



# CONSTITUTION OF ALGOA KART AND MOTORCYCLE CLUB

This constitution is the constitution of the Algoa kart and motorcycle club (hereafter called “The Club”) **ARTICLE**

## **ARTICLE 1 – NAME**

The name of the club shall be Algoa Kart and Motorcycle Club (AKMC)

## **ARTICLE 2 – UNIVERSITAS AND DESCRIPTION**

- 2.1 The Club shall be a *universitas* with the right to institute action in its own name, to defend actions, to own property, and with perpetual succession and legal personality apart from its members and, generally, with the powers necessary to enable it to achieve its objectives, and to do the things envisaged in this constitution.
- 2.2 the club shall be a representative, regulatory and executive body, and shall have jurisdiction over all its members, all sanctioned race meetings , promotional meetings or shows, and shall be represented by its duly elected office bearers.

## **ARTICLE 3 - OBJECTIVE**

The objective of the club shall be generally to promote the interests of its members, of motor sport in general, of bodies involved in karting and motor sport in general, to foster good relationships between persons and organisations involved in karting and motor sport in general for the good of the sport and of all those who participate therein.

The Club will refrain from manifesting any form of direct and/or indirect discrimination, during the course of its activities, against any individual on one or more grounds in terms of race, gender, political and religion.

## **ARTICLE 4 - POWERS**

The club shall have the following powers and authorities:

- 4.1 To determine any questions relating to the status, behaviour, demeanour or conduct of any members of the club.
- 4.2 To employ the funds of the club in such a manner as from time to time shall be deemed expedient.
- 4.3 To collect the fees and subscriptions payable by club members as determined in this constitution.
- 4.4 To enter into any contracts, agreements or arrangements with any organisation, association, society, person or body of persons whether incorporated or not, for the promoting of Karting.
- 4.5 To Purchase, take, lease, exchange, hire, or otherwise acquire anything which may be deemed necessary or convenient for the purposes of the Club.
- 4.6 To open and operate Banking accounts, and to invest any monies of the club not immediately required for any of its objectives, in such a manner as it may from time to time determine.



- 4.7 To produce and publish such literature as may promote the objectives of the club.
- 4.8 To receive and accept donations, subscriptions and endowments or money, or any other form of property.
- 4.9 To borrow or raise money with or without interest for the purposed of carrying on and exercising any of the objectives or powers of the club.
- 4.10 To do all such acts and things as are or may be incidental or conducive to the attainment or furtherance of any of the objectives or the exercise of any of the powers of the club.

#### **ARTICLE 5 – MEMBERSHIP AND ASSOCIATION**

- 5.1 Subject thereto that, without giving reasons for its decision in this regard the executive will be entitled to refuse membership of the club to any person, any person will be eligible for membership of the club.
- 5.2 The Executive shall have the power to determine the procedure to be followed by applicants for membership of the club.
- 5.3 The club shall issue individual membership cards, and shall keep a record of all cards issued.
- 5.4 The Club may, at any Annual General Meeting or a special General Meeting appoint the following honorary members:
  - 5.4.1 An Honorary Patron of the Club for such period as it deems fit; and
  - 5.4.2 A Life Member

Subject thereto that an honorary patron shall have no voting privileges, whilst an honorary life member may be granted such privileges as the club may from time to time determine.

#### **ARTICLE 6 - CONTROL OF THE CLUB**

Save as expressly provided in this constitution, the management and control of the Club shall be vested in its Executive. The Chairman shall be the Chief Executive Officer of the Club and shall be charged with enforcement of its constitution, rules and regulations.

The Chairman will deal with all matters of an administrative nature pertaining to his office. The executive shall require the Chairman to carry out and enforce all of the mandates of the Club within the limits established by this constitution and its rules and regulations.

The executive shall recommend any policy and regulation changes not fully covered in the constitution, rules and regulations. The executive shall be responsible for the financial management of the Club.

#### **ARTICLE 7 – OFFICE BEARERS**

- 7.1 The officers of the Club shall be the following:
  - 7.1.1 Chairman



The Chairman will be elected at the Annual General Meeting. To be eligible for the nomination, the nominee must have been a member of A.K.M.C for the 12 Months preceding the date of the AGM.

7.1.2 A Vice-Chairman

7.1.3 A Treasurer

7.1.4 A Secretary

7.1.5 A member responsible for Public Relations & Marketing

7.1.6 A Class Representative for each class

7.1.7 A Maximum of 5 Executive committee members, apart from those referred to above.

7.2 The above mentioned office bearers will be elected at the annually Annual General Meeting subject thereto that, should a vacancy with regard to any office occur during the course of any Club year, the Executive will be entitled to co-opt a member of the club to fill that vacancy pending the official filling thereof at the forthcoming AGM.

7.3 Written nominations for office bearers of the Club, which must be seconded, are to reach the secretary by no later than 21 days prior to the date determined for the AGM.

7.4 On any issue only paid-up Club members over the age of 16 Years will be entitled to vote, and voting by proxy will not be allowed.

#### **ARTICLE 8 – DUTIES AND POWERS OF THE EXECUTIVE**

8.1 The Executive shall carry out and enforce all the objectives of the club, and direct the transactions of its business in a manner which shall be consistent with the current and established policies and rules of the club.

8.2 The Executive shall have the power to hear and determine all protests arising from, or as a result of this constitution, or with regard to any rules or regulations promulgated pursuant hereto.

8.3 The executive shall be entitled, from time to time, to determine such rules and regulations for the conduct of the Club's affairs as it may deem appropriate.

#### **ARTICLE 9 – DUTIES OF THE CHAIRMAN**

9.1 The Chairman shall be responsible to the club in all matters, including matters of policy and procedures, and shall make a full report on its activities to the Executive at each meeting.

9.2 The Chairman shall preside at all meetings of the club. He shall be the chief executive officer of the Club and shall enforce all the provisions, objectives and powers hereof. He shall perform such duties as to pertain to his office and meetings of the club.

9.3 In the event of the Chairman's position becoming vacant, the Vice-Chairman will be acting Chairman. To appoint a new Chairman, the acting Chairman must call a Special General Meeting within two (2) months of the vacancy occurring.



## **ARTICLE 10 - COMMITTEES**

The Chairman may delegate any of his powers (with the exception of any power which is expressly reserved to him,) to such committees as he may deem expedient. Such committees are to be formed in such a manner and for such a period as the Chairman may from time to time determine.

## **ARTICLE 11 – MEETINGS**

- 11.1 The Annual General Meeting of the club shall be held before 28 February of each year
- 11.2 Other ordinary General Meetings of the club may be held at such intervals, at such places and on such dates as the Executive may from time to time determine.
- 11.3 A Special General Meeting may be convened by the executive at any time determined by it and, in addition, shall be convened should five (5) or more paid-up members of the Club determine that such a meeting is to be held. Such determination shall be in writing, and shall be delivered to the Chairman at least ten (10) days prior to the date of the meeting and shall briefly set forth the business to be transacted thereat.
- 11.4 At least twenty one (21) days prior to the date upon which an AGM or General Meeting is to be held, notice thereof, in writing, shall be handed or posted to each member. Such notice shall state the date, time and place of the meeting, and shall briefly set forth the business to be transacted thereat.
- 11.5 A quorum for a General Meeting or Special General Meeting shall be at least 20% of the paid-up members of the club at the time, plus 1 member. In the event that there is no quorum, the meeting will be adjourned and re-convened within 21 days. In this event, the Chairman shall procure that notice of the postponed date, time and venue of the meeting is given forthwith and within no later than five (5) days after the date of the adjourned meeting.
- 11.6 A meeting of the full executive will be held on the first Wednesday of every month or upon such day as to be decided upon by the executive.
- 11.7 If a member of the executive is absent from two consecutive meetings without apology having been tendered to the Chairman, which apology is acceptable to him, the Chairman may request such member to resign and, failing his resignation, and subject thereto that the remaining members of the executive resolve, by simple majority, that he shall be expelled from his position, he shall so be expelled.
- 11.8 Minutes will be taken at all meetings.
- 11.9 In the event of a deadlock, the Chairman shall have the casting vote in addition to his deliberative vote.
- 11.10 Members are not allowed to appoint proxy to cast vote at Annual General Meeting, refer clause 7.4

## **ARTICLE 12 – AMENDMENTS TO THE CONSTITUTION**

This constitution may be amended pursuant to a resolution so resolving being adopted at a meeting of the club convened for that purpose, subject to the following:-

- 12.1 Notice of the meeting, in which notice the details of the proposed amendment and of the reasons why such amendment is being proposed, shall be given, as referred to above, by no later than 21 days prior to the date given for the meeting.



- 12.2 For the purpose of the amendment of this constitution a quorum shall constitute 40% of the paid up members of the club, plus 1.
- 12.3 The envisaged amendment shall be effected if two thirds of the persons present at the meeting, and entitled to vote thereat, vote in favour of the amendment.

### **ARTICLE 13 - DISSOLUTION**

The Club shall not be dissolved except at a General Meeting of the Club specially convened for that purpose. Notice of the meeting and that it is to be held for the purposes of resolving to dissolve the club, shall be given as envisaged above, at least 21 days prior to the date upon which the meeting is to be held.

Upon the dissolution of the Club, all its debts shall be paid, and the remaining assets thereof shall be distributed in such a manner that the executive shall determine.

### **ARTICLE 14 – INDEMNITY OF OFFICIALS**

The Club hereby indemnifies the members of the Executive and holds them harmless in respect of any claim which may be brought against them, howsoever arising, by any person, whether natural or juristic, in respect of anything done by them, or left undone, whilst they are acting in the course and scope of their duties and capacities as Executives of the club.

This indemnity will not apply in circumstances in which the member concerned is found to have been dishonest or guilty of Gross negligence or to have acted, or to have failed to act, with intent.

### **ARTICLE 15 – CLUB MEMBERSHIP**

- 15.1 Prospective members shall apply for membership on the strength of an application form the content of which will be determined by the Club. Such application will not be considered unless it is accompanied by payment of the affiliation fee and subscription fee as determined by the Club, such subscriptions fee to be determined on a *pro-rata* Basis as from the date of submission of the application for membership.
- 15.2 Should an application for membership be accepted, the membership shall be subject to a sixty (60) day probation period, at the end of which the Executive may, in its sole discretion, and without having to give a reason for the such decision, elect not to ratify the probational membership, alternatively to ratify it and to render the relevant applicant a full member of the Club. In the event of non-ratification of the probationary membership, all amounts paid by the probationary member will be refunded to him or her, subject thereto that he or she will remain liable for his or her subscription, on a *pro-rata basis*, calculated as from the date of the acceptance of his or her membership, and until the date upon which it is resolved not to ratify the probational membership.
- 15.3 Upon the termination of the membership of any member his or her membership card shall be returned to the Club.

### **ARTICLE 16 – FINANCE**

- 16.1 The financial year of the club shall run from the 1<sup>st</sup> of January in any year to 31<sup>st</sup> December of the same year.



- 16.2 The committee shall procure that proper books of account in respect of the clubs financial affairs are maintained, and that annual financial statements in respect thereof are prepared according to usually accepted accounting practice.
- 16.3 The Clubs books of account and its financial statements in respect of the year immediately preceding the date upon which any AGM is held, shall be available for inspection by the members at that meeting and, otherwise, within seven (7) days of the Chairman having received a written request from any member for access to those documents for the purpose of inspecting them.

#### **ARTICLE 17 - DISCIPLINARY PROCEEDINGS**

- 17.1 Disciplinary proceedings against any member shall, if the executive, in its sole discretion, which shall not be subject to challenge, determines that the relevant complaint merits the institution of such proceedings, be instituted upon the Club being provided with a written statement of any complaint with regard to any other member, or in the event the Executive shall determine that such proceedings shall be instituted.
- 17.2 At least fourteen (14) days prior to the date of the meeting, the Chairman shall give notice to the affected member of:-
- 17.2.1 The date, time and venue of the meeting;
  - 17.2.2 The nature of the charges to be preferred;
  - 17.2.3 The identity, if applicable, of the complainant.
- 17.3 The disciplinary hearing shall be chaired by the Chairman (unless he is to be a witness, either for the club or for the member concerned) in which event the meeting may be chaired by any member of the Executive nominated for that purpose by the Chairman of the Club.
- 17.4 The abovementioned notice to the member concerned shall be delivered to him by hand or given to him by such means as may, in the sole discretion of the Chairman, constitute good notice.
- 17.5 At the disciplinary proceedings the member concerned shall be entitled to the assistance of any other member, but shall not be entitled to representation by any legal practitioner.
- 17.6 Disciplinary proceedings shall be held in camera and no person, other than the Chairman of the disciplinary proceedings, his two assessors, the evidence-leader, and the accused and such persons as might be giving evidence at the time, shall be present during the proceedings.
- 17.7 The Executive shall procure that a *verbatim* record is kept, by whatever means it deems appropriate, of the proceedings.

#### **ARTICLE 18 – PROCEDURE AT DISCIPLINARY PROCEEDINGS**

- 18.1 The Executive shall procure the appointment of an evidence-leader to act as prosecutor and such person may be any member of the Club, including a member of the Executive
- 18.2 The chairman of the proceedings may, if he deems this necessary, nominate two members to act as assessors to assist him in proceedings but the decision of the charge shall be taken solely by the chairman.



- 18.3 The rules of evidence, as applied in civil proceedings, shall apply to the disciplinary proceedings.
- 18.4 The chairman shall be entitled to regulate the proceedings as necessary, and to adjourn them from time to time.
- 18.5 At the conclusion of the proceeding, the Chairman shall give notice, in writing, to the complainant, if any, and to the member complained of, within fourteen (14) days of:-
  - 18.5.1 the decision adopted;
  - 18.5.2 the reasons for the decision.
- 18.6 The outcome of the disciplinary proceedings shall be final and binding and not subject to an appeal.
- 18.7 Should the Chairman deem this necessary, pending the outcome of disciplinary proceedings the member concerned may be barred from taking part in any activities of the Club whatsoever.

#### **ARTICLE 19 – GENERAL CLUB RULES AND REGULATIONS**

Save where inconsistent with this Constitution, the general rules and regulations of the club will govern the operations of the club and such rules shall be deemed to be incorporated herein as a part of this constitution.

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