

CONSTITUTION

OF

NELSPRUIT AND DISTRICT ANGLING

CLUB

(NDAC)



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# CONSTITUTION OF NELSPRUIT AND DISTRICT ANGLING CLUB 2024

## 1.1 NAME

Nelspruit and District Angling Club (NDAC)

## 1.2 ABBREVIATIONS

|               |  |
|---------------|--|
| <b>AC</b>     | Action Committee                           |
| <b>AGM</b>    | Annual General Meeting                     |
| <b>“CLUB”</b> | Nelspruit and District Angling Club        |
| <b>EC</b>     | Executive Committee                        |
| <b>FC</b>     | Financial Committee                        |
| <b>IGFA</b>   | International Game Fish Association        |
| <b>MDSAA</b>  | Mpumalanga Deep Sea Angling Association    |
| <b>NDAC</b>   | Nelspruit and District Angling Club        |
| <b>SGM</b>    | Special General Meeting                    |
| <b>SAMSA</b>  | South Africa Maritime and Safety Authority |
| <b>MEMBER</b> | <b>Affiliated NDAC members</b>             |

## 2. OBJECTIVES

The objectives of the club will be as follows:

- 2.1. To be affiliated to the Mpumalanga Deep Sea Angling Association and with any other federation, conference and any other angling body as determined from time to time by the EC.
- 2.2. To maintain and abide by all the objectives, ideals, rules, and regulations of SADSAA.
- 2.3. To extend the sport for pleasure and relaxation.
- 2.4. To form a jovial association with all clubs and their members who have a common interest in deep sea angling.

- 2.5. To comply with all the objectives of a competitive outdoor sport.
- 2.6. To assist the authorities in the efficient working and control of watercrafts.
- 2.7. To obtain moveable property, funds, and other assets to fulfil the objectives as by rule 7.2.
- 2.8. To constitute, make rules, keep records and notes of any matters referring to angling.
- 2.9. Conserve life, fauna, and flora in co-operation with the relevant government departments and agencies involved. This applies to all water with regards to purity and prevention of pollution.
- 2.10. To perform all actions, which directly or indirectly will promote the objectives.
- 2.11. At any time formulate rules and regulations to improve and promote the Club.
- 2.12. To function as a body to practice the sport of amateur angling in all waters from a craft which will comply with the acts of the country.
- 2.13. To strive to promote and regulate the sport of sport fishing in compliance with the national and international rules as laid down from time to time by SADSAA, IGFA and/or other internationally acceptable rules.
- 2.14. To arrange inter-club, inter – provincial, national, and international competitions, to keep records of catches of all anglers at such places as may be determined by the Club.
- 2.15. To select competent anglers to represent NDAC.
- 2.16. To promote competencies to handle a craft, determine rules whereby a craft should be handled, in compliance with SADSAA & SAMSA regulations and the act.
- 2.17. To maintain NDAC as a non-political and non-racial body which obeys the laws of the country and amateur status of its members.
- 2.18. To design uniforms, badges and colours to be awarded to members from time to time.
- 2.19. To acquire income and property which will be in the interest of NDAC and its members to meet the objectives of NDAC.
- 2.20. To open a bank or savings accounts, or to make investments as needed by NDAC.
- 2.21. To raise funds for the purpose and aims of NDAC and, if necessary, make loans against securities of fixed property and investments of NDAC on the terms and conditions as may be determined by the EC.
- 2.22. To establish tournament funds for competitions.
- 2.23. To keep the services of persons, companies, and institutions for the purpose to exercise the aims of the club.

2.24. To keep a proper register of members and affiliated anglers.

2.25. To undertake to support scientific and economical research studies to determine the behaviour of sport fishing and the influence on the environment and fish reserves.

### **3. LAWFUL POSITION OF THE CLUB**

3.1. The Club will be liable for its own debts and any assistance which the Club may give to anybody or person, will not make the Club liable for the debt of such a person or body.

3.2. To act as legal person, that is to issue summons and to be summoned in the name of the Club.

3.3. All property of the Club, movable or immovable, will vest in and be registered in the name of the Club.

3.4. A copy of the constitution and by-laws of the Club, signed by the Chairman/Secretary, may be accepted as the correct version for any purpose.

3.5. NDAC, together with the Committee Members of NDAC, will not be held liable for, and is indemnified against any accident of loss which may be suffered during a competition or any matter with regards to the activities of NDAC.

### **4.1 MEMBERSHIP**

4.1.1. Every new application form for membership must be accompanied by, a registration fee, an annual membership fee and passport photo.

4.1.2. A member shall be a person whose application has been approved by the EC and his/her membership fees and registration fees have been paid up.

4.1.3. A person will be a junior member until the day of his/her 19<sup>th</sup> birthday.

4.1.4. Members cannot sell any of their rights.

4.1.5. The new member application procedures will be as follows:

- 1) New members should complete an application form and send the said form to the Club Secretary to be presented to the committee;
- 2) The Treasurer will check if the application fees have been paid;
- 3) The application will be reviewed and approved/rejected based on the outcome of the vote by the committee, either electronically or otherwise.
- 4) Once approved it will be signed off by the Chairman and Secretary;
- 5) The application will also be published in the newsletter to welcome the member after member acceptance;

- 6) The new member will be welcomed by the PRO in a personal welcoming letter.

## **4.2 MEMBERSHIP FEES**

Membership fees payable by members will be determined from time to time at an AGM. Members must pay these fees to the NDAC not later than 31 January annually. Any member that fails to pay their membership by 31 January will have to re-apply for membership including paying a new registration fee and annual club fees.

## **5. LEVIES**

The Action Committee will have the right to impose any levies. Such levies will be enforceable on condition that at least 51% of members present at the AGM for this purpose, are in favour thereof.

## **6. COMPILATION OF NDAC AND BODY CORPORATE**

6.1. The Executive Committee of the Clubs will be made up out the following Office Bearers:

- Chairman
- Vice Chairman
- Secretary
- Treasurer
- Safety Officer
- Records Officer
- Public Relations officer
- Tournament Officers
- Inhaca
- Onderberg Spesie Bonanza
- Juniors and Development
- Tacklebox officer
- Honorary President
- Publicity Representative/officer
- Club Captain
- Personal Watercraft Coordinator

The EC can appoint additional members or co-opt any assistants to the above – mentioned positions.

6.2. The present EC is in control of the Club until a new EC has been elected by the members at an AGM.

6.3. Nominations for members of the EC must be submitted at the AGM.

6.4. The Action Committee of the Club will consist of The Chairman, Vice Chairman, Secretary and Treasurer.

6.5. The Financial Committee of the Club will consist of The Chairman, Vice Chairman, Secretary and Treasurer.

6.6. The Selection Committee of the Club will consist of the AC Chairman who will act as Governor, plus 4 (four) elected members selected on a yearly basis at the AGM.

Selectors may nominate themselves for teams but will have no hearing or vote at the meeting when the team is selected.

If the Chairman nominates, the selectors will choose an acting Chairman from the floor. The Secretary also has a hearing at the meeting for administrative persons have no vote at the Selection Committee.

## **7. POWER OF THE ACTION COMMITTEE**

The powers as laid down in 7.1 to 7.8 will be:

7.1. In any urgent matter the whole Executive Committee delegates the Action Committee to act on its behalf.

7.2. To enter into a rental agreement with any person or body on such terms and conditions as may be deemed necessary by the Executive Committee for the leasing of land which can be used as an angling base for the Club.

7.3. To obtain by means of purchase, donation, "gift", exchange, lease or otherwise any movable or immobile property (which was leased by the Club or otherwise obtained) to dispose thereof or to deal with it.

7.4. To invest monies or assets of the Club which are not needed for immediate use, to dispose thereof upon such terms, conditions and of such securities as may be determined from time to time.

7.5. To appoint or co-opt any eligible member until the next AGM to fill any vacancy which may arise in the Action Committee or any other Committee.

7.6. To expel any member who, according to the Committee, is guilty of bad conduct which is detrimental to the good name and interest of the Club, for such period as the Committee may deem fit.

7.7. To settle any legal action and/or written dispute which has been lodged against the Club.

7.8. To compile by-laws with regards to activities and functioning of crafts.

## **8. FINANCE COMMITTEE OF THE NDAC**

8.1. The FC will consist of the Action Committee.

8.2. The written approval via digital platform of any two of the four members of the FC will be necessary on any business documents which require signature.

8.3. Notwithstanding the contents of rules 6 & 7, the Treasurer will not make any single payment or incur expenses which are more than R10 000.00 (Ten thousand Rand) without getting approval from the FC via e-mail. Payments may be done by method of electronic transfer on specific condition that the FC be informed of all such payments via e-mail.

## **9. ANNUAL GENERAL MEETING**

The AGM will be held no later than the 31<sup>st</sup> day of August each year, or first available date the purpose being to receive the reports of the outgoing Committee, annual balance sheets and accounts and to discuss general matters of the Club. The Committee for the next year will be chosen by voting.

## **10. NOTICE OF AGM**

Notice of the AGM and agenda will be given at least 21 (twenty -one) days before the date of the AGM to every paid-up member of the club. Such notice will be sent electronically via email and club members WhatsApp group.

## **11. VOTING**

11.1. Voting at the AGM shall be by means of hands or ballot-papers, as the majority of members present decided on. Should there not be a majority then and in such an event the chairman shall have casting vote.

11.2. A member under the age of sixteen years shall not have a vote.

11.3. Voting by way of power of attorney will be allowed restricted to one power of attorney per paid-up member.



## **12 LIFE MEMBERSHIP**

The executive council may at the annual general meeting nominate one person as lifelong member. Such an honour shall be bestowed upon a member who has served the club over a long period of time and has earned the respect of his fellow members. Lifelong members may enjoy the benefits of the club without having to pay membership fees.

## **13. HONORARYMEMBERSHIP**

Two honorary members may be elected for a period of one year at the AGM. Such members will pay no membership fees and will enjoy the benefits of the club. Honorary membership shall be granted to a person who must have made an exceptional contribution to the club.

## **14. SPECIAL MEMBERSHIP**

The EC may from time to time grant special membership to any person on conditions it may deem fit for a period of twelve (12) months.

## **15. NOTICE OF EXECUTIVE COMMITTEE**

Notice of Special Meetings will be sent electronically at least 21 (Twenty-one) days before the date of such meeting to every member of the Club with the understanding that the AC may convene a meeting for urgent matters with short notice. Notices will be sent electronically to all club members who are enlisted via both Email and Members WhatsApp group.

## **16. CONVENING OF SPECIAL GM**

16.1. The AC may at any time convene a SGM or may upon receipt of a written request by 20 members, which is accompanied by a statement of its purpose, hold a SAGM, which request will be considered by the EC at the monthly EC meeting.

16.2. The notice of such a meeting sent to the members, must state the purpose of such a meeting and, except that the AC may raise any matter in its view which needs urgent discussion by the members, no other matters than those stated in the applications will be heard.

16.3. Notice of SAGM's will be sent electronically at least 21 (twenty-one) days before the date of such meetings to every member (subject to their membership fees being fully paid up) with the understanding that the AC may convene a meeting for urgent matters with short notice.

## **17. QUORUM**

The members present will form a quorum.

## **18. FINANCIAL YEAR**

The Club's financial year will be 1 August – 31 July.

## **19. HONORARY PRESIDENT**

An Honorary president shall be elected at every AGM and he will be an honorary member of the club.

## **20. AUDITORS**

Auditors are appointed at the AGM and will audit the Club's books and accounts, which audit will be submitted to the meeting during the AGM.

## **21. MEMBERS' ADDRESSES**

21.1. Members will notify the Secretary in writing via email or other accepted electronic media of any change of addresses or change of an email address.

21.2. All correspondence addressed to the last known electronic\Email address of members will be regarded as correct.

## **22. INDEMNITY**

The members or auditors of the Club will not be held liable for any acts which have been done or neglected to be done in performing their duties, or expected duties, unless it was due to their own wilful default or neglect and they will be indemnified by the Club for any liability which may arise against any other person at a result of any such claim, unless liability arose as aforesaid.

## **23. GENERAL**

The AC will have the authority to deal with all matters which are not covered by the constitution, subject to the confirmation by the EC at the next AGM.

## **24. DUTIES OF THE EXECUTIVE COMMITTEE**

24.1. To represent the Club in any matter which may affect the Club.

24.2. To enforce the provisions of the constitution.

24.3. To co-operate with societies, other bodies, departments, clubs, and associations to fulfil the aims of the Club as set out in this constitution.

24.4. To enforce the provisions of this constitution, any rules and by-laws, to institute action the way they think fit, to achieve the aims, favourableness, or interests of the Club.

24.5. To set AGM's, Special AGM's and arrange duties and place for such meetings.

24.6. To send notices to all paid up members 21 (twenty-one) days prior to such meetings.

24.7. To have an Executive Committee meeting at least every month.

24.8. To notify every Committee member in writing (e-mails and SMS's are acceptable and official WhatsApp group) of any Committee meeting.

24.9. To keep proper books of all matters which affect the activities of the Club.

24.10. To place on record all matters which deal with meetings of the Club and to minute all proceedings.

24.11. To submit an income statement of the Club's activities and balance sheet at the AGM or Special AGM.

24.12. To lay down rules and regulations for competitions and appoint officials who will be liable for the enforcement thereof, with the understanding that it will not be in contradiction with IGFA and SADSAA rules and regulations.

24.13. Take care of and exercise control of all competitions which are organized by the Club to be angled under IGFA and the SADSAA rules and regulations.

24.14. To ensure that every individual who participates in the Club will have fair treatment.

24.15. To open a banking account at a bank and deposit the Club's funds in safe custody and to pay by cheque or electronic transfer any accounts or debts which may become payable as determined by the Executive Committee.

24.16. To appoint sub-committees and/ or temporary sub-committees under the direct jurisdiction of the Executive Committee.

24.17. To appoint additional members and/or co-opt assistants, if so required, for any of the official office bearers.

## **25. DUTIES OF EXECUTIVE COMMITTEE MEMBERS**

### **25.1. Chairman**

- (a) The Chairman of the EC shall chair and be responsible to maintain good order at all meetings which have been arranged by the EC.
- (b) When a difference arises in an opinion of any matter at any meeting, the Chairman will call a voting. The majority of votes will be accepted as final.
- (c) Irrespective of the Chairman's ordinary vote, he will have a final vote.
- (d) The Chairman will submit a written report to the AGM.
- (e) If necessary, the Chairman will, in the opinion of and in consideration with NDAC, institute any legal proceeding, defend, and maintain it.
- (f) The Chairman will have the authority to make any announcements, media reports or any other reports to the media or other institutions and may delegate his authority if he deems it necessary.
- (g) The Chairman will not keep office for 3 (three) consecutive years unless he is elected by 80% (eighty percent) of the members present plus proxies.
- (h) The Chairman will be responsible for the writing of articles for the newsletter.
- (i) The Chairman will be responsible for organizing price giving functions.

### **25.2. Vice Chairman**

In the absence of the Chairman, the Vice Chairman will conduct all meetings, during which he will have an ordinary as well as final vote.

### **25.3. Secretary**

- (a) The Secretary shall perform all clerical work.
- (b) Submit all correspondence which needs the attention of the Club to the Executive Committee.
- (c) Answer all correspondence, keep proper records, keep records up to date and in good order and circulate any notices as notified by the Executive Committee.
- (d) As soon as possible notify the Chairman, and in his absence the Vice Chairman, of any important matter which may arise which needs immediate attention and will take any further action entrusted to him/her by the Chairman or Vice Chairman.
- (e) Submit all records and correspondence to the Executive Committee at the AGM or at any other time as approved by the Executive Committee.
- (f) Keep minutes of all meetings, special meetings and AGM's and submit copies to the management of the Club.

(g) Keep all secretarial and administrative records and reports as needed by the Club as from time to time.

(h) Keep a proper register of all members and anglers in the required format as instructed by MDSAA.

(l) Keep all relevant Club information including but not limited to Members information, contact numbers and Email addresses, official club documents, newsletters, Official Documents, calendars, and all electronic media information i.e.: Correspondence letters to members or fellow committee members.

(j) Managing of the newsletter.

#### **25.4. Treasurer**

(a) The Treasurer will be responsible for all monies and funds of the Club.

(b) Keep proper financial reports of income and expenditure.

(c) Will be responsible to keep proper books and updating thereof of NDAC, including books relating to investments of NDAC.

(d) Prepare Financial statements in accordance with General Acceptable Accounting Practice (GAAP) and submit copies thereof to the management of NDAC at the AGM.

(e) Receive all funds which become available to NDAC and update the record book and an inventory of all funds or assets available to NDAC.

(f) When requested by the Executive Committee, submit a proper return.

(g) Endorse all treasury books in the presence of the Chairman and Vice Chairman.

(h) Accept all monies which become available at a proven commercial bank or institution approved by the Executive Committee as correct on instruction of NDAC.

(i) Arrange for the annual audit of the financial statements of the Club.

(j) Ensure that all the assets of the Club are properly insured in accordance with the directives of the EC.

(k) Pay affiliation fees over to MDSAA.

(l) Assist the secretary to keep a proper register of all members and anglers in the required format as instructed by MDSAA.

### **25.5. Safety Officer/ Safety Officer assistant**

- (a) The Safety Officer will be the Chief Safety Officer of the Club. The complete duties are laid down by SADSAA and MDSAA and by-laws. The Safety Officer will submit all details as requested by SADSAA and MDSAA concerning boat safety and skipper details to the Provincial Safety Officer of MDSAA.
- (b) Act on behalf of the Club on all safety related matters.
- (c) Sea worthiness testing of boats.
- (d) Arrange skippers' courses.
- (e) Practical courses.
- (f) Recruiting of members.
- (g) If the appointed safety officer is not available to assistant safety officer will take over the responsibility.
- (h) Fundraising

### **25.6. Records Officer**

- (a) The Records Officer is responsible to keep records of all Club records, he must have the South African, African, and Provincial records available should it be requested.
- (b) He will delegate or act as Weigh Master at all NDAC competitions.
- (c) He will, in co-operation with the tournament officials, have dominant jurisdiction at all competitions for interpretation of control, monitor angling rules and solve any dispute which may arise.
- (d) Be responsible to compile and keep competition results.
- (e) Be responsible for all trophies and keep a trophy register.
- (f) Shall issue certificates for meritorious and record catches.

### **25.7. Public Relations Officer**

- (a) He functions under direct order of the Chairman and Action Committee.
- (b) He will be responsible for fund raising.
- (c) He will liaise with and ensure that the requirements of the Clubs sponsors are attended to.
- (d) The Public Relations Officer will be responsible for welcoming new members in writing.

## **25.8. Tournament Officer(s) (Inhaca Challenge and Onderberg Spesie Bonanza)**

The function and responsibilities of the Tournament Officer are:

- (a) Point scoring system, drafting of competition rules and regulations, specify specific game-, bill -, and bottom -fish (where applicable) in co-operation with the Department of Sea Fisheries Research Institute, which is suitable for each competition, the scoring system and line class which will apply for a specific category, subject to the EC.
- (b) The inter-provincial and national angling activities that will fall within the jurisdiction of NDAC.
- (c) He will prepare an annual competition diary for submission to NDAC for approval, which will be submitted to NDAC at least 60 (sixty) days before the AGM.
- (d) He will, in co-operation with the Records Officer, have dominant jurisdiction at all competitions for interpretation of control and monitor angling rules and solve any dispute which may arise.
- (e) He will arrange the necessary licenses and necessary exemptions of any bag limit regulations.
- (f) He will arrange for the necessary approval from the relevant bodies to host fishing competitions.

## **25.9. Development Officer**

- (a) Will submit development reports at each NDAC meeting.
- (b) Submit a summary of all development programs hosted during the year to the MDSAA Development Officer if so requested.

## **25.10. Tackle Box Representative**

- (a) Arranging yearly tackle box functions with speakers.
- (b) Control and management of the pub-facility
- (c) Maintaining stock levels.
- (d) Monthly stock control and stock taking.
- (e) Cashing – up and handing over all monies received during the month and/or at functions.
- (f) Organizing enough barmen for functions.
- (g) Organizing Club Social Events and Year end function/Prize-giving in conjunction with Records Officer

## **25.11. Honorary President**

- (a) Guardian of NDAC and honorary position which oversees the general well – being of the Club and its members.

- (b) No specific allocated tasks for this position.
- (c) Can be requested by committee to deliver or give speeches at official club functions.
- (d) Can attend all committee meetings and give comments but this position doesn't have any formal voting powers.
- (e) Can act as arbitrator within the club/committee on any dispute solving.
- (f) See to the following of traditions.

#### **25.12. Publicity Representative /Official**

- (a) Upkeep of a diary of important dates.
- (b) Assist with publishing of the NDAC newsletter.

#### **25.13. Club Captain**

- (a) Maintaining of the club building inside and outside, the parking area, the garden, and all movable property.
- (b) Compose and maintain an inventory of all the movable property.
- (c) Maintain the security of the club.
- (d) Buying of the electrical card.
- (e) Updating the honours and memorial boards annually before the prize giving.
- (f) Reporting at the EC meetings.
- (g) Advertising and hiring out of all the club's facilities.
- (h) Manage all the club's facilities before and after a function.
- (i) Coordinate with Tackle box Officer in connection with the bar facility and barmen.
- (j) Prepare a statement after a function and submit it to the Treasurer.
- (k) Sending out of accounts after hiring out of the club's facilities.
- (l) Responsible for the events hosting at the club with all preparations.
- (m) Check before monthly meetings that the area is neat, and all provisions are made for the monthly meetings.

#### **25.14. Personal Watercraft Coordinator**

The function and responsibilities of the Personal Watercraft Coordinator are:



- (a) Attending to developing a Point scoring system, drafting of competition rules and regulations, specify specific game-, bill -, and bottom -fish (where applicable) in co-operation with the Department of Sea Fisheries Research Institute, which is suitable for each competition, the scoring system and line class which will apply for a specific category, subject to the EC.
- (b) The inter-provincial and national angling activities that will fall within the jurisdiction of NDAC.
- (c) He will prepare and annual competition diary for submission to NDACNADC for approval, which will be submitted to NDAC at least 60 (sixty) days before the AGM.
- (d) He will, in co-operation with the Records Officer, have dominant jurisdiction at all competitions for interpretation of control and monitor angling rules and solve any dispute which may arise.
- (e) He will arrange the necessary licenses and necessary exemptions of any bag limit regulations.
- (f) He will arrange for the necessary approval from the relevant bodies to host fishing competitions.
- (g) Tournament Officer duties.
- (h) Monthly reports at monthly EC meetings.
- (i) Liaise with Provincial and National coordinators.

#### **25.15. Additional Members**

- (a) No official duties assigned.
- (b) No voting right.
- (c) Assist in general as requested by the Committee from time to time.

#### **26. ACTION COMMITTEE**

The Action Committee will consist of the Chairman, Vice Chairman, Secretary and Treasurer and will act on behalf of the EC on all urgent matters. The action taken must be approved by the next AGM or EC meeting.

#### **27. EXECUTIVE COMMITTEE**

This is set out under paragraph 6.1,& 25. This Committee should meet at least once a month.

## **28. RULES AND BY – LAWS**

28.1. Rules and regulations which rule the functioning of crafts along any water – SADSAA rules and regulations apply.

28.2. NDAC by – laws.

28.3. (a) When it seems fit for the EC to extend the aims of the section to improve its organization and function, the EC then may lay down rules and by-laws on condition that it does not differ from or clash with the constitution or with acts laid down by Government Legislation.

(b) Rules and by-laws laid down by the EC must be circulated to all members.

(c) Rules and by-laws laid down by the EC will be enforced until the next AGM when it will be submitted for revision and confirmation.

## **29. COLOURS AND CLOTHING**

29.1 Black blazer (not double breasted) with khaki trousers or khaki skirt and brown shoes.

29.2 The blazer badge will be donated by NDAC to all anglers who represent a Club team.

29.3 Wording to appear on all blazer badges: Nelspruit and District Angling Club / Nelspruit en Distrik Hengel Klub;

29.4 Honorary colours are received once an affiliated angler obtains Protea colours.

## **30. AMENDMENT OF THE CONSTITUTION**

30.1. Any club member that wishes to make an amendment must submit it in writing 3 (three) months before the AGM. The proposed amendments must be circulated at least 2 (two) months before the AGM.

30.2. Two thirds of the members present at an AGM are necessary to approve an amendment of the constitution.

30.3. All amendments need to be sent to the Tax Commissioner (SARS)

## **31 DISSOLVING**

All assets will be handed off to MDSAA for custody until such time of active participation in deep sea angling and NDAC is restored in honour.

## **32 VACANCIES AND RESIGNATIONS**

In case of an official vacancy the Club will, at the next Executive Committee meeting, select a successor on condition that, if the office of the Chairman becomes vacant, it can only be filled during a special AGM which will be convened for this purpose.

## **33 MISCONDUCT AND DISCIPLINARY PROCEEDINGS**

33.1 Every Member should make itself conversant with, and shall ipso facto be bound by these provisions of this Constitution and any by-laws in force from time to time.

33.2 The membership of any Member who or which:

33.2.1 departs from any of the provisions of this Constitution, or any resolution adopted by the EC, or any by-law, and remains so in breach 21 days after the despatch of written notice calling upon the member to remedy the same;

33.2.2 is convicted of a criminal offence in terms of any Act, Ordinance or Regulation governing marine angling;

33.2.3 fails to pay timeously, any capitation fees or any other amounts due to the Association, or is in breach of any by-law or any of the provisions of this Constitution;

33.2.4 is, or has been guilty of any conduct which in the opinion of the EC renders the Member unworthy of membership to the Association: may by resolution of the EC be cancelled, or suspended on such terms and conditions and for such period as the EC may determine, or may, in addition, be fined a sum of money, the maximum amount of which shall be determined by the EC from time to time, or may have any of the privileges he or she is entitled to by virtue of his or her membership removed or suspended for such period as may be determined by the EC.

33.3 Notice of such suspension, fine or expulsion shall be forwarded by electronic communication and such member desiring to appeal against the decision to an Arbitrator, shall within 20 working days of such notice, refer the matter to Arbitration.

33.4 Any Member shall be entitled to attend and address the Special Meeting of the EC at which the appeal is to be reconsidered, and to make written submissions in support of the same, but shall not be entitled to legal representation. At such meeting the previous decision of the EC shall be deemed to be rescinded and a further vote shall be taken in respect of the application.

33.5 Should a penalised Member fail to appeal within the 30-day period, he/she shall have no further right of appeal, and should the appeal fail; and/or should the suspension, fine or expulsion be confirmed, the Secretary shall forthwith notify such decision to every member of the Association and notice of such decision may also be sent to other interested persons or bodies, or published, at the discretion of the EC.

33.6 In the event of the suspension or expulsion of any Member he/she shall have no claim against the Association or any of its members in respect thereof.

33.7 It is recorded that, in the event of an unaffiliated Member acting in material non-compliance of this constitution, its rules and or resolutions or despite his continued non-compliance thereof or failing to comply with an instruction by the Action Committee, calling upon such a member to do so with at least 7 days written notice to do so, may be subjected to a disciplinary process.

33.8 The Action Committee by majority decision, and in their sole discretion, and without having to comply with the written notice in paragraph 33.7 above, shall have the authority to suspend an unaffiliated Member without a formal disciplinary enquiry, pending finalization of the disciplinary process. The aforesaid decision shall not be appealable.

33.9 The Action committee shall in its sole discretion determine, whether the disciplinary hearing be heard by:

33.9.1 The Action Committee, and in their sole discretion decided whether it should be assisted by: A Delegate from the Regional Member Body with which the unaffiliated Member is affiliated to, and/or any Office Bearer, and/or any other suitably qualified person/s, for hearing within 90 days; or

33.9.2 the EC at the next EC meeting, provided that in neither instance, it being an internal process, legal representation shall not be allowed at the disciplinary hearing.

33.10 The said Action Committee, after hearing evidence and arguments for, and/or against the charges, shall have the power to find him/her guilty or not guilty of the charges, and determine such punishment, including, but not limited to the uplifting or enforcing of the suspension, the expulsion of such unaffiliated Member for a period, termination of membership, or any other punishment it deems fit, and their decision, save and except of termination of membership (which shall be appealable to an Arbitrator), shall be final. At the disciplinary hearing (whether before a disciplinary committee or the EC's meeting) such an unaffiliated Member shall be afforded a fair opportunity to present his evidence and arguments.

33.11 Any unaffiliated Member has a right of appeal only against the decision of the Action Committee, to the EC, and such aggrieved member shall exercise the right to his appeal by giving 30 days written notice to the Secretary, which appeal shall be heard at the next EC meeting, unless the Action Committee deems it appropriate in its sole discretion, to be heard at another time.

33.12 Should an aggrieved unaffiliated Member fail to appeal as provided in paragraph 33.11 above, he shall have no-further right of appeal, and should the disciplinary committee's findings and punishment be upheld, the Secretary shall forthwith notify such decision to the aggrieved member, his/her affiliated Member Body and it may also be sent to other interested persons or bodies, or published, at the discretion of the EC.

33.13 In the event of the suspension or expulsion of any member he shall have no claim against the Association or any of its members in respect thereof.

## **34. ARBITRATION**

34.1 All disputes (other than a dispute in respect of which urgent relief may be obtained from a court of competent jurisdiction), which may arise with regard to:

34.1.1 the application, interpretation, implementation or enforcement of this Constitution, or;

34.1.2 whether any part thereof is void or voidable, or;

34.1.3 any dispute between the members of the Association inter se, shall be referred to expedited private arbitration before a practising attorney/advocate with at least 10 years standing, who shall be agreed upon by the parties, and failing which, shall be appointed, by governing body of the relevant profession.

34.1.3 an appeal from an unaffiliated member who's membership has been terminated as a result of disciplinary action in terms of paragraph 33.11.

34.2 Notwithstanding anything to the contrary contained in this Constitution or stipulated by the Arbitration Act, the Arbitration will be held in Mbombela, with a view to achieving an expeditious result. Furthermore, the arbitration will be conducted in camera, the parties and the participants in the arbitration being obliged to maintain the utmost confidentiality with regard to all matters relating thereto or arising there from, save as otherwise expressly and peremptorily required by law.

## **35. DISSOLUTION/CLOSING DOWN**

35.1 The organisation may dissolve or close down if all of the members present and voting at a special meeting convened for the purpose of considering such matter, are in favour of closing down.

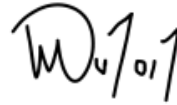
35.2 When the organisation closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organisation. It should be given in some way to another non-profit organisation that has similar objectives. The organisation's general meeting can decide what organisation this should be.

This constitution was approved and accepted by the members of Nelspruit and District Angling Club at a special meeting held on 14 May 2024



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**Chairman: Sam Botha**



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**Treasurer: Wanzen Du Toit**