

(Amended 5 Dec 2009)

THE CONSTITUTION OF THE CLASSIC MOTORCYCLE CLUB OF NATAL.

RULE 1

NAME

The name of the club is the **Classic Motorcycle Club of Natal**.

RULE 2

OBJECTS:

The objects of the club are:

- a) The preservation, restoration, exhibition, maintenance, promotion and use of classic motorcycles. A classic motorcycle is defined as any motorcycle or motorcycle combination capable of being dated by the Southern African Veteran and Vintage Association (hereinafter referred to as SAVVA) and such other worthy motorcycles and motorcycle combinations as may from time to time be considered suitable for classification as such by the club;
- b) to keep statistical, historical and technical records of classic motorcycles as well as an up to date membership register reflecting motorcycles currently owned by members;
- c) to issue, after examination thereof and payment of a prescribed fee, a dating certificate reflecting the age and type of motorcycle dated;
- d) to organise and promote competitions, trials and other events in which classic motorcycles can participate, provided that only motorcycles which have been dated or submitted for dating by SAVVA may participate in events sanctioned by SAVVA;
- e) to provide a library and club premises;
- f) to collect subscriptions and to accept donations and bequests;
- g) to co-operate with and offer reciprocity to other clubs having similar interests and to affiliate to SAVVA and/or other similar organisations;
- h) to invest club funds and assets in the manner determined by the executive committee and to operate accounts with registered banks and building societies;
- i) to acquire movable and immovable property by any mode and to dispose of or alienate same. In particular the club shall have the power to purchase and sell assets and to lease, hire, hypothecate, pledge and donate property. Any dealings in respect of immovable property shall only be done with the approval of a majority of members at an annual or general meeting;
- j) to issue indemnities and competition licences;
- k) generally, to do all things and perform all acts which may be necessary or desirable to further the interests of the club or its objects.

RULE 3

MEMBERSHIP:

The club shall have the following classes of members:

a) **ORDINARY MEMBERSHIP:** shall be open to all persons interested in promoting the objects of the club, irrespective of race, gender, religion or political affiliation.

b) **ASSOCIATE MEMBERSHIP:** spouses of a member and children of a member under the age of eighteen shall be classed as associate members and shall be entitled to participate in all club activities provided, where necessary, they are in possession of an indemnity but shall have no voting rights and shall not be entitled to receive the club magazine.

c) **LIFE MEMBERSHIP:** shall be accorded to those members who pay the prescribed subscription fee of R1200.00, but shall be limited to 20% of the total club membership at any given time; provided that no person shall be deprived of life membership by reason of a subsequent decline in the overall membership of the club. Life members shall have the same rights and privileges as ordinary members but shall not be required to pay an annual subscription. Life membership may be withdrawn by the executive committee for reason appearing sufficient.

d) **HONORARY MEMBERSHIP:** shall be accorded to those persons deemed by the committee to be worthy of appointment as such by reason of outstanding service to the club or in furthering the objects of the club. Honorary members shall have the same rights and privileges as ordinary members and shall not be required to pay an annual subscription. Honorary membership may be withdrawn by the executive committee for reasons appearing sufficient.

e) **TEMPORARY MEMBERSHIP:** The registration of members on a temporary basis or only for a duration of the use by the member of the club facilities is **not allowed by the Commissioner of Inland Revenue.**

f) **OVER 80 YEARS OF AGE:** On attaining the age of 80 Years, a member shall no longer be required to pay the Annual Subscription but will still be liable for the Annual Garden levy and the annual SAVVA Levy.

g) **COUNTRY MEMBERSHIP:** shall be open to all persons interested in promoting the objects of the club, irrespective of race, gender, religion or political affiliation.

RULE 4

CONDITIONS OF MEMBERSHIP

a) No member may participate in a club event unless he has paid all amounts due by him to the club, including the entry fee for that event. In addition, entrants, their riders and passengers must be in possession of a valid competition licence and/or indemnity, as applicable.

b) Members more than two months in arrears with any payment due to the club shall not be entitled to vote on any matter and shall be liable to suspension or expulsion from the club in terms of RULE 9(a)(iii).

RULE 5

ELECTION OF MEMBERS

a) A candidate for ordinary membership must be proposed and seconded by two members of the club of at least one years standing and who are themselves entitled to vote.

b) The nomination of candidates shall be in writing and the form of nomination shall contain such information as the club may require.

c) At the monthly meeting following receipt of an application for ordinary membership, the candidate shall be introduced to as many members as possible by the proposer. At the same meeting the proposer and seconder shall be interviewed in connection with the new applicant by the Chairman and in his absence the Vice Chairman and at least two other Committee Members.

d) At the monthly meeting following the candidate's introduction the admission of that candidate will be determined by way of a secret ballot of the members present. The candidate must also be present at that meeting.

e) If at least ninety per cent (90%) of votes cast are in favour of the candidate, such candidate will be admitted as an ordinary member of the club.

f) The Secretary shall notify each new member of his election and shall furnish the member with a copy of the constitution of the club and a membership register.

g) The Secretary shall keep a register of members.

RULE 6

ENTRANCE FEE AND SUBSCRIPTIONS

a) All members other than Honorary members and Associate members shall pay an entrance fee and all members other than Honorary members, Life members and Associate members shall pay an annual subscription, which entrance fee and subscription shall be fixed by the club at the Annual General Meeting; provided that Honorary members and Life members shall be required to pay the annual affiliation fee to SAVVA referred to in RULE 6(d) and any other levy or charge which the club may determine.

b) The due date for subscriptions shall be the first day of January of each year.

c) New members joining the club from November to January will pay the full subscription and garden levy. Members joining from February to April will pay three quarters of the subscription and garden levy. Members joining from May to July will pay half of the subscription and garden levy, and those members joining from August to October will pay one quarter of the subscription and garden levy.

d) In addition to a subscription, members other than associate members shall pay the prescribed affiliation fee payable to SAVVA.

RULE 7

MEETINGS:

a) **MONTHLY MEETINGS:** The club shall hold regular monthly meetings in at least eleven months of a calendar year, preferably at the club premises but also at such other venue as may be decided upon.

b) **ANNUAL GENERAL MEETINGS:** The club shall hold an Annual General Meeting in December of each year on a date fixed by the Committee. All members shall be given written notice of the meeting not less than fourteen (14) days before such date. The notice shall be accompanied by the agenda and balance sheet. Members wishing to raise matters at the Annual General Meeting shall advise the Secretary in writing at least twenty eight days before the date of the meeting to permit the inclusion of that matter on the agenda. The Annual General Meeting shall be publicised well in advance by way of an announcement at a monthly meeting, in the newsletter or on the notice board displayed at the club premises to give members sufficient time to submit items for inclusion in the agenda.

c) **SPECIAL GENERAL MEETINGS:** shall be called by the Secretary if directed by the Committee to do so or if requested in writing by at least fifteen (15) members entitled to vote or in the circumstances set out in RULE 9 (a)(iv). Any such direction or request must set out clearly and concisely the reasons why the Committee or member/s require a meeting to be held. At least fourteen (14) days and not more than twenty one (21) days written notice of the meeting shall be given to members and the notice must set out the reasons for the meeting. The notice must be posted out within fourteen (14) days of the Secretary receiving a direction or written request.

d) **PROCEDURE AT GENERAL MEETINGS:**

- i) **Chairman** - The Chairman of the Committee shall preside at all General Meetings. Failing the Chairman, the Vice Chairman shall preside and failing whom members of the Committee present shall elect a Committee Member to preside.
- ii) **Voting at meetings** - Members, other than associate members, shall be entitled to participate at meetings and to vote if they are so entitled. Each member shall have one vote which shall be exercised by a show of hands or by secret poll, as directed by the Chairman or other presiding officer.
- iii) **Proxies** - Members entitled to vote may appoint a Proxy who shall be a member similarly entitled, provided the instrument of Proxy is in writing and is handed to the Secretary prior to the commencement of the meeting. The value of the vote of a member holding a Proxy or Proxies shall be the sum of his own vote and that of the number of proxies held.
- iv) **Quorum** - At any General Meeting, ten percent of members present or represented by proxy and entitled to vote together with at least four Committee Members who shall include the Chairman, Secretary and in the case of an Annual General Meeting the Treasurer, shall constitute a quorum. In the event of a quorum not being present the meeting shall adjourn to the same day and time and (where possible) venue one week later and the members then present shall constitute a quorum.
- v) **Casting Vote** - In the event of an equality of votes on any motion at a General Meeting, the Chairman shall have a second or casting vote.

RULE 8

MANAGEMENT:

a) **EXECUTIVE COMMITTEE:** The affairs of the club shall be managed by the Executive Committee (referred to in these rules as "The Committee") which shall consist of the Chairman, Vice-Chairman, Secretary, Treasurer and other Committee Members being not less than four, as elected or appointed in terms these rules.

b) **CHAIRMAN AND VICE-CHAIRMAN:** shall be elected annually at the Annual General Meeting and they shall both hold office until the next Annual General Meeting. The Chairman shall be elected from amongst Committee Members who have held office for at least one year. Should no Committee Member be available for election as Chairman, any member in good standing, who has been a member for at least two years, may be elected.

c) **SECRETARY AND TREASURER;** shall be elected annually at the Annual General Meeting and shall be eligible for re-election.

d) **COMMITTEE MEMBERS:** shall hold office for two years. Each year half the Committee shall retire but shall be eligible for re-election.

e) COMMITTEE MEETINGS: The Chairman shall preside at all meeting of the Committee. In his absence the Vice Chairman shall preside, failing whom the Committee Members present shall elect an acting Chairman from amongst them to preside at the meeting.

f) QUORUM: Four members present at a Committee Meeting shall constitute a quorum. In the event of an equality of votes the Chairman shall have a second or casting vote.

g) BUSINESS: The business of the club shall be managed by the Committee who shall have full power to carry out all the objects of the club except where the objects are expressly reserved to be dealt with at a general meeting.

h) FREQUENCY OF MEETINGS AND RECORDS: The Committee shall meet once a month and shall keep minutes of all meetings as well as an attendance register

i) BOOKS OF ACCOUNT, BALANCE SHEET AND AUDIT: The Committee shall keep books of account recording the financial transactions of the club and these shall be subjected to an annual audit and a balance sheet shall be presented to the Annual General Meeting for consideration and approval.

The financial year of the club shall commence on the 1st November of each year and shall terminate on the 31st October of the succeeding year.

j) SUB-COMMITTEES AND STANDING COMMITTEES: The Committee may appoint a Sub-Committee or constitute a Standing Committee to control a specific function or project or to administer any of the activities of the club, such as competitions and the administration of the clubhouse.

k) PORTFOLIOS: The Chairman may allocate specific portfolios to committee members amongst which shall be the portfolio of Editor of the newsletter. It shall be preferable but not essential for the Chairman of a Standing Committee referred to in RULE 8(j) to serve on the Executive Committee with a portfolio equating to the activity or function which the Standing Committee administers.

l) CO-OPTION: The Committee has power to co-opt any member on to the Committee or any Sub-Committee or Standing Committee.

m) WITHDRAWAL OF FUNDS AND SIGNING CHEQUES: *The signatures of any two of the Chairman, Vice-Chairman, Secretary and Treasurer shall be sufficient authority for the purposes of the making of cheques and withdrawing club funds from bank or building society accounts operated by the club.*

n) SIGNING OF DOCUMENTS: The Chairman and Vice-Chairman of the club shall have authority to sign any leases, deeds, bonds, acknowledgments, agreements or other similar documents on behalf of the club provided they are authorised to do so by the Committee or at a General Meeting or otherwise in terms of these rules.

RULE 9

MISCELLANEOUS:

a) DISCIPLINARY PROCEEDINGS: The Committee shall be entitled to expel or suspend the membership of any member who in the opinion of the Committee has infringed the rules, failed to uphold the objects of the club or has brought the club into disrepute, provided:

- i) The member concerned shall be given advance notice of the meeting at which his conduct will be considered and shall be entitled to attend and speak at the meeting.

The resolution to expel or suspend shall be passed by a two-thirds majority of Committee Members present at the meeting.

- ii) Members who have not paid their subscriptions, SAVVA affiliation fee or other levy or amount due to the club within a period of two months of the due date shall be automatically suspended and the Secretary shall notify them in writing, calling upon them to make payment within a further period of one month from the date of suspension. Members who have not paid their subscriptions, SAVVA affiliation fee, levy or other amount within a period of three months of the due date shall have their membership terminated automatically.
- iii) Members who have been suspended or expelled by the Committee shall have the right of appeal to a Special General Meeting of the club, whose decision shall be final.
- iv) Other than in the circumstances set out in RULE 9 (a)(iii), in lieu of suspension or expulsion the Committee shall in their discretion be entitled to discipline or reprimand a member in such manner as the Committee considers appropriate.

b) RECEIPTS: No officer of the club shall receive any money on its behalf without giving an official receipt therefore.

c) MATTERS NOT PROVIDED FOR: The committee shall have the power to decide on all questions not provided for by these rules.

d) ALTERATIONS To THE CONSTITUTION: Alterations or additions to these rules shall only be made at an Annual or Special General Meeting properly constituted in terms of these rules. Details of the alterations or additions shall be given in the notice of the meeting and shall only be effective if passed by a two-thirds majority of members present or represented by Proxy at the meeting.

e) PROPERTY: All property of the club, both movable and immovable shall vest in and where necessary be registered in the name of "THE TRUSTEES OF THE CLASSIC MOTORCYCLE CLUB OF NATAL". The Trustees shall be the Chairman and the vice-Chairman of the club and they shall not be required to file security for the due fulfilment of the office of Trustee. A certificate signed by the Secretary shall be sufficient proof of the identity of the persons holding office for the time being of Chairman and Vice-Chairman of the club.

f) CONSTITUTION: A copy of the constitution certified as correct by the Secretary shall be accepted as evidence for all purposes.

g) LEGAL PROCEEDINGS: The club has the power to sue or be sued in the name of its Chairman in any court of law in the Republic of South Africa. All court process notices and the like shall be regarded as sufficiently served upon the club if served upon the Chairman, provided that the Chairman shall not be personally responsible for any loss suffered.

h) INDEMNITY: The Committee members and other officers of the club shall be indemnified by the club in respect of all contracts and undertakings bona fide entered into or engaged by them on behalf of the club with the sanction of the Committee or in terms of these rules.

i) EXCLUSION FROM LIABILITY: The club shall not be responsible for any damages suffered by members in any way whatsoever and nor shall the club be liable to recover damages on behalf of any member.

j) WINDING UP: If upon dissolution of the club there remain any assets after satisfaction of all its debts and liabilities, such assets shall not be paid to or distributed among its members but shall be donated either:

1. To such other recreational club or clubs which are approved by the Commissioner of Inland Revenue in terms of section 30A of the Income Tax Act, no 58 of 1962 as amended; or
2. To a public benefit organization or organizations as contemplated in Section 30 (1) and approved by the Commissioner in terms of section 30(2) of the Act;
As may be decided on by the members of the club, or in default of such a decision, by the chairman and executive committee of SAVVA.

Rule 10

FISCAL MATTERS:

- (a) The activities of the club must be carried out in a non-profit manner. They should be conducted so as to recover the reasonable direct and indirect costs of the club and to make reasonable provision for anticipated future costs.
- (b) The club is prohibited from directly or indirectly distributing its assets to any person, other than in terms of rule 9 (j).
- (c) The club may not pay any remuneration to any person which is excessive, regard being had to what is generally considered to be reasonable in the sector in which the club operates and in relation to the service rendered. No remuneration may be determined as a percentage of any amounts received or accrued to the club.
- (d) All members are entitled to annual membership of the club, as is more fully provided for in Rule3, but subject to Rule 4.
- (e) Regardless of anything to the contrary contained in this constitution, no single person may have the ability or authority to directly or indirectly control the decision-making powers of the club. At least three unconnected persons (that is to say persons not closely related to each other), comprising of any of the chairman, vice chairman, secretary, treasurer and where necessary a committee member or members, must at all times accept fiduciary responsibility to the club.
- (f) Members are prohibited from selling their membership rights or any entitlement it terms of those rights.
- (g) Copies of all amendments to the constitution, or any other written instrument under which the club, is established must be submitted to the Commissioner of South Africa Revenue services.
- (h) The club must not knowingly be party to, or permit itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of any liability for any tax, duty, or levy which, but for such transaction, operation or scheme, would have become payable by any person under the Income Tax Act no: 58 of 1962, as amended, or under any other act administered by the South Africa Revenue Services.