



## DURBANVILLE HOCKEY CLUB

Sports way, Durbanville, Western Cape, 7550

www.durbanvillehockey.co.za

# CONSTITUTION OF DURBANVILLE HOCKEY CLUB

## DEFINITIONS

1. In this Constitution, unless the context indicates otherwise -
  - "Chairperson" means the Official mentioned in clause 6 (1) (a);
  - "Club" means the club established in terms of clause 2;
  - "Executive Committee" means the executive committee contemplated in clause 6;
  - "Member" means a member of the Club as contemplated in clause 5;
  - "Official" means any one of the officials mentioned in clause 6 (1) (a) up to and including (g), and
  - "office" shall have a corresponding meaning;
  - [If the management in terms of clause 6 (1) consists of more officials, the correct reference number must be inserted above]*
  - "Prescribed" means prescribed by rules made under clause 26;
  - "Secretary" means the Official mentioned in clause 6 (1) (c); and
  - "Treasurer" means the Official mentioned in clause 6 (1) (d).

## DURBANVILLE HOCKEY CLUB

2. (1) A club, known as Durbanville Hockey Club is hereby established.
- (2) The Club is a common law corporate body and as such -
  - (a) its assets, liabilities, rights and obligations vest in it independently of its members;
  - (b) it may not distribute any of its profits and gains to any person and it will use its funds solely for the objects for which it has been established and for investment;
  - (c) it will have perpetual succession; and

- (d) it may sue or be sued in its own name.
- (3) The members will not by reason of their membership be liable for the liabilities and obligations of the Club.

#### **AFFILIATION**

- 3. (1) The Club shall affiliate with representative associations of hockey clubs and subscribe to objectives of such associations.
- (2) If there is any inconsistency between the constitutions of a representative association to which the Club is affiliated and this Constitution, the two instruments shall as far as reasonably possible be reconciled and if the inconsistency cannot be reconciled, the constitution of the representative association shall prevail.

#### **MISSION AND OBJECTIVES**

- 4. (1) The mission of the Club is to -
  - (a) promote participation in hockey;
  - (b) develop and promote skills and expertise in hockey and make such expertise available to club members; and
  - (c) contribute to the development of hockey in South Africa.

#### **PORTFOLIOS AND GENERAL COMMITTEE**

- 5. (1) The General Committee will consist of the following portfolios:
  - (a) Chairperson;
  - (b) Vice-Chairperson;
  - (c) Honorary Secretary;
  - (d) Treasurer;
  - (e) Male Club Captain/Umpire's Delegate;
  - (f) Female Club Captain/Umpire's Delegate;
  - (g) Match Secretary;

- (h) House and Grounds;
  - (i) Mini Hockey;
  - (j) Webmaster;
  - (k) Marketing/Media;
  - (l) Events/Social Planner; and
  - (m) Shadow Members
- (2) The duty of the General Committee and its Officials is to support the Management Committee and the Executive Committee.
- (3) Officials of the Management Committee and Executive Committee may delegate duties to the Officials of the General Committee as they deem necessary.
- (4) Social members as well as playing members are eligible to fulfill any of the portfolios except Male and Female Club Captains (only playing members).
- (5) A member will only be eligible to hold the position of Chairperson and Vice-Chairperson if he/she has been connected with the club for a period of no less than two (2) consecutive years.
- (6) A member will only be eligible to hold the position of any other portfolio on the Executive Committee, other than that of Chairperson and Vice-Chairperson, if he/she has been connected with the club for a period of no less than once (1) year.

## **MEMBERSHIP**

6. (1) Membership of the Club is open to any person who subscribes to this Constitution, who pays the prescribed membership fee, who submits to the control of the Management and Executive Committees and who has not been excluded in terms of proper disciplinary proceedings conducted under this Constitution. A member will be a hockey playing member or a social member who pays the prescribed membership fee.
- (2) A member may not, without the prior written authorisation of the Executive Committee, belong to another hockey club, which authorisation shall not unreasonably be withheld. Non-payment of subscription fees is an automatic reason for withholding such

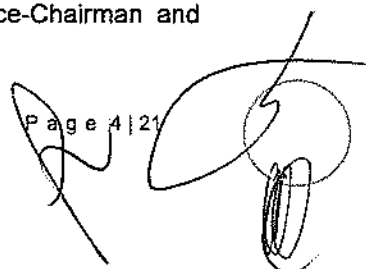
authorization.

- (3) An application to become a member is submitted to the relevant club captain or his/her representative on the prescribed form as decided by the Management Committee.
- (4) The Management Committee shall consider each application for membership and may accept or reject an application.
- (5) If the Management Committee rejects an application, it shall forthwith provide written reasons for its decision.
- (6) An applicant who feels aggrieved at a decision by the Management Committee to reject his or her application, may appeal to the Executive Committee.
- (7) The Executive Committee shall consider an appeal as contemplated in sub-clause (6) and may accept or reject an application.
- (8) The decision of the Executive Committee under sub-clause (7) is final and binding on all concerned.

#### **EXECUTIVE COMMITTEE**

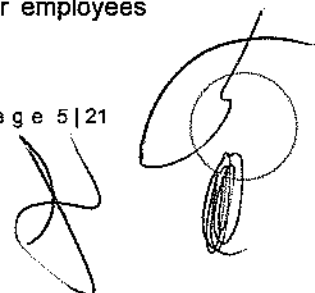
7. (1) The Executive Committee of the Club consists of a -
  - (a) Chairperson;
  - (b) Vice-Chairperson (Chair or Vice-Chair must be a lady). In the event that there are no nominations for opposite sex candidates, same sex candidates will be allowed to hold the positions of both Chairperson and Vice-Chairperson.
  - (c) Secretary;
  - (d) Treasurer;
  - (e) Female Club captain;
  - (f) Male Club Captain; and
- (2) The Executive Committee is responsible for the administration and financial management of the Club.
- (3) The Executive Committee may appoint an honorary Chairman, honorary Vice-Chairman and honorary members but such honorary Chairman, honorary Vice-Chairman and

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honorary members shall not, merely by virtue of their honorary status, have any rights to participate in the management and/or decision making in respect of the Club.

- (4) The Executive Committee shall annually appoint the auditors for the Club.
- (5) The Executive Committee shall, as required from time to time, name the representatives of the Club who shall serve on committees appointed and bodies established by any representative association to which the Club is affiliated.
- (6) An Official shall cease to hold office if -
  - (a) he or she is excluded in terms of proper disciplinary proceedings conducted under this Constitution;
  - (b) he or she resigns from office by giving written notice to the Club;
  - (c) he or she is convicted of an offence which involves dishonesty;
  - (d) he or she surrenders his or her estate as insolvent or if his or her estate is sequestrated;
  - (e) he or she is removed from office by a resolution passed at a general meeting of the Club if the intention to vote upon the removal from office has been specified in the notice convening the general meeting; or
  - (f) if he or she is or becomes of unsound mind.
- (7) Subject to the provisions of this Constitution, the Executive Committee shall manage and control the business and affairs of the Club, shall have full powers in the management and direction of such business and affairs, may exercise all such powers of the Club and do all such acts on behalf of the Club as may be lawfully exercised and done by the Club and as are not by this Constitution required to be exercised or done by the Club in general meeting or by another Official, committee or sub-committee, subject, however, to such rules as may have been made by the Club in general meeting or as may be made by the Executive Committee from time to time.
- (8) Save as specifically provided in this Constitution, the Executive Committee shall at all times have the right to engage on behalf of the Club the services of accountants, auditors, attorneys, advocates and any other professional firm or person or other employees

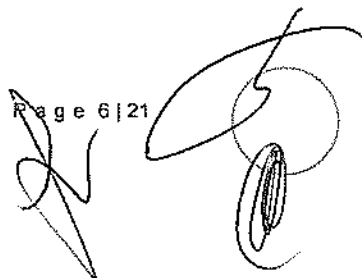


whatsoever for any reasons deemed necessary by the Executive Committee and on such terms as the Executive Committee shall decide.

- (9) The Executive Committee may co-opt any person or persons who may, in the opinion of the Executive Committee, contribute to the performance or exercising of the powers, duties and functions of the Executive Committee, but a person who is co-opted in this way shall not be entitled to participate in the actual decision making process of the Executive Committee.
- (10) The Executive Committee shall be entitled to appoint committees consisting of such number of Officials, members and such other persons as they may deem fit and to delegate to such committees such of their functions, powers and duties as they may deem fit, with further power to vary or revoke such appointments and delegations as the Executive Committee may from time to time deem necessary.
- (11) Notwithstanding anything to the contrary contained in this Constitution, the Executive Committee may in the name of the Club enforce the provisions of any rules by civil application or action in a court of competent jurisdiction and for this purpose may appoint such attorneys and counsel as they may deem fit.
- (12) If the Executive Committee institutes any legal proceedings against any member for the enforcement of any of the rights of the Club in terms of this Constitution, the Club shall be entitled to recover all legal costs so incurred from the member or resident concerned, calculated as between attorney and own client.

#### **MEETINGS OF EXECUTIVE COMMITTEE**

8. (1) The Executive Committee meets as often as required but at least four times per year.
- (2) Meetings of the Executive Committee are convened by the Secretary on instruction from the Chairman or the Vice-Chairman.
- (3) FOUR members of the Executive Committee shall be a quorum.
- (4) The Chairman shall preside at meetings of the Executive Committee and, in the absence of the Chairman, the Vice-Chairman shall preside and, in the absence of both the

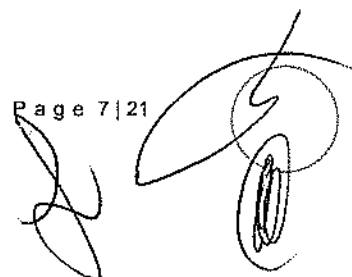
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Chairman and the Vice-Chairman, an Official elected by the remaining members of the Executive Committee shall preside.

- (5) The Secretary shall cause minutes to be kept at meetings of the Executive Committee and, in the absence of the Secretary, the Official presiding at the meeting shall instruct another Official who is present to keep minutes.
- (6) Decisions of the Executive Committee are as far as reasonably possible taken by way of consensus.
- (7) If the Executive Committee is not able to take a decision by way of consensus, a decision shall be taken by way of ordinary majority vote.
- (8) If the Executive Committee has to take a decision by vote and the vote is tied, the Chairman shall have a casting vote.

#### **MANAGEMENT COMMITTEE**

9. (1) The Management Committee of the Club consists of the -
  - (a) Chairperson;
  - (b) Secretary;
  - (c) Treasurer;
  - (d) Male Club Captain; and
  - (e) Female Club Captain
- (2) The Management Committee is responsible for the day to day management of the Club and, unless the Executive Committee or the Club in general meeting directs otherwise, may perform or exercise any of the powers, duties and functions of the Executive Committee in terms of this Constitution.
- (3) The Management Committee appoints coaching staff, selection committees, team managers and other office bearers for the Club.

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## MEETINGS OF MANAGEMENT COMMITTEE

10. (1) The Management Committee meets from time to time as required by the needs of the Club.
- (2) Meetings of the Management Committee are convened by the Secretary on instruction from the Chairperson.
- (3) Three members of the Management Committee shall be a quorum.
- (4) The Chairperson shall preside at meetings of the Management Committee and an Official elected by the remaining members of the Management Committee shall preside.
- (5) The Secretary shall cause minutes to be kept at meetings of the Management Committee and, in the absence of the Secretary, the Official presiding at the meeting shall instruct another Official who is present to keep minutes.
- (6) Decisions of the Management Committee are as far as reasonably possible taken by way of consensus.
- (7) If the Management Committee is not able to take a decision by way of consensus, a decision shall be taken by way of ordinary majority vote.
- (8) If the Management Committee has to take a decision by vote and the vote is tied, the Chairperson shall have a casting vote.
- (7) Notwithstanding any provision to the contrary in this Constitution, a decision which is signed by all the members of the Management Committee, shall in all respects be valid as a decision of the Management Committee as if it has been taken at a meeting of the Management Committee duly constituted in terms of this Constitution.
- (8) Decisions of the Management Committee must be tabled at the next meeting of the Executive Committee and the Executive Committee may confirm, amend in part or in whole, or revoke any decision of the Management Committee.
- (9) If the Executive Committee revokes or amends in part or in whole, a decision of the Management Committee, anything properly done in good faith in terms of such revoked or amended decision of the Management Committee prior to its revocation or amendment by the Executive Committee, shall remain in force unless the Executive Committee, after



consultation with all interested parties, directs otherwise.

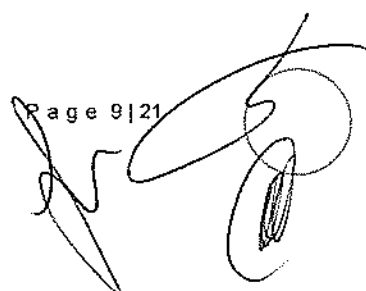
#### **GENERAL MEETINGS OF CLUB**

11. (1) The Club shall, prior to the close of the outdoor hockey season, hold an annual general meeting and shall specify the meeting as such in the notices in terms of clause 11.
- (2) An annual general meeting shall be held at such reasonable time and place as the Management Committee shall decide from time to time.
- (3) The Management Committee or Executive Committee may and must on petition of no less than members together holding not less than 20% (Twenty percent) of the total voting rights of all members, convene extraordinary general meetings.

#### **NOTICES OF MEETINGS**

12. (1) An annual general meeting and a meeting called for the passing of a special resolution, shall be called by giving at least 21 days' written notice and an extraordinary general meeting, other than one called for the passing of a special resolution, shall be called by giving at least 14 days' written notice.
- (2) A general meeting of the Club shall, notwithstanding that it is called by shorter notice than that specified in this Constitution be deemed to have been duly called if it is agreed -
  - (a) in the case of an annual general meeting, by all the members entitled to attend and vote thereat; or
  - (b) in the case of an extraordinary general meeting; by a majority in number of the members having a right to attend and vote at the meeting, being a majority together holding not less than 95% of the total voting rights of all members.
- (3) Any period referred to in sub-clause (1), shall be calculated exclusive of the day on which the notice is given, and shall specify the place, the day and the hours of the meeting, and in the case of special business, in addition to any other requirements contained in this Constitution, the general nature of that business.
- (4) The accidental omission to give notice of any resolution, or to give any other notification,

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or present any document required to be given or sent in terms of this Constitution, or the non-receipt of any such notice, notification or document by any member or other person entitled to receive such notice, notification or document, shall not invalidate the proceedings at, or any resolution passed at, any meeting.

#### **QUORUM**

13. (1) No business shall be transacted at any general meeting unless a quorum is present when the meeting proceeds to business.
- (2) The quorum at any annual general meeting of the Club will be not less than 30% (thirty percent) fully paid up members and the quorum at any other general meeting (including special general meeting) will not be less than 20 (twenty) fully paid up members.
- (3) The members of the Executive Committee and Management Committee present at any annual general meeting and any other general meeting (including special general meeting) shall not count towards determining the quorum.
- (3) If, within half an hour from the time appointed for the holding of a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time or at such other place as the chairperson of the meeting shall appoint.
- (4) If at an adjourned meeting contemplated in sub-clause (3) a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall be a quorum.

#### **AGENDA AT MEETINGS**

14. (1) In addition to any other matters required by this Constitution to be dealt with at an annual general meeting, every annual general meeting shall deal with -
- (a) consideration of the chairperson's report;
- (b) election of Officials;
- (c) consideration of any other matters raised at the meeting, including any resolution

proposed for adoption by such meeting, and the voting upon any such resolutions;

- (d) consideration of the accounts of the Club for the preceding financial year;
- (e) consideration of the report of the auditors and the fixing of remuneration of the Officials;

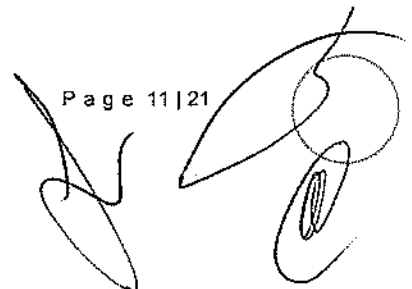
- (2) No business shall be dealt with at any general meeting unless written notice has been given to the Management Committee not less than two days before such meeting by the person proposing to raise such business of his or her intention so to do: Provided that the Chairman may on ordinary resolution of the meeting relax this condition.

#### **PROCEDURE AT GENERAL MEETINGS**

- 15. (1) The Chairman may, with the consent of any general meeting at which a quorum is present and shall, if so directed by the meeting, adjourn a meeting from time to time and place to place.
- (2) No business shall be transacted at any adjourned meeting other than business which could have been transacted at the meeting from which the adjournment took place.
- (3) Whenever a meeting is adjourned for 10 days or more, notice of the adjourned meeting shall be given in the same manner as for an original meeting.
- (4) Subject to the provisions of sub-clause (3), the members shall not be entitled to any notice of adjournment or of the business to be transacted at an adjourned meeting.
- (5) The Secretary shall cause minutes to be kept of every general meeting, which minutes shall, without undue delay after the meeting has closed, be reduced to writing and certified correct by the Chairman.
- (6) All minutes of general meetings shall, after certification, be placed in a minute book to be kept by the Secretary.

#### **PROXIES**

- 16. (1) A member may be represented at a general meeting by a proxy, who must be a member

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of the Club. In case of a player who is under the age of eighteen (18) years, the player's parent/guardian will be allowed to vote on their behalf.

- (2) The instrument appointing a proxy shall be in writing and signed by the member concerned or his or her agent, duly authorised in writing, but need not be in any particular form.
- (3) The instrument appointing a proxy and the power of attorney or any other authority under which it is signed shall be tabled at the meeting at which the person named in the instrument proposes to vote.
- (4) No instrument appointing a proxy shall be valid after the expiration of three months from the date of its execution.
- (5) A vote given in accordance with the terms of a proxy shall be valid notwithstanding the previous death of the principal or revocation of the proxy, provided that no intimation in writing of the death or revocation had been received by the Chairman at any time before a vote is taken in respect of which the proxy exercises such vote.
- (6) There is no limit on the amount of proxies which a member may hold.

## VOTING

17. (1) At any general meeting of the Club, every member who is present in person or represented by proxy and entitled to vote, shall have one vote. Every member and the holder of a proxy may vote on each and every vote required.
- (2) Subject to the provisions of this Constitution, no person other than a member duly registered and who shall have paid all membership fees and other sums, if any, which shall be due and payable to the Club in respect of or arising out of his or her membership, shall be entitled to be present and to vote on any question, either personally or by proxy, at any general meeting.
- (3) At any general meeting a resolution put to the vote shall be decided on a show of hands and a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority, and an entry to that effect in the book

containing the minutes of the proceedings of the Club, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

- (4) Notwithstanding the provisions of sub-clause (3), a poll may, before or on the declaration of the result of the show of hands, be demanded by the Chairman or members and any demand of a poll may be withdrawn by the Chairman or members, as the case may be.
- (5) If a poll is demanded, the poll shall be taken in such manner, including the manner in which the result of the poll shall be determined, as the Chairman directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- (6) In the case of an equality of votes, whether on a show of hands or on a poll, the Chairman shall have a casting vote.
- (7) A poll demanded on the election of an Official or on a question of adjournment shall be taken forthwith and a poll demanded on any other question shall be taken at such time as the Chairman directs.
- (8) The demand for a poll shall not prevent the continuation of a meeting for the transaction of any business other than the question upon which the poll has been demanded.
- (9) Every resolution and every amended resolution proposed for adoption by a general meeting shall be seconded at the meeting and, if not so seconded, shall be deemed not to have been proposed.
- (10) An ordinary resolution or the amendment of an ordinary resolution shall be carried on a simple majority of all votes cast.
- (11) Unless any member present in person or by proxy at a general meeting, objects before the closure of the meeting to any declaration made by the Chairman as to the result of any voting at the meeting, whether by show of hands or otherwise, or to the propriety or validity of the procedure at such meeting, such declaration by the Chairman shall be deemed to be a true and correct statement of the voting, and the meeting shall in all respects be deemed to have been properly and validly constituted and conducted.

- (12) An entry in the minutes to the effect that any motion has been carried or lost, with or without a record of the number of votes recorded in favour of or against such motion, shall be conclusive evidence of the votes so recorded.

#### **ELECTION OF OFFICIALS**

18. (1) The Officials are elected on the annual general meeting and shall ordinarily hold office from the date following the date on which they are elected until the date of the next annual general meeting. Existing Officials will continue to fulfil any and all obligations imposed on them prior to the selection of the new Officials.
- (2) An official may be re-elected to a particular office.
- (3) If any Official ceases to hold office as contemplated in clause 6 (6), the Management Committee may appoint a member to hold such office for the remaining portion of the Official concerned's term of office.
- (4) Any member may, subject to sub-clauses (6) and (7), before the commencement of an annual general meeting, submit written nominations for the various offices to the Secretary and such nominations must be countersigned by the nominated member and at least one other member seconding the nomination.
- (5) If only one or no nomination is received for a particular office in terms of sub-clause (4), the Chairman may invite nominations during the course of the annual general meeting.
- (6) Only members of the Club are eligible to be nominated for an office.
- (7) The Club Captains [or players' representatives] shall be members who actively participate in hockey.
- (8) A candidate or candidates for the office of Head Coach [or Coaching Co-ordinator] is annually nominated by the Executive Committee on recommendation of the Management Committee. It is the discretion of the Management Committee whether a Head Coach should be appointed or not. Should a Head Coach be appointed, the Executive Committee will vote on whether the Head Coach will serve on the Executive Committee or not.

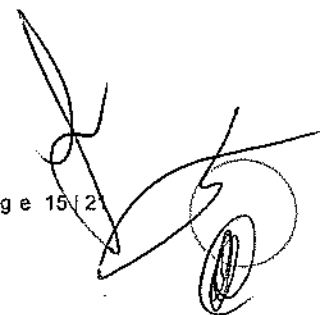
- (9) Officials are elected by ordinary majority vote by the members present in person or by proxy at an annual general meeting.
- (10) If only one nomination in terms of sub-clauses (4) up to and including (7) is received for a particular office, the nominated candidate shall be deemed to be elected unopposed.
- (11) If there is an equality of votes in respect of a particular office -
  - (a) the Chairman has a casting vote if there are only two nominees or two remaining nominees; or
  - (b) if there are more than two nominees or remaining nominees, the candidate with the least number of votes is eliminated and a new vote is held.

## **FINANCES**

19. (1) The financial year of the Club shall be from 1 January to 31 December.
- (2) The Treasurer may, with the approval of the Management Committee, open one or more bank accounts into which the funds or surplus funds of the Club may be deposited and from which payments on behalf of the Club may be made.
- (3) Withdrawal of funds from any account contemplated in sub-clause (2), whether by cheque or otherwise, shall only be done on authorisation of the Treasurer and at least one other Official.
- (4) The accounts and books of the Club shall be open to inspection by members at all reasonable times as by prior arrangement with the treasurer.
- (5) The accounts of the Club shall be examined annually and the correctness thereof ascertained by the auditors of the Club in accordance with standard acceptable accounting practice.

## **COLOURS**

20. The Executive Committee shall determine the official dress in which teams representing the club shall play hockey.

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## **CONDUCT**

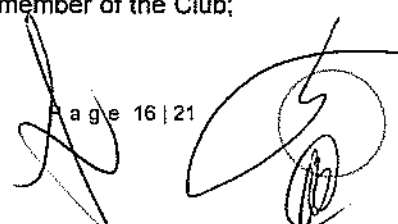
21. (1) A member of the Club is at all time subject to this Constitution, the rules made in terms of this Constitution, the laws, by-laws, regulations or rules of Western Province Hockey Union and any code of conduct which may be adopted by the Club.
- (2) A member of the Club shall at all times conduct himself or herself in such a way that the good name and reputation of the Club may not suffer prejudice as a result of his or her conduct.

## **SUBCOMMITTEE ON DISCIPLINE**

22. (1) The Subcommittee on Discipline shall consist of the Chairperson, the Head Coach, if applicable, and one additional Official who is not the Vice-Chairperson of the Club.
- (2) The Subcommittee on Discipline shall consider any infringement of the Constitution, any of the rules of the Club, any resolutions adopted and rulings made by the Club or its Management or Executive Committee, any contract entered into by the Club, any competition established by the Club, or any laws, by-laws, regulations or rules of Western Province Hockey Union and any code of conduct which may have been adopted by the Club.
- (3) If the Subcommittee for Discipline is of the opinion that an infringement is not serious, it may warn the member concerned, not to commit similar infringements in future.
- (4) If the Subcommittee for Discipline is of the opinion that an infringement is serious, it may refer the matter to a disciplinary committee and shall inform the member concerned in writing of the exact nature and extent of the charge, as well as the time, date and place for the disciplinary hearing.

## **DISCIPLINARY COMMITTEE**

23. (1) A disciplinary committee, consisting of
- (a) at least two impartial club members or at least one person who is experienced in the administration of sports or sports law and who is not a member of the Club;





and

- (b) at least one Club captain [or Players' Representative];  
may be appointed from time to time when the Subcommittee for Discipline deems it necessary to conduct disciplinary proceedings against a member.
- (2) A disciplinary committee may simultaneously enquire into various infringements allegedly committed by a member and may simultaneously enquire into related infringements allegedly committed by different members.
  - (3) The Subcommittee for Discipline shall appoint -
    - (a) a member to take minutes at meetings of the disciplinary committee; and
    - (b) a member to act as prosecutor before the disciplinary committee and to present evidence on behalf of the Club in a particular case.
  - (4) The disciplinary committee shall afford both the prosecutor and the accused member to present their respective cases and shall consider all the evidence presented by the prosecutor and by or on behalf of the member before making its decision.
  - (5) A member charged before a disciplinary committee may be assisted in proceedings before the disciplinary committee by another member of his or her choice and the person presiding over the disciplinary committee shall inform the member concerned of this right before the proceedings commence.
  - (6) If the disciplinary committee finds the accused member guilty of an infringement as charged, it may -
    - (a) warn the member;
    - (b) impose a fine not exceeding [R500.00] on the member;
    - (c) suspend the member for a period not exceeding 3 (Three) months in the case of a first infringement, or a period not exceeding 6 (Six) months in the case of a subsequent infringement;
    - (d) recommend to the Executive Committee that the member should be expelled from the Club; or
    - (e) take such other steps as it may deem fit in the circumstances of the case.

- (7) The disciplinary committee shall, within 3 days, inform the member concerned in writing of its finding and decision, stating the reasons for such finding and decision.

## **APPEAL**

24. (1) If a member feels aggrieved as a result of a decision by a disciplinary committee, the member may, within 7 days of being informed of the decision of the disciplinary committee, in writing appeal to the Chairman of the Club, stating the reasons for the appeal.
- (2) The Chairman of the Club shall consider the appeal on the minutes of the disciplinary committee, the finding and reasons contemplated in clause 22 (6) and the written reasons contemplated in sub-clause (1) and may in whole or in part, revoke or amend the decision of the disciplinary committee and may -
- (a) warn the member;
  - (b) impose a fine not exceeding [R500.00] on the member;
  - (c) suspend the member for a period not exceeding 3 (Three) months in the case of a first infringement, or a period not exceeding 6 (Six) months in the case of a subsequent infringement;
  - (d) recommend to the Executive Committee that the member should be expelled from the Club; or
  - (e) take such other steps as it may deem fit in the circumstances of the case.
- (3) The decision of the Chairman of the Club shall be final and binding on all concerned.

## **SERVICE OF NOTICES**

25. (1) A notice may be served by the Club upon any member at the address specified on the prescribed application form completed by the particular member unless the member shall have notified the Secretary in writing of another address for service of notices.
- (2) Any notice served by post, or in the case of disciplinary proceedings by prepaid registered post, shall, unless the contrary is proven, be deemed to have been served on the fifth

day following that on which the notice was posted.

## INDEMNITY

26. (1) Every Official, servant, agent and employee of the Club and any managing agent, his or her employees, nominees or invitees, shall be indemnified by the Club against all costs, losses and expenses which such person or persons may incur or become liable for by reason of any contract entered into or any lawful act or deed done by such person or persons in the discharge of their respective duties, including in the case of an Official, his or her duties as Chairman, Vice-Chairman, Treasurer, Secretary or other Official.
- (2) Without prejudice to the generality of the sub-clause (1), the Club shall specifically indemnify every person referred to in sub-clause (1) against all losses of whatsoever nature incurred arising out of any *bona fide* act, deed or letter done or written by him or her jointly or severally in connection with the discharge of his or her duties.
- (3) By completing the prescribed Membership Form the member consents that all notices may be sent via email at the email address as indicated on the Membership Form.

## RULES

27. (1) Subject to any restriction imposed or direction given at a general meeting of the Club, the Executive Committee may from time to time make rules with regard to -
- (a) the conduct of members;
  - (b) the application form for membership of the Club;
  - (c) the annual membership fees that are payable by members and different membership fees may be prescribed in respect of different categories of members;
  - (d) without limiting the generality of this paragraph, for the furtherance and promotion of any of the objects of the Club and/or for the better management of the affairs of the Club and/or for the advancement of the interests of members, and may vary, modify or repeal any rules made by the Executive Committee, but

not rules made by a general meeting of the Club.

- (2) A general meeting of the Club may make any rules which the Executive Committee may make in terms of this clause and may vary, modify or repeal any rules made from time to time by it or by the Executive Committee.
- (3) The members shall be notified in writing of any rule made by the Executive Committee or the general meeting of the Club.
- (4) The Secretary shall keep a copy of this Constitution, as amended from time to time and a record of all the rules made from time to time under sub-clause (1).
- (5) The Secretary shall on the application of any member, any prospective member, the auditor or the accounting officer supply to such person a copy of the Constitution and all the rules in force, in return for which the Secretary may require such person to pay the fee prescribed therefor.

#### **AMENDMENT**

28. This Constitution may be amended by resolution of a general meeting passed by a majority of not less than 50% of the votes cast.
29. Any amendment voted on and passed will only take effect once reduced to writing. All amendments must be reduced to writing within one month of the amendment.

#### **MERGER**

30. (1) The Club may merge with any other body with similar objects, by resolution of a general meeting passed by a majority of not less than 75% of the votes cast.  
(2) In the event of a merger as contemplated in sub-clause (1), the Club's nett assets after discharge of its liabilities, together with its rights and obligations under this Constitution, shall vest in the merged entity.

#### **DISSOLUTION**

31. (1) The Club may dissolve itself by resolution of a general meeting passed by a majority of

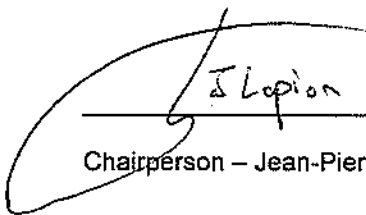
not less than 75% of the votes cast.


- (2) In the event of a dissolution of the Club -
- (a) the Officials will act as liquidators;
  - (b) the Club's nett assets after discharge of its liabilities will be distributed in the liquidators' discretion to one or more hockey clubs.


#### TITLE AND COMMENCEMENT

32. This instrument shall be called the Constitution of Durbanville Hockey Club and shall come into operation on 12<sup>th</sup> day of September 2017.

CONSTITUTION done and approved at Durbanville, Cape Town on this on 12<sup>th</sup> day of September 2017.

  
Chairperson – Jean-Pierre Lopion

  
Vice-Chairperson – Monique Van Wyk

  
Secretary – Kym Clayton