



**CONSTITUTION  
OF  
KWAZULU NATAL SHOWJUMPING**

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## **1. CONSTITUTION, NAME AND CORPORATE PERSONALITY**

- 1.1. This is the Constitution of the body known as "KWAZULU NATAL SHOWJUMPING", which Association is the Provincial body duly recognised by S.A. SHOWJUMPING.
- 1.2. KWAZULU NATAL SHOW JUMPING is a voluntary Association having a corporate identity separate from that of its Members and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.
- 1.3. The provisions of this Constitution are founded upon and shall be implemented and administered in the recognition of human dignity, equality and the advancement of human rights and freedoms, non-racialism, non-sexism and the right of freedom of association and the supremacy of the Constitution of the Republic of South Africa (1996), the rule of law and good corporate governance.

## **2. DEFINITIONS AND ABBREVIATIONS USED**

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

- 2.1 "Act of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act".
- 2.2 "A.G.M." means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- 2.3 "Appeal Board" means a body of appeal appointed by the Council in terms of this Constitution.
- 2.4 "Associate Members" means all those associations or organisations having the same or similar objects to KWAZULU NATAL SHOWJUMPING and having their National Office within the area of jurisdiction of KWAZULU NATAL SHOWJUMPING, which bodies have made application and have been accepted as Associate Members of KWAZULU NATAL SHOWJUMPING in terms of the provisions of this Constitution.
- 2.5 "Annual Financial Statements" means the annual balance sheet, income and expenditure account.
- 2.6 "Club" means any SHOWJUMPING club, which caters for any discipline of SHOWJUMPING as defined by S.A. SHOWJUMPING in a district or Province, as contained in this Constitution and approved by S.A. SHOWJUMPING.

- 2.7 "Compliance" means that the member District, club and athlete has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with KWAZULU NATAL SHOWJUMPING.
- 2.8 "Constitution" means this Constitution.
- 2.9 "KwaZulu Natal Council" means the executive committee as constituted in terms of this constitution.
- 2.10 "SHOWJUMPING" means the sport of JUMPING and includes the disciplines referred to in this Constitution and as defined by the FEI.
- 2.11 "KWAZULU NATAL SHOWJUMPING" means the body recognised by SASJ as the organisation responsible for SHOWJUMPING in the Province of KwaZulu Natal, and as referred to in this Constitution.
- 2.12 "Day" means a calendar day. "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.13 "Event" means a SHOWJUMPING event held under the auspices of S.A. SHOWJUMPING.
- 2.14 "Event Organizer" means a person duly authorised to manage an event on behalf of S.A. SHOWJUMPING either directly or indirectly through its members.
- 2.15 "FEI" means the *Federation Equestre Internationale* being the supreme controlling body of SHOWJUMPING at global and continental levels.
- 2.16 "Honorary Life Members" means all those persons bestowed with this honour by the General Council of S.A. SHOWJUMPING, and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution.
- 2.17 "Levies" means the monies levied and due by the membership to S.A. SHOWJUMPING and as approved and agreed to by membership at each Annual General Meeting of S.A. SHOWJUMPING.
- 2.18 "Member" shall mean an Ordinary Member, Athletes Commission or an Associate Member.
- 2.19 "Month" means a calendar month.
- 2.20 "National Sport Federation" means the national governing body of the Sport in membership of SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa.

- 2.21 "Ordinary General Meeting" means a meeting convened in terms of this Constitution.
- 2.22 "Ordinary Members" means those members duly accepted as members in terms of the geopolitical demarcations as set out in this Constitution.
- 2.23 "Organisers" shall mean those persons who have been duly authorised by S.A. SHOWJUMPING either directly or through their provincial membership to stage a SHOWJUMPING event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.24 "Patrons" shall mean a person duly appointed as such in terms of this Constitution.
- 2.25 "Person" means a natural or legal person.
- 2.26 "President" means the President of KWAZULU NATAL SHOWJUMPING, duly elected in terms of this Constitution.
- 2.27 "Province" means one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa 1996 (as amended).
- 2.28 "Showjumping District" shall mean a regional SHOWJUMPING body established in the designated Province or part of a Province for the purpose of organising and coordinating activities in a particular region within its respective Province.
- 2.29 "Provincial SHOWJUMPING member" means a dually constituted body consisting of more than one club within a Province associated with each other for the special and specific purpose of liaison and communication with the sporting codes of that Province, and the Department of Sport and Recreation in that Province.
- 2.30 "Athlete" shall mean the individual, together with his horse, which shall be regarded as one competitor.
- 2.31 "Rules & Regulations" means the rules and regulations of S.A. SHOWJUMPING.
- 2.32 "S.A.E.F" means the South African Equestrian Federation.
- 2.33 "S.A.I.D.S." means the South African Institute for Drug-Free Sport.
- 2.34 "S.A.S.C.O.C." means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa.

2.35 "Special General Meeting" means a meeting convened in terms of this Constitution.

2.36 "Athletes Commission" shall mean a body of persons representing current SHOWJUMPING Athletes, in the discipline of SHOWJUMPING under the auspices of KWAZULU NATAL SHOWJUMPING.

2.37 "S.R.S.A.", means the Department of Sport & Recreation in South Africa.

2.38 "Vice-President" means the Vice-President of KWAZULU NATAL SHOWJUMPING as defined in this Constitution.

2.39 "W.A.D.A" means the World Anti-Doping Agency.

2.40 "Year" means a calendar year.

2.41 Any words importing one gender include the other.

### **3. INTERPRETATIONS**

3.1 The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.

3.2 Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa.

### **4. AREA OF JURISDICTION OF KWAZULU NATAL SHOWJUMPING**

The geographical area of jurisdiction of KWAZULU NATAL SHOWJUMPING shall be the Geo-political area defined as KwaZulu Natal.

### **5. OBJECTS OF KWAZULU NATAL SHOWJUMPING**

The objects of KWAZULU NATAL SHOWJUMPING are:

5.1 to be and to operate and function as the autonomous controlling and administrative body of the sport of SHOWJUMPING within the area of its jurisdiction.

5.2 to direct, develop, promote and administer the Sport of SHOWJUMPING within the area of its jurisdiction in accordance with sound business and financial principles;

5.3 to ensure that the encouragement, promotion, development and administration of the Sport of

- SHOWJUMPING, whether same be at National, Provincial, District or Local level, is carried out in accordance with the principles of non-racism, by which it is meant that race ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any one person or group of persons.
- 5.4 to promote sportsmanship and fair play at all levels of the sport, free of any interference.
  - 5.5 to apply annually to be a member of S.A. SHOWJUMPING and to abide by their Constitution, Rules and Regulations.
  - 5.6 To advance the objects of KWAZULU NATAL SHOWJUMPING and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by KwaZulu Natal Council, whether within or without the area of jurisdiction of KWAZULU NATAL SHOWJUMPING and irrespective of whether or not such other Associations or Organisations be connected with the sport of SHOWJUMPING.
  - 5.7 To uphold and enforce the rules of SHOWJUMPING as prescribed by the FEI (*Federation Equestre Internationale*) from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the performing of SHOWJUMPING.
  - 5.8 To uphold and enforce any code of conduct pertaining to the sport of SHOWJUMPING approved by the FEI and/or its corresponding Showjumping Region, any other code of conduct decided upon by S.A. SHOWJUMPING.
  - 5.9 To encourage the appointment of coaches at all levels within the Equestrian community.
  - 5.10 To select representative Athletes at all levels for participation in any tournaments whether same be local or national.
  - 5.11 To award district and provincial colours in terms of the criteria laid down in the Rules and Regulations.
  - 5.12 To recognise and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sport ("SAIDS") as well as the code of the World Anti-Doping Agency ("WADA") and the FEI Equine Anti-Doping and Controlled Medication Regulations as may be amended from time to time.
  - 5.13 To promote the appointment and education of Judges and Officials within its jurisdiction.

## 6. MEMBERSHIP

- 6.1 KWAZULU NATAL SHOWJUMPING consists of three categories of members, and one category of Athletes, namely:
  - 6.1.1 Ordinary Members, shall be those members as defined by their geopolitical areas and made up of their District / Club structures as set out in this Constitution, and as such they shall be obliged to promote, develop and participate in the sport of SHOWJUMPING, as well to ensure as the development of SHOWJUMPING Athletes through constructive coaching and capacity building.
  - 6.1.2 Athletes Commission means body representative of current SHOWJUMPING Athletes, known as the Athlete's Commission, and established from individual SHOWJUMPING enthusiasts participating in the sport of SHOWJUMPING, as defined in this Constitution.  
Such Members shall at all times have direct representation on the KWAZULU NATAL Council.

- 6.1.3 Associate Member(s) shall comprise those bodies who have made application and been accepted as Associate Members to the Sport of SHOWJUMPING, and are recognised as a body specifically catering for their membership within a confined organisation and/or area, namely the Defence Force, Police Force, Schools and Tertiary Education and any other body duly accepted. An application may be made to the President of the KwaZulu Natal Council in the form determined by the KwaZulu Natal Council from time to time, enclosing a copy of its duly adopted Constitution, a declaration that it will adhere to the Constitutions of SASCOC, SAEF, S.A. SHOWJUMPING and KWAZULU NATAL SHOWJUMPING, a complete membership list and such other information as may be required by the KwaZulu Natal Council. The President shall submit applications for affiliation to the next KwaZulu Natal Council meeting for consideration and the KwaZulu Natal Council shall in turn submit all such applications, with a recommendation, to the next Annual General Meeting.
- 6.1.4 Athlete(s) shall mean each individual participant in the sport, who together with his horse shall make up one competitor. Such Athlete may apply to join KWAZULU NATAL SHOWJUMPING by way of filling out the requisite application form as may be produced by KWAZULU NATAL SHOWJUMPING and amended from time to time. KWAZULU NATAL SHOWJUMPING may levy a fee against such Athlete at its discretion and such Athlete, whether or not a fee was levied and / or paid but upon acceptance of such application, shall be subject to this Constitution and any Rules and Regulations of KWAZULU NATAL SHOWJUMPING. The aforesaid fees shall be collected directly by KWAZULU NATAL SHOWJUMPING by way of any mechanism that it may establish for such purpose.
- 6.1.5 KWAZULU NATAL SHOWJUMPING may, by a majority vote taken at an Annual General Meeting or a Special General Meeting convened inter alia for this purpose, grant associate membership status to any other association operating on a national level provided that no associate membership shall be granted to an association with the same aims and objectives as KWAZULU NATAL SHOWJUMPING.
- 6.1.6 KWAZULU NATAL SHOWJUMPING may, by a two-thirds majority vote taken solely for this purpose, withdraw its recognition of any associate member contemplated in this Constitution, in which event; the relevant association will cease, forthwith, to be an associate member of KWAZULU NATAL SHOWJUMPING.
- 6.1.7 In matters of mutual interest, KWAZULU NATAL SHOWJUMPING and any members may, if the need arises, enter into a written agreement covering specific issues for the benefit of the Sport and its members.
- 6.2 The current Ordinary Members shall be:-
- 6.2.1 Uthukela (Ladysmith)
  - 6.2.2 Umzinyathi (Dundee)
  - 6.2.3 Amajuba (Newcastle)
  - 6.2.4 Zululand (Ulundi)
  - 6.2.5 Umkhanyakude (Mtubatuba)
  - 6.2.6 UThungulu (Richards Bay)
  - 6.2.7 iLembe (Kwa Dukuza)



6.2.8 Sisonke (Ixopo)

6.2.9 Ethenkwini (Durban)

6.3 The jurisdictions of Members shall be limited by the boundaries of the provinces, in compliance mutatis mutandis with SASCOC, they presently represent but shall, within a period of two years from adoption of their Provincial Constitution, fall within the under mentioned geo-political Provinces/Districts, if all districts consists of at least 1 club.

## **7. POWERS OF KWAZULU NATAL SHOWJUMPING TO CARRY OUT ITS OBJECTIVES**

7.1 KWAZULU NATAL SHOWJUMPING shall have all such powers and authorities as shall be necessary or desirable or conducive of achieving any and all of the objects of KWAZULU NATAL SHOWJUMPING. These powers and authorities shall be exercised by the KwaZulu Natal Council and/or by the President and/or by any duly constituted sub-committee in accordance with and subject to the provisions of this Constitution and the Act. Without in any way limiting the generality of the foregoing, the powers and authorities of KWAZULU NATAL SHOWJUMPING shall include those set out in Clauses 7.2 to 7.13 below.

7.2 To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind.

7.3 To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property or rights of KWAZULU NATAL SHOWJUMPING.

7.4 To enter into contracts of any and all kinds necessary to carry out, give effect to or secure the objects of KWAZULU NATAL SHOWJUMPING.

7.5 To employ, suspend or dismiss and remunerate employees, professional assistants and experts.

7.6 To regulate relations between its Members and KWAZULU NATAL SHOWJUMPING or its members or individual SHOWJUMPING Athletes.

7.7 To invite the patronage of any person or persons as it may consider advisable.

7.8 To insure against losses, damage, risk and liability of all kinds.

- 7.9 To institute, conduct, defend, compound or abandon any legal proceedings by and against KWAZULU NATAL SHOWJUMPING or its officers or otherwise concerning the affairs of KWAZULU NATAL SHOWJUMPING, or the action of its Members, and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against KWAZULU NATAL SHOWJUMPING.
- 7.10 To raise money whether by subscription or levies which are to be paid to KWAZULU NATAL SHOWJUMPING by no later than 1<sup>st</sup> day of February each year from its Members inclusive of clubs, tertiary institutions, and or any other associations or organisations which are affiliated directly or indirectly to KWAZULU NATAL SHOWJUMPING on behalf of ordinary SHOWJUMPING Athletes who are members of the bodies referred to above, as well as to obtain funding from any other source, and to recover by legal process monies due by any of the above.
- 7.11 To contribute or subscribe to bodies with aims similar to the aims of KWAZULU NATAL SHOWJUMPING, and invest monies upon such security and in such manner as it may from time to time determine.
- 7.12 To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its Members or former Members or on any SHOWJUMPING Athlete or club or association or organisation connected or concerned with SHOWJUMPING arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by KwaZulu Natal Council, including those of SAIDS, SASCOC, SAEF, SASJ and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the foregoing, KWAZULU NATAL SHOWJUMPING shall have the power to suspend or ban any SHOWJUMPING Athlete, Member or club from participating in any championship or event.
- 7.13 To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to KWAZULU NATAL SHOWJUMPING by its Members, former Members or any other persons or body.

## **8. MEMBERSHIP AND TERMINATION OF MEMBERSHIP**

- 8.1 Any Association which wishes to become an Associate Member of KWAZULU NATAL SHOWJUMPING shall apply in writing to KwaZulu Natal Council to be admitted as an Associate Member, and shall furnish a copy of its constitution and all such information as Show Jumping Council may require to decide upon its application.
- 8.2 No Association shall be admitted to membership of KWAZULU NATAL SHOWJUMPING unless KwaZulu Natal Council is satisfied that the constitution of such Association substantially complies with the requirements contained in Schedule Two hereto.

- 8.3 KwaZulu Natal Council's decision to admit or refuse any application for membership shall be referred to the next meeting of the Council for ratification.
- 8.4 Associate Members shall agree upon and define their geographic areas of jurisdiction provided that in the event of dispute and failure to reach agreement such areas of jurisdiction shall be defined by KwaZulu Natal Council, and shall comply mutatis mutandis with the SASJ and SAEF constitution.
- 8.5 The right of each existing and future Member to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of S.A. SHOWJUMPING.
- 8.6 Any Member other than an ordinary member, which ceases to operate a viable structure as defined in this Constitution and may ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 8.7 Any member of any classification may, at any time, tender their resignation from KWAZULU NATAL SHOWJUMPING. Such member must give notice by not later than 30 November of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to KWAZULU NATAL SHOWJUMPING at the date of their resignation.

## **9. VOTING RIGHTS**

- 9.1 The voting rights set out in this clause shall apply in respect of any and all meetings of the Council.
- 9.2 Ordinary Members shall each have 1 (one) vote.
- 9.3 Athletes Commission shall each have 1 (one) vote.
- 9.4 Associate Members shall each have 1 (one) vote.
- 9.5 Honorary Life Members may only vote in connection with any motion to terminate the Membership of any Honorary Life Member, and shall each have 1 (one) vote.
- 9.6 Only Members whose representatives are personally present at the meeting concerned shall have the right to vote.
- 9.7 Each Athletes Commission, Ordinary Member or Associate Member will be entitled to nominate one representative to attend and to vote at any general meeting. Such nominations shall be in writing, addressed

to the President and must be received by the National Office not less than 72 (seventy-two) hours prior to the time for the commencement of that meeting.

#### **10. ANNUAL GENERAL MEETING ("A.G.M.")**

- 10.1 An A.G.M. shall be held once in every year provided that not more than fifteen months shall elapse between one A.G.M. and the next.
- 10.2 KwaZulu Natal Council shall decide the date, time and place on which each A.G.M. shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the KwaZulu Natal Council or at such other place as KwaZulu Natal Council may determine and that the A.G.M. is held in within 3 (three) months from the end of the financial year.
- 10.3 The following persons shall be entitled to attend and speak at the A.G.M.:
- 10.3.1 All members of KwaZulu Natal Council
  - 10.3.2 Not more than 1 (one) representative of the Athletes Commission, and not more than 1 (one) representative of the Associate Members.
  - 10.3.3 The Patrons.
  - 10.3.4 All Honorary Life Members
  - 10.3.5 Any other person who may be invited by KwaZulu Natal Council to do so.
- 10.4 The business to be transacted at an A.G.M. shall be:
- 10.4.1 To read the notice convening the Meeting
  - 10.4.2 To read and confirm the Minutes of the previous A.G.M., Special General and General meetings, and to consider any matters arising therefrom
  - 10.4.3 To receive and consider the Annual Report of the President, for the period since the date of the previous A.G.M.
  - 10.4.4 To adopt with or without modification, the Annual Financial Statements for the period since the date of the previous A.G.M., provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the Council at an Ordinary General Meeting or by the KwaZulu Natal Council as per the decision of the A.G.M. .
  - 10.4.5 To consider and to adopt with or without modification, or to reject any recommendations of KwaZulu Natal Council.
  - 10.4.6 To consider all nominations by KwaZulu Natal Council of persons to be Patrons or Honorary Life Members and to accept or to reject any such recommendation or nomination
  - 10.4.7 To elect the KwaZulu Natal Council in terms of clause 14 as read with clause 15

10.4.9 To discuss and consider any matter of which 30 (thirty) days written notice has been given.

10.5 Notice of each A.G.M. shall be sent to all the Members, Members of KwaZulu Natal Council, Patrons and Honorary Life Members not less than 30 (thirty) calendar days prior to the date of the A.G.M.

10.6 Not less than 21 (twenty-one) calendar days prior to the date of any A.G.M., copies of the Agenda for that A.G.M. and the Annual Financial Statements for the financial year preceding the date of the A.G.M. shall be disseminated to all Members, Patrons and Honorary Life Members by post, and/or by hand, and /or by fax, and/or by electronic mail.

## **11. ORDINARY GENERAL MEETINGS ("O.G.M'S")**

11.1 Subject to the terms of this Constitution the KwaZulu Natal Council shall be the highest authority of KWAZULU NATAL SHOWJUMPING and shall determine its policy, decide upon its budget and give directives to Management Committee.

11.2 The Ordinary General Meeting of the Council shall be held on such date and at such place as KwaZulu Natal Council shall determine.

11.3 The following persons shall be eligible to attend and speak at meetings of the Council:

11.3.1 All the persons referred to in clause 10.3 save those referred to in sub-clauses 10.

11.4 Notwithstanding anything to the contrary herein, no Honorary Life Member shall be entitled to attend or speak at the Ordinary General Meeting but may do so upon the invitation of KwaZulu Natal Council.

11.5 Notice of any Ordinary General Meeting of the Council shall be sent to Ordinary, Special and Associate Members not less than 21 (twenty-one) calendar days before the date of such meeting which notice shall be accompanied by a proposed agenda as recommended by KwaZulu Natal Council.

11.6 The text of any motion which any Member wishes to be put to and considered by any Ordinary General Meeting shall be received not less than 30 (thirty) calendar days prior to the date of such meeting by the National Office who shall disseminate it by post and /or by hand, and/or by fax, and/or by electronic mail, together with the final agenda to all Ordinary Members, Special Member and Associate Members, not less than 10 (ten) calendar days prior to such date.

11.7 The business to be transacted at the O.G.M. shall be:

11.7.1 to read the notice convening the meeting;

- 11.7.2 to read and confirm, with or without amendments, or to reject the minutes of the previous Ordinary General Meeting as the case may be, as well as the minutes of any S.G.M. held in the interim, and to consider any matters arising therefrom;
- 11.7.3 to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;
- 11.7.4 to consider and to adopt with or without modification or to reject the budget for the ensuing year which shall have been prepared by the Treasurer and considered and recommended by KwaZulu Natal Council;
- 11.7.5 no resolution which has the effect of creating, amending or repealing a by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of 11.6 hereof or such resolution has been ratified at the next Ordinary Council meeting.

## **12. SPECIAL GENERAL MEETINGS ("S.G.M.'s")**

- 12.1 An S.G.M. of Members shall be convened:
  - 12.1.1 By resolution of KwaZulu Natal Council, or
  - 12.1.2 Upon the written requisition of not less than 5 (five) Members, addressed to the President and delivered to the National Office provided that such written requisition shall state the exclusive purpose for which the S.G.M. is to be called and the text of the motion to be put to the meeting.
- 12.2 Within 14 (fourteen) calendar days after receipt of the resolution or requisition referred to in sub-clause 12.1, the President shall send written notification to all Members, which notice shall specify the time, date and place of the S.G.M., which time, date and place shall have been determined by KwaZulu Natal Council provided that the date shall not be less than 21 (twenty-one) calendar days of the date of posting dissemination of the notification, together with written notification of the purpose of and measures to be transacted at the S.G.M. and the text of motions to be put to and considered by the meeting.
- 12.3 No business other than that stated in the notification, referred to in sub-clause 12.2, shall be transacted at the S.G.M.
- 12.4 Only the persons referred to in 10.3 excluding those referred to in sub-clause 10.3.5 shall be entitled to attend and speak at S.G.M.'s.

## **13. GENERAL PROVISIONS RELATING TO A.G.M.'s, ORDINARY GENERAL MEETINGS & S.G.M.'s.**

- 13.1 The following provisions shall apply to all A.G.M.'s, O.G.M.'s and S.G.M.'s:

- 13.1.1 A.G.M.'s, O.G.M.'s and S.G.M.'s shall, subject to the terms of this constitution, be held at such time and place as shall be decided by KwaZulu Natal Council.
- 13.1.2 The chairperson of any A.G.M., O.G.M., or S.G.M. shall be the President or in his or her absence the Vice-President, or in his or her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote.
- 13.1.3 Each member of KwaZulu Natal Council shall have 1 (one) vote and the Chairperson of any general meeting shall have 1 (one) vote, in that capacity, and a second or casting vote in the event of an equality of votes.
- 13.1.4 A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing.
- 13.1.5 If a quorum shall not be present at the place of the meeting within 30 (thirty) minutes after the time set for commencement of the meeting, or the Member is not present during the meeting, until the proceedings have been duly declared to have been concluded so by the President, the meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case, it shall stand adjourned to a date not earlier than 5 (five) calendar days and not later than 15 (fifteen) calendar days after the date of that meeting, and, at such adjourned meeting the representatives of Ordinary, Special and Associate Members present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 13.1.6 Where a meeting has been adjourned as aforesaid, the President shall, upon a date not later than 3 (three) calendar days after the adjournment disseminate a written notice to each Member stating:
  - 13.1.6.1 the date, time place to which the meeting is adjourned;
  - 13.1.6.2 the matter before the meeting, when it was adjourned;
  - 13.1.6.3 the grounds for the adjournment; which notice shall have been settled by the President.
- 13.1.7 Voting shall be on a show of hands unless a poll be demanded by representative of not less than 40% (forty per centum) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

#### **14. KWAZULU NATAL COUNCIL**

- 14.1 The KwaZulu Natal Council shall consist of the following persons:
  - 14.1.1 The President,
  - 14.1.2 The Vice-President with portfolio
  - 14.1.3 A Representative of Athletes Commission.
  - 14.1.4 Provided that at no stage shall there be less than 1 (one) women who shall occupy any of the positions referred to above.

- 14.1.5 Minimum of 3 (three) and Maximum of 6 (six) members holding the following portfolios. The Provincial President may not hold one of the following portfolios.
- 14.1.5.1 Development and Transformation
  - 14.1.5.2 Technical
  - 14.1.5.3 Coaching
  - 14.1.5.4 Venue and Schedules
  - 14.1.5.5 Marketing and Advertising
  - 14.1.5.6 Liaison, Public Relations and Communications
- 14.1.6 KWAZULU NATAL SHOWJUMPING shall have the right to appoint, where needed, the following sub- committees, or distribute the portfolio among the members of Show Jumping Council.
- 14.1.6.1 Provincial Selection Committee
  - 14.1.6.2 Provincial Judges and Official Committee
  - 14.1.6.3 Provisional Disciplinary Committee
- 14.1.7 Any individual who is a Provincial President of SAEF may not at the same time be a member of the KwaZulu Natal Council.
- 14.2 KwaZulu Natal Council Meetings shall be deemed to be validly constituted notwithstanding the fact that at any time there are no fewer than 2 (two) women as members thereof.
- 14.3 KwaZulu Natal Council may co-opt other persons as members in order to discharge specific functions provided that no co-opted member shall have a vote and provided further that although the predominant criterion for co-option shall always be merit, KwaZulu Natal Council shall, as far as possible, seek to preserve a balance of men and women members.
- 14.4 Members of KwaZulu Natal Council shall vote on all resolutions by a show of hands.
- 14.5 Members of KwaZulu Natal Council shall decide on all matters by a simple majority vote.
- 14.6 Each member of KwaZulu Natal Council shall have 1 (one) vote, and the President of any meeting of KwaZulu Natal Council shall have a second or casting vote, in the event of an equality of votes, save and except at an Elective Annual General Meeting where the KWAZULU NATAL COUNCIL shall have no vote after item 10.4.7 of the AGM's Agenda.



- 14.7 The chairperson of any meeting of KwaZulu Natal Council shall be the President, or in his or her absence the Vice-President, or in his or her absence such other Member of KwaZulu Natal Council as shall have been appointed at that meeting by the Members of KwaZulu Natal Council present and entitled to vote.
- 14.8 No person may serve for more than 6 (six) consecutive years as President nor may any person serve for more than 6 (six) consecutive years as Vice-President.
- 14.9 KwaZulu Natal Council shall meet at least twice annually, provided that it shall not be necessary for KwaZulu Natal Council to meet in those months in which one of the two bi-annual general meetings are held.
- 14.10 A quorum of Members of KwaZulu Natal Council shall consist of not less than 6 (six) such Members with a minimum of 3 (three) districts referred to in clause 6.2, and if there is not a quorum present at the appointed time and place for any meeting of KwaZulu Natal Council or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of KwaZulu Natal Council who are present at that meeting provided that such date shall not be more than 10 calendar days after such meeting; and at such adjourned meeting those members of KwaZulu Natal Council present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 14.11 The President shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of KwaZulu Natal Council who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 14.12 Except where otherwise stated herein and subject to the provisions of this constitution, KwaZulu Natal Council shall be vested generally with all such powers and authorities as are necessary to promote and attain the objects of KWAZULU NATAL SHOWJUMPING and, without in any way limiting the generality of the foregoing, KwaZulu Natal Council shall have all such powers and authorities as are necessary to carry out the duties and functions referred to in 14.16.
- 14.13 KwaZulu Natal Council shall control all expenditure, of the Association and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of the Association.
- 14.14 KwaZulu Natal Council may delegate the exercise of any of its powers and functions to one of its Members or to a sub-committee of KWAZULU NATAL SHOWJUMPING.

- 14.15 In addition to the foregoing, Showjumping Council shall:
- 14.15.1 undertake and perform all such duties and functions as shall be decided by the Council;
  - 14.15.2 consider and, if thought fit, approve the separate constitutions, by-laws, rules and regulations of each Member, and any amendments or alterations thereto;
  - 14.15.3 generally undertake and perform all such duties and obligations as are reasonably required to achieve the objects of KWAZULU NATAL SHOWJUMPING, and to implement the policies to be followed by KWAZULU NATAL SHOWJUMPING;
  - 14.15.4 formulate recommendations and resolutions for the consideration of the Council and to prepare the agenda for Council meetings;
  - 14.15.5 subject to the provisions of the Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations;
  - 14.15.6 conduct disciplinary proceedings in respect of any infringement of this constitution or the by-laws, rules or regulations or any agreement between any participant and KWAZULU NATAL SHOWJUMPING or the rules of the sport and to impose sanctions whether by way of fines, or suspension or banning/ exclusion from participating in any championships, event or event held or being conducted under the auspices of KWAZULU NATAL SHOWJUMPING or the activities of S.A. SHOWJUMPING or by way of withdrawing monies for which any person would otherwise be eligible. For the purposes of this Constitution, all events and championships of whatsoever nature organised and/or run by Members of KWAZULU NATAL SHOWJUMPING shall be deemed to be under the auspices of KWAZULU NATAL SHOWJUMPING;
  - 14.15.7 impose and collect levies, subscriptions, dues and imposts;
  - 14.15.8 arrange, control, regulate and promote events, championships and any other forms of competition;
  - 14.15.9 employ any person upon such terms and conditions as shall be decided and, when considered necessary or desirable, terminate the employment of any such person.
  - 14.15.10 decide upon and resolve any dispute between any Members, and/or Club, and/or persons who are members of such clubs;
  - 14.15.11 subject to 6.3 above, determine the area/s or jurisdiction of Members and vary or alter such areas from time to time when necessary;
  - 14.15.12 co-opt any person to the KwaZulu Natal Council as may be required to achieve the objects of KWAZULU NATAL SHOWJUMPING or fulfil any purpose incidental thereto;
  - 14.14.13 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of KWAZULU NATAL SHOWJUMPING and, subject to the constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees as may be required;

- 14.15.14 appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
  - 14.15.15 accept or reject any application for membership subject to ratification by the Council.
  - 14.15.16 decide upon the criteria for the award of Provincial Colours and appoint Provincial Selectors for the selecting of teams to whom Colours may be awarded;
  - 14.15.17 deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the schedule one hereto;
  - 14.15.18 deal with any question or issue arising out of or relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution.
  - 14.15.19 address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development;
  - 14.15.20 approve the employment and termination of employment of staff by KWAZULU NATAL SHOWJUMPING including all matters incidental thereto and the review from time to time of all existing contracts of employment of staff and all matters incidental thereto;
  - 14.15.21 decide any question, issue or matter relating to emblems, colours, or anthems for KWAZULU NATAL SHOWJUMPING;
  - 14.15.22 make recommendations on any question or issue relating to the affiliation to or disaffiliation from any macro or other body;
  - 14.15.23 decide any question or issue relating to the use of SHOWJUMPING facilities and/or other facilities incidental thereto and/or the standard thereof;
- 14.15 KwaZulu Natal Council's jurisdiction shall not be limited to dealing with such matters as are referred to it but shall include the power and capacity to be pro-active and initiate such enquiries and/or take such steps as KwaZulu Natal Council seems fit.
- 14.16 Any member of KwaZulu Natal Council who, without having first obtained leave of absence from KwaZulu Natal Council, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of KwaZulu Natal Council, of which meetings due notice has been given, shall be deemed to have resigned from KwaZulu Natal Council.
- 14.17 No member of KwaZulu Natal Council shall be entitled to any remuneration, but all members of KwaZulu Natal Council shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions as shall be approved by KwaZulu Natal Council.
- 14.18 Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of KwaZulu Natal Council; provided such Member shall have submitted written

notification to the President of such intention and the full details of any matter such member is desirous of raising at such Meeting, not less than 10 (ten) calendar days prior to the date of such meeting.

**15. ELECTION OF THE PRESIDENT, VICE-PRESIDENT AND THE OTHER MEMBERS OF KWAZULU NATAL COUNCIL**

- 15.1 Each Member shall be entitled to nominate 1 (one) person for election as President, 1 (one) person for election as Vice-President, and 1(one) person for election for each portfolio as referred to in clause 14.1.5
- 15.2 Each ordinary member as referred to in clause 6.2 shall appoint one representative to serve on its respective structure on the KwaZulu Natal Council.
- 15.2.1 The SHOWJUMPING Representative of the Athletes Commission shall be elected at a meeting of the Athletes Commission.
- 15.3 Each nomination shall be in writing, shall be seconded by any Member and shall be signed by the nominee to indicate his or her acceptance of the nomination.
- 15.4 It shall be permissible for the same person to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 15.5 A valid nomination for any of the posts referred to in sub-paragraphs 14.1.1 to 14.1.3 inclusive and 14.1.4 shall, in the event of the nominee being defeated in an election for the post concerned, be deemed to be a valid nomination for election as a member without portfolio in terms of sub-paragraph 14.1.4.
- 15.6 In the event of the nominee being elected to one of the posts referred to in sub-paragraph 14.1.8 and appointed as a representative of an ordinary member, the nominee shall be entitled to 1(one) vote on the KwaZulu Natal council.
- 15.7 All such written nominations shall be received by the Provincial Office not less than 30 (thirty) calendar days prior to the date of the next A.G.M.
- 15.8 If no nominations are received for the election of the President or the Vice-President, or both, the President or the Vice-President, shall continue in office, if available, until the next A.G.M.; failing which at the first meeting of KwaZulu Natal Council after that A.G.M., the members of KwaZulu Natal Council shall elect a person to act at the President or the Vice-President, or both until a President or Vice-President, as the case may be, is duly elected at a meeting of the Council.

- 15.9 The retiring President and the retiring Vice-President shall be eligible for re-election without nomination, provided that the KwaZulu Natal Council shall have received written notification from such persons of their willingness to continue in office, if re-elected.
- 15.10 If there is more than one nomination for any of the posts of President and Vice-President then such posts shall be elected separately by ballot, such elections to be held in the sequence aforesaid.
- 15.11 If the number of women thus nominated plus those elected to one or more of the posts referred to in sub-paragraphs 14.1.1 to 14.1.3 inclusive and 14.1.4 is two or less, then the women thus nominated shall be deemed to be elected and there shall be a ballot only in respect of the remaining vacancies.
- 15.12 If the number of persons thus nominated is such that, together with those elected to the specific posts referred to in sub-paragraphs 14.1.1 to 14.1.3 inclusive, the number of men exceeds two and the number of women exceeds two, then there shall be a ballot in respect of all nominees
- 15.12.1 until there is a total of three men elected to KwaZulu Natal Council, those men who receive the highest number of votes amongst the men candidates shall be deemed to be elected;
- 15.12.2 likewise, until there is a total of two (2) women elected to KwaZulu Natal Council those women who receive the highest number of votes amongst the women candidates shall be deemed to be elected;
- 15.12.3 thereafter the remaining positions on KwaZulu Natal Council shall be filled by the candidates who have received the highest number of votes irrespective of the gender of the candidates.
- 15.13 Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 15.15 All members of KwaZulu Natal Council shall hold office until the next A.G.M of every even year, subject to the provisions of clause 15.4.

## **16. ASSOCIATE MEMBERS**

- 16.1 Any association or organisation which wishes to become an Associate Member of S.A. SHOWJUMPING shall apply in writing to KwaZulu Natal Council to be admitted as such and shall furnish a copy of its constitution and all such information as KwaZulu Natal Council may require to decide upon its application.
- 16.2 KwaZulu Natal Council may in its discretion admit any such association or organisation as an Associate Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as KwaZulu Natal Council may consider fit.

16.3 Any decision by KwaZulu Natal Council in respect of an application for Associate Membership shall be referred to the next Ordinary General Meeting of the Council for ratification and shall not be binding until so ratified.

## **17. HONORARY LIFE MEMBERS**

17.1 KWAZULU NATAL Council shall, from time to time, nominate any person who has rendered notable and meritorious service to KWAZULU NATAL SHOWJUMPING and/or in the promotion of the sport of SHOWJUMPING and whom it wishes to recognise and honour as an Honorary Life Member which nomination shall be presented to the Council for ratification at the next A.G.M. and, if ratified by the Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the A.G.M., to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of KWAZULU NATAL SHOWJUMPING

17.2 All past presidents of KWAZULU NATAL SHOWJUMPING may become an Honorary Life Member of KWAZULU NATAL SHOWJUMPING if so nominated and such appointment is ratified at an AGM.

## **18. PATRONS**

18.1 KwaZulu Natal Council may from time to time nominate any person whom KwaZulu Natal Council considers to be fit and desirable to be a Patron of KWAZULU NATAL SHOWJUMPING which nomination shall be presented for ratification at the next A.G.M. and, if ratified by the Council, such person shall become a Patron of KWAZULU NATAL SHOWJUMPING.

18.2 Patrons shall enjoy the same rights and privileges as are enjoyed by Honorary Life Members together with such further rights and privileges as are decided upon by KwaZulu Natal Council from time to time.

## **19. LIMITATION OF LIABILITY OF MEMBERS INDEMNITY**

19.1 The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to KWAZULU NATAL SHOWJUMPING, by way of subscription or otherwise howsoever.

19.2 The Patrons, the President, the Vice-President, the Director, all members of KwaZulu Natal Council, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of KWAZULU NATAL SHOWJUMPING, in terms of this Constitution and under delegated powers from the Members in

General Meeting or from KWAZULU NATAL Council, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of KWAZULU NATAL SHOWJUMPING, from whatever cause arising, provided such person/s acted in good faith.

## **20. ALTERATION OR VARIATION OF THIS CONSTITUTION**

This Constitution may be altered or varied, at any time, by the Members in General Meeting, upon a majority vote of not less than 75%(seventy-five per centum) of the total votes of the Members, whose representatives are present and entitled to vote at that time provided not less than 21 (twenty-one) calendar days written notification of such Meeting, together with a copy of a proposed resolution/s

## **21. NOTIFICATION**

For the purposes of this Constitution, all notifications by KWAZULU NATAL SHOWJUMPING to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by hand, and/or by fax, and/or by electronic mail to the last known postal address of such Member/s, by any official of KWAZULU NATAL SHOWJUMPING; but all notifications to KWAZULU NATAL SHOWJUMPING by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the President. In no respects shall any postal authority be, or be deemed to be, the agent of KWAZULU NATAL SHOWJUMPING.

## **22. INTERPRETATION OF THIS CONSTITUTION**

Any disputes arising out of or in connection with the enforceability of this constitution or the application and interpretation of the provisions thereof or any dispute between KWAZULU NATAL SHOWJUMPING and another national sports federation, or between a member of the KWAZULU NATAL Council and a Member or individual shall be referred to S.A. SHOWJUMPING who may refer the matter to SAEF or SASCOC (The South African Sport Confederation and Olympic Committee) or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.

## **23. DISSOLUTION OR WINDING UP OF KWAZULU NATAL SHOWJUMPING**

23.1 KWAZULU NATAL SHOWJUMPING may be dissolved or wound-up, at any time, by the Members in General Meeting, upon a majority vote of not less than 75% (seventy five per centum) of the total votes of Members, whose representatives are present and entitled to vote, who are present in person at such general meeting,

provided that not less than 6 (six) calendar days written notification of such meeting and of any resolution aimed at dissolving or winding-up KWAZULU NATAL SHOWJUMPING shall have been given to all Members.

- 23.2 Upon dissolution or winding up of KWAZULU NATAL SHOWJUMPING, all the property and assets of KWAZULU NATAL SHOWJUMPING, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to KWAZULU NATAL SHOWJUMPING, at the discretion of the Members.

#### **24. APPEAL BOARD AND DISCIPLINARY BOARDS**

The KwaZulu Natal Council shall appoint the members of the Appeal and Disciplinary Boards of S.A. SHOWJUMPING and delegate such powers to these Boards to include, but not be limited by the following:

- 24.1 To assist KWAZULU NATAL SHOWJUMPING with legal advice.
- 24.2 Set up and continuously update a disciplinary code for both participants and management, adopted by Council.
- 24.3 Chair disciplinary hearings when requested, and adjudicate, mediate and arbitrate upon legal and disciplinary matters.
- 24.4 The Appeal Board shall comprise of three members of which at least one must have a legal background.
- 24.5 Every member of the Appeal Board shall have one vote each at their meetings and hearings.

This Constitution was unanimously adopted by the Membership present at the Extraordinary General Meeting held at

Shongweni on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.



## **SCHEDULE ONE - NON-RACIALISM**

1. The principle of non-racialism is recognised and accepted. 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, province or other affiliated body 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 2 (Two).
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies 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; eg. 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. 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 sports controlling body.
6. There is inherently a potential conflict between the rights referred to in 5.(Five), and the principle of non-racialism referred to in 1.(One), 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 (1) 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 particular vocation or of a particular religious movement.
8. Under no circumstances will an infringement of 4.(Four), 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 are perceived to be problematical and require deeper analysis.
- 9.1 Various such clubs exist at the moment 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 1. (one) or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona FEI purpose of catering for the cultural needs or aspirations or interests of the particular 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 particular ethnic group (or race or nationality), it would by necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership.
- Prima facia this would be an infringement of paragraph 2(Two) above. The question which has to 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 2(Two), above (Cf also 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 proposed new unified 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 with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a persons religious beliefs.

## **SCHEDULE TWO - AFFILIATES TO KWAZULU NATAL SHOWJUMPING**

Eligibility requirements for Ordinary members, Special Members and Associate Members in terms of clause 6 of the Constitution of KWAZULU NATAL SHOWJUMPING

1. The objects clause of the constitution of an Associate Members must include provisions that are identical to or substantially the same as sub-clauses 6.3, 6.4,6.5, 6.6 and 6.9 hereof and shall provide Associate Members shall encourage, promote, develop and administer the sport of SHOWJUMPING within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of Associate Members, stipulating that:
  - 2.1 the Association recognises and adopts the Schedule One;
  - 2.2 the Association may not become a member or affiliate to any other body without the prior written consent of Showjumping Council;
  - 2.3 the Associate Members may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa without having first obtained the written consent of SASJ through the KWAZULU NATAL Council. .
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Constitution sub-committee whose decision shall be final and binding.

### **SCHEDULE THREE - APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962.**

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

- 1.1 The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18 A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
- 1.2 At least 85% ( Eighty Fiver Percent) of the Association's activities shall be carried out in the Republic of South Africa
- 1.3 At least 3 ( Three) 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
- 1.4 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity.)
- 1.5 The Association's funds will 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.
- 1.6 The Association will not carry on any business undertaking or trading activities other than to the extent that: The gross income derived from such business undertaking or trading activity does not exceed the greater of R25000 or 15% of the gross receipts of the constitution:

The undertaking or activity is -

- a) integral and directly related to the sole object of the Association : and
  - b) carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost: and
  - c) which would not result in unfair competition in relation to taxable entities:
- the undertaking or activity, if not integral and directly related to the sole object of such Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation: or:

the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to

- a) the scope and benevolent nature of the undertaking or activity
- b) the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association
- c) the profitability of the undertaking or activity: and
- d) the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity.

any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, will be retained or continued as the case may be, in the form so acquired for a period of five years.

- 1.7 On the dissolution of the Association, the remaining assets will 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 of Section 18A of the Act:
- 1.8 No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A: 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:

- 1.9 A copy of all amendments to the Constitution, trust deed, will be submitted to the Commissioner for the South African Revenue Service;
- 1.10 No remuneration will 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;
- 1.11 The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;
- 1.12 The Association will, within such period as the Commissioner may determine, register 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 Act;
- 1.13 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

## SCHEDULE FOUR - DISPUTES

### DISPUTES:

1. Any dispute arising out of, or in connection with, the enforceability of this Constitution, or the application and interpretation of the provisions thereof, or any dispute between KWAZULU NATAL SHOWJUMPING and another national sports federation, or any dispute between Members of KWAZULU NATAL SHOWJUMPING, or any dispute between members of Council, or between Council and a Member, or between Council or an Council member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to S.A. SHOWJUMPING or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
2. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
3. In recognition of the desire to resolve all disputes in Showjumping fraternity as amicably and effectively as possible, it is required of all Members of KWAZULU NATAL SHOWJUMPING to incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.
4. Recourse to the High Courts or Magistrates Courts by a party to any KWAZULU NATAL SHOWJUMPING -related dispute shall be limited to instances of an alleged violation of the provisions of this Constitution or an alleged disregard for the principles of natural justice or for purposes of obtaining urgent interdictory relief. In all other instances any disputes fall to be decided according to the dispute resolution processes provided for in this Constitution.
5. Subject to the constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this article (including the holding of an arbitration as envisaged in Article 35.1 on an urgent basis), no ordinary member, associate member or individual falling under the jurisdiction of KWAZULU NATAL SHOWJUMPING shall approach a Court of Law to decide on a dispute it has with a member, or individual affiliated to S.A. SHOWJUMPING or with the SAEF itself.