the Executive.

27 BY-LAWS

27.1 The Executive is empowered to make By-Laws consistent with this Constitution as it may deem expedient for the better furtherance of the objects of the Association;

27.2 Any By-Laws, or alterations made thereto, shall forthwith be furnished to all Clubs by the District Secretary;

27.3 Unless otherwise decided at a General Meeting, any By-Laws made by the Executive shall be of full force and binding on all concerned.

28 INFRINGEMENT OF THE CONSTITUTION

28.1 The District Secretary shall furnish every Club with a copy of this Constitution and of all the amendments made from time to time;

28.2 It shall be incumbent on Office Bearers of all Clubs and the Executive to make them acquainted with the Constitution and to assist in upholding its provisions.

29 AMENDMENT OF THE CONSTITUTION

29.1 No alteration of, or addition to this Constitution shall be made except at an Annual General Meeting, or at a Special General Meeting and any Club seeking to bring about an amendment, shall give due and proper notice thereof, in terms of this Constitution, in writing, to the District Secretary setting forth, in full, the proposed alterations or additions;

29.2 No amendment to this Constitution, of whatsoever nature, shall be effective unless at least two thirds of the delegates present and constituting a quorum, vote in favour of the proposal;

29.3 The Association shall submit to the Commissioner a copy of any amendment to the Constitution or other written instrument under which it is established.

30 INTERPRETATION

30.1 Should any doubt arise as to the correct and/or strict meaning of any Clause of this Constitution, the interpretation placed thereon by the Executive shall prevail, provided that not less than two-thirds of its members present at a duly convened meeting vote in favour thereof;

30.2 Such interpretation by the Executive shall be binding on all concerned unless, at a succeeding Annual General Meeting, the delegates there present place a different interpretation thereon which shall then become final and binding until such time as by due and proper amendment the doubt is removed.

31 CASE OF EMERGENCY

31.1 Should this Constitution, or any By-Law framed there under, not cover or make provision for a certain course of action deemed by the Executive to be of extreme urgency, and also necessary, and should the prior sanction of Council not be reasonably possible to obtain, the Executive may take the necessary action;

31.2 In taking any such action, the Executive shall be aware of the danger of creating an unwarranted precedent and shall report its action and the need and reasons therefore at the next Council, General Meeting or Annual General Meeting (whichever occurs first) and shall in addition, to ensure no recurrence, recommend a suitable amendment to the Constitution or make the required change to the Bye-Laws.

32 SAVINGS AND REPEALS

32.1 The Constitution of the Association, in effect at the date of the adoption of the amendments to the Constitution, is hereby repealed;

32.2 Notwithstanding the repeal of the said Constitution all acts and decisions properly done or made there under shall continue to be of force and effect on the coming into operation of the amendments to the Constitution as if they had been done or made hereunder;

33 DISSOLUTION OF THE ASSOCIATION

33.1 In the event of the dissolution of the Association, all assets, after liabilities have been met, shall be handed over to an Association having the aims and objectives similar to the Association, or to an approved public benefit organisation approved by the Commissioner;

33.2 No financial gain shall accrue to any individual, organisation or authority either private or government, without the prior approval of Council and the Commissioner.

ANNEXURE 1: NON-RACIALISM

1 The principle of non-racialism is recognised and accepted by the Association. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality);

2 It follows from this that no club, or other affiliated body of the Association may have any provision in its constitution which has the effect of barring membership on the grounds of race;

3 A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of para.2 above;

4 The principle of non-racialism also demands that all clubs, and other affiliated bodies of the Association shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons. (e.g. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith);

5 The fundamental rights of freedom of association and freedom of disassociation are recognised by the Association. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sport controlling body;

6 There is inherently a potential conflict between the rights referred to in para. 5 above, and the principle of non-racialism referred to in para. 1, and it is considered desirable to indicate how such potential conflicts are to be resolved;

7 The following are suggested guidelines as to how to reconcile these principles in practice:

7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para. 2 above);

7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups: Provided that those criteria are not racist in their terms or in their intended effect, e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though *de facto* its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a vocation or of a religious movement;

8 Under no circumstances shall an infringement of para. 4 above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation;

9 The existence of the so-called "ethnic" clubs is perceived to be problematical and require deeper analysis:

9.1 Various such clubs exist now e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions;

9.2 What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the *bona fide* purpose of catering for the cultural needs, aspirations or interests of the ethnic group which it serves. There does not appear to be any ulterior racial motive;

9.3 If the constitution of such a club were to restrict its membership to persons of a ethnic group (or race or nationality), it would by implication, be excluding persons from all other ethnic groups/races/nationalities from membership;

Prima facie this would be an infringement of para. 2 above. The question which must be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of para. 2, above also para. 7.1 above. It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the national body or any provincial body.

9.4 By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership;

10. The principles and guidelines set out above about non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs;

ANNEXURE 2: INCOME TAX ACT

Application of provisions of Section 30(1) of the Income Tax Act, 1963 (hereinafter referred to as The Act)

The following provisions contained in section 30 (1) of the Act shall always apply and be adhered to while this Constitution is in operation.

- 1** The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner;
- 2** At least 85% of the Association's activities shall be carried out in the Republic of South Africa;
- 3** At least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other and no single person directly or indirectly controls the decision-making powers relating to the Association.
- 4** No funds shall be distributed to any person (other than during an undertaking to contribute to any public benefit activity);
- 5** The Association's funds shall be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (Act No.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act;
- 6** The Association shall not carry on any business undertaking or trading activities other than to the extent that:
 - 6.1** The gross income derived from such business undertaking or trading activity does not exceed the greater of R25,000 or 15% of the gross receipts of the Association;
 - 6.2** The undertaking or trading activity is:
 - Integral and directly related to the sole object of the Association;
 - Carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost;
 - Which would not result in unfair competition in relation to taxable entities;
 - The undertaking or trading activity, if not integral and directly related to the sole object of the Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation;
 - The undertaking or trading activity is approved by the Minister by notice in the Gazette, having regard to:
 - The scope and benevolent nature of the undertaking or trading activity;
 - The direct connection and inter-relationship of the undertaking or trading activity with the sole purpose of the Association;
 - The profitability of the undertaking or trading activity;

- The level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or trading activity;
 - Any business undertaking, trading activity, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, shall be retained or continued as the case may be, in the form so acquired for a period of five years as the date on which it was acquired;
- 7** On the dissolution of the Association, the remaining assets shall be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes as contemplated in Section 18A of the Act;
- 8** No donation shall 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 term of Section 18A of the Act; Provided that a donor (other than a donor which is an approved public benefit organization or an institution 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 the application of such donation;
- 9** A copy of all amendments to the Constitution must be submitted to the Commissioner for the South African Revenue Service;
- 10** No remuneration shall be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
- 11** The Association must submit the required Income Tax Returns annually together with the relevant supporting documents as required;
- 12** **The Association may register itself in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the said Act;**
- 13** The Association shall not use its resources directly or indirectly to support, advance or oppose any political party.

End of Constitution